



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 070560 **File Type:** Hearing **Status:** Special Order

Enacted: **Effective:**

Version: 1 **Reference:** **In Control:**

File Name: Public Hearing - Appeal of Final Environmental Impact Report for Market and Octavia Neighborhood Plan **Introduced:** 4/24/2007

Requester: **Cost:** **Date Passed:**

<p>Comment 070560, 070561, 070562, 070563.</p>	<p>Title: Hearing of persons interested in or objecting to the Planning Commission's April 5, 2007, certification of a Final Environmental Impact Report identified as Planning File No. 2003.0347E, through its Motion No. 17406, for a proposed Market and Octavia Plan, amendments to the San Francisco Planning Code and Zoning Maps, amendments to the San Francisco General Plan, adoption of Urban Design Guidelines, and amendments to the Western Addition A-2 Redevelopment Plan. The Plan area is generally located to the West of the City's Downtown area and includes portions of Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market Neighborhoods of San Francisco. (Appellants: Martin Hamilton on behalf of New College of California, F. Joseph Butler on behalf of the San Francisco Preservation Consortium and Mary Miles representing the Coalition for Adequate Review.)</p>
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Indexes: **Sponsors:**

History of Legislative File 070560

Ver	Acting Body	Date	Action	Sent To	Due Date	Pass/Fail
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Marilyn Amini, in support of appeal
John Bardis, in support of appellant
Mark Paez, in support of appellant
Tamara Colby, in support of appellant
Gee Gee Platt, in support of appellant

Paul Maltzer and Bill Wycko, Representatives of the Planning Department, reviewed with the Board the Planning Department's recommendation.

Howard Strassner, in support of project
Christopher Peterson, in support of project
Chris Bolling, in support of project
Adam, in support of project
Jason Henderson, in support of project
John Nesbitt, in support of project
Tim Colen, in support of project
Paul Olsen, in support of project
Robert Levitt, in support of project
Steve Vettel, in support of project
Ali, in support of project
Sylvia Johnson, in support of project

Rebuttal:

Stephen Williams, Attorney for the Appellant
Cynthia Servetnick, Representative for the Appellant (New College)
Mary Miles, Attorney for the Coalition for Adequate Review, was not present for the rebuttal period of the hearing.

The President declared the public hearing closed.

1 Clerk of the Board 4/25/2007 SCHEDULED FOR
PUBLIC HEARING

4/25/07 - Filed by Martin Hamilton, on behalf of New College of California, F. Joseph Butler, on behalf of the SF Preservation Consortium, and Mary Miles, representing the Coalition for Adequate Review. Scheduled for public hearing May 22, 2007, at 4:00 p.m.
4/26/07 - Copy of appeals was provided to Susan Cleveland-Knowles, City Attorney.
4/27/07 - Copy of appeals was provided to Paul Maltzer, Planning Department.
5/7/07 - Received distribution list from Paul Maltzer, Planning Department.
5/11/07 - Mailed hearing notices.
5/14/07 - Hearing notice was mailed (2nd time) to Appellant, Mary Miles, representing the Coalition for Adequate Review.
5/14/07 - Received correspondence from Appellant, Mary Miles, representing the Coalition for Adequate Review, requesting for continuance for the subject appeal.
5/15/07 - Received memorandum and related documents from Paul Maltzer, Planning Department in response to the three appeal letters filed to the Final Environmental Impact Report (FEIR) for the Market and Octavia Neighborhood Plan. Copies to be included in the Board packet for each member of the Board and City Attorney.
5/17/07 - Copies of memorandum and related documents from Planning were provided to the Appellants.
5/18/07 - Received via facsimile a letter brief from Stephen Williams, on behalf of the SF Preservation Consortium, its President F. Joseph Butler, concerned citizen and historic consultant Gigi Platt, requesting the Board to support the subject appeal.
5/21/07 - Received via facsimile a letter from Steve Williams, joining in the request for a continuance from Mary Miles and the Coalition for Adequate Review for the subject appeal.
6/14/07 - Certified copies of documents and audio tapes of the June 12, 2007 hearing were prepared for Mary Miles, Representing the appellant, Coalition for Adequate Review.
6/14/07 - Clerk of the Board notified Ms. Miles by email and by telephone that documents were available to be picked up in Room 244, Clerk of the Board's.

1 Board of Supervisors 5/22/2007 CONTINUED

Passed

The President inquired as to whether or not any member of the public wished to address the Board.

Mary Miles, Representative for the appellant, Coalition for Adequate Review
John Bardis
Male Speaker
Paul Olsen
Continued to June 12, 2007

The President inquired as to whether or not any member of the public wished to address the Board.

*Mary Miles, Attorney for the Coalition for Adequate Review Appellant
Stephen Williams; Attorney for the Appellant
Cynthia Servetnick, Representative for the Appellant (New College)*

*Female speaker; support of appellants
Rob Anderson; support of appellants
Francisco Rivera; support of appellants
Salem McFarreh; support of appellants
Hiroshi Fulcuda; support of appellants
Lavaghn Tabek; support of appellants
Peter Parashis; support of appellants
Allen Martinez; support of appellants
Peter Lewis; support of appellants
Vincent Marsh; support of appellants*

Public Hearing was continued to June 19, 2007 at 3:00 p.m.



"Cynthia Servetnick"

om>

04/10/2008 03:33 PM

To "Aaron Peskin" <Aaron.Peskin@sfgov.org>,
Board.of.Supervisors@sfgov.org
"Christina Olague" <c_olague@yahoo.com>, "Linda Avery"
cc <linda.avery@sfgov.org>, "Bridget Maley"
<bridget@argsf.com>, "sonya Banks"

bcc

Subject Historical Resources Protection Re: Market and Octavia Area
Plan

file# 070560
C: BOS

President Peskin and Members of the Board:

Per the below email to the San Francisco Preservation Consortium,
please ensure the entire Market and Octavia Area Plan does not become
effective until the Planning Commission adopts the completed Historic
Resources Survey and the interim protection measures for historical
resources remain in effect until said survey is adopted.

Sincerely,

Cynthia Servetnick, AICP, Co-Chair
Save the Laquna Street Campus

San Francisco, CA 94109

Member: San Francisco Architectural Heritage, San Francisco
Preservation Consortium, Friends of 1800

----- Forwarded message -----

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
Date: Apr 10, 2008 3:17 PM
Subject: URGENT Re: What's wrong with Market-Octavia?
To: sfpreservationconsortium@yahoogroups.com

URGENT: Written Comment to the BOS Needed before
April 15, 2008

All:

The March 27, 2008 Market and Octavia Area Plan (Plan) amendments to
the Planning Code and Zoning Map eliminated the most important
historic resources protection provision--the holding-back of the
effective date of Plan until after the Historic Resources Survey
(Survey) is completed and adopted.

When Landmarks Preservation Board member, Alan Martinez wrote the
below-copied letter in support of the Plan on March 10th, the entire
Plan did not become effective until the Planning
Commission adopted the completed Survey, and in the meantime the
interim protection measures were in effect indefinitely.

Now, as amended, the Plan becomes effective immediately if the Board
of Supervisors (BOS) adopts it this Tuesday, April 15th. The
requirement of a Survey and any interim protections simply expire
three years from the BOS Plan adoption date.

Please write to President Aaron Peskin and the BOS to object to the
above-described amendment, which was adopted by the Planning
Commission on March 27, 2008, with no public notice or hearing.

Your WRITTEN COMMENT voicing these objections is needed to in order to exhaust administrative remedies on this issue. The BOS will not permit oral comment on these items at its April 15, 2008 meeting.

Cynthia Servetnick, AICP

--- In sfpreservationconsortium@yahoo.com,
"sfpreservationconsortium" <sfpreservationconsortium@...> wrote:

Posted on behalf of LPAB Member Alan W. Martinez

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Time to Support the Market - Octavia Plan!

It is time for the Preservation Community to actively support the Market-Octavia Plan at the Planning Commission Thursday March 13th, the Board of Supervisors Land Use Committee on March 24th and when it is heard by the full Board. Please send letters and emails to the Supervisors, the Planning Commissioners and the Mayor that you support the plan as it is now leaving the Board for the Planning Commission.

After much hard work and negotiation between the Preservation Community and the Planning Department we have a plan that will:

Complete the Historic Resource Survey that has been started. The Historic Resource Survey will lay the groundwork for new or expanded historic districts and will put on record the historic significance of resources that will not fall within the boundaries of historic districts.

The plan will refrain from increasing height limits until the Survey is adopted and the impact of such height limits on historic resources may be examined.

The Plan puts into place interim controls that will protect historic resources until the Historic Resource Survey is adopted.

The Plan commits the City to initiating the process of establishing new historic districts in appropriate locations.

Please send letters and emails to the Supervisors, the Planning Commissioners and the Mayor that you support the plan as it is now leaving the Board for the Planning Commission. The Mayor, the Commissioners and the Supervisors need to hear from the Preservation Community regarding this Plan.

I been thinking about the long process of the Market-Octavia Plan's creation, and the place of considerations regarding historic resources and planning for affordable housing within the process, and would be interested in knowing what people think about my observations about the planning process in San Francisco:

There has been talk that the Board of Supervisors meddles in planning issues too often. The background assumption behind this complaint is that planning is a complicated subject requiring a great deal of specialized knowledge and that City Planning would best be left to the experts, experts who would still be subject to the oversight of the citizen body of a Planning Commission, which has the time to delve more deeply into planning issues than the

Board of Supervisors or the Mayor. While there is a certain element of truth to this background assumption, I think it is only true with some serious caveats.

It has been my conclusion from my readings and observations over many years that the ultimate authority regarding Planning issues has always (since cities have existed at any rate) rested with whatever entity controls society as a whole. This controlling authority has usually been circumscribed by tradition and by whatever is conceived of as possible at the time, nevertheless, the Kings, the Parliaments, Oligarchies or Tyrants have always had the ultimate authority over Planning issues. It is perhaps obvious why this is true: as the Goodman brothers pointed out in their book *Communitas*, a city or area plan always embodies within it an economic program and set of social values. Making a plan means not only making choices that will affect the economic future of a society and certain groups within it, but it also means making decisions that will affect the social life of the society and the shape and direction of its cultural life. So the controlling authority naturally concerns itself with planning because planning is of such central importance.

But in a democracy, why not leave planning to experts, people who could make unbiased decisions based on scientific knowledge for the good of society as a whole? Isn't City Planning a kind of technological field such as the design of medical equipment or the layout of a factory?

It is certainly true that since the Germans invented modern zoning and Baumeister laid the basis for City Planning as a scientific endeavor in his book *Stadterweiterung* of 1876, planning has become technically more complicated, having to take into account modern traffic, the requirements of industrial production and supply, a growing population and modern sanitary, communication and other infrastructure requirements. While it is true that all of this requires a great deal of professional expertise, it is nevertheless true that the affect of planning on how most people live their lives involves making moral, not technical decisions. While city planning involves the manipulation of technical systems, it is, at its heart a moral, political and aesthetic endeavor, not a scientific one.

There is no possibility of a science of human society for the same reason that anthropology's legitimacy as a true science has come into question. It is not really possible to step outside one's own personal cultural prejudices and tastes to objectively study another culture, much less our own. Yes, data can certainly be collected, but the analysis, interpretation and theorizing about the data is completely shaped by the interpreter's cultural background. Just as there can never be a scientifically "true" history, there can never be a scientific field that delivers "truths" about any society. Objectivity is not the only problem with "social science". In order to have a science of society you would have to set up controlled experiments with entire communities or cultures, something that is morally and physically impossible. We are simply embedded in society and culture too deeply to be helped by "science". Controlled experiments are possible for studying traffic flow, you can experiment with the flow of sewage and electricity, but you cannot do controlled experiments with cultures and neighborhoods.

So what is planning then, if it is not a science? The Italian philosopher Benedetto Croce posited two different kinds of

knowledge: rational knowledge and imaginative (aesthetic) knowledge. All moral and ethical considerations are ultimately a form of imaginative, not rational knowledge. I think this is a useful way to think about City Planning - although planning uses the fruits of scientific knowledge as it's material and technique, planning is ultimately a practice of imaginative knowledge.

The fruits of the Modernist "scientific" city plans of the last 100 years bear one striking thing in common. They generally pick out one or two technological or social problems to solve, and these one or two solutions become the basis for an entire plan for thousands of people. The work of Le Corbusier, Garnier, Howard, etc. all suffer from this breathtaking myopia. This kind of thinking is still very much with us - just look at the results of the History Channel's City of the Future contest: these "visionaries" are willing to destroy an entire city to solve one technical problem. The only seminal planners who I have come across that take into account the cultural and social context within which they were working are Camillo Sitte and Otto Wagner (in his Grosstadt plan for Vienna). Site and Wagner were trying to solve new problems within the existing cultural context; they were not positing the formation of new societies as the solution to a couple of technical problems.

So we are faced with doing planning in a democratic system, which luckily forces us to work within the existing social and economic context. This planning work requires imaginative work by all involved in it and affected by it, it cannot be done by any sort of scientific analysis.

Comments are often made that Market Octavia Plan has taken far too long, that there have been far too many community meetings, far too many policy twists and turns along the way. Everyone and every group and neighborhood is somewhat unhappy with it. To me, this is precisely what Democratic Planning looks like. It brings to mind what Winston Churchill stated about Democracy: that it is the worst form of government until you consider the alternative. How, indeed could it be otherwise in a city with so many economic interests and with a population of so many cultures and backgrounds? Far too little consideration is given in our planning discourse of the citizenry's diverse cultural notions of what a city is for, and how it is to be lived in and what it should look like. I have noted that certain educated people and professional groups assume everyone thinks like themselves, or should, whereas as far as I can see, they represent only one very narrow cultural point of view. This leads to a denatured technical discourse regarding planning which treats all human communities as equivalent in values, aspirations and history. Society is conceived of as a random collection of accultural detached individuals who ought to move around to fulfill the exigencies of rational "good" planning. The plan becomes more important than existing communities. The future (which never arrives) becomes more important than the cultural present.

This is why, in a Democracy, the ultimate authority for Planning issues must always rest with elected officials, however ignorant they may appear to be of the inner workings of planning theory and practice. They must be the ultimate authority because a group of unelected technical experts, as intelligent and talented as they are, should not be making far-reaching moral choices for the community as a whole. The Board of Supervisors in a democracy must "meddle" in planning issues precisely because we have elected them as our representatives to make the ethical decisions that

affect the community as a whole.

It is difficult and dangerous to try and defend the protection of Historic Resources by an appeal to utilitarian ethical logic. There is simply no "scientific" argument for Historic Preservation the way there may be "scientific" evidence for a freeway route. The best we can come up with is that historic preservation is good for business or that the Victorians and cable cars are what bring tourists to the City. Personally I find it pointless to attempt any utilitarian justification of what constitutes our cultural life. However, as Matthew Arnold and others have pointed out, it is precisely this difficult to justify cultural life that in large measure brings the sweetness to life that makes life worth living. Beautiful surroundings, access to nature, a sense of connection to place and the history of a place, in fundamental way: knowing who we are as a community - these are all impossible to justify in a utilitarian calculus. Happiness is not gauge - perhaps more people have been made happy by Mickey Mouse than by the Mona Lisa - and yet, we all feel that, after all, some things are sacred. This is our imaginative knowledge at work. We do not leave our disabled children to die on a wild hillside, we do not use human bodies for fertilizer, we do not burn books. Any deep defense for saving architecturally significant and historic buildings must be made on these grounds: that we do hold sacred our traditions, our cultural inheritances, and the memory of the significant events and famous and infamous people who created our society, and that these are essential to the continuity of our civilization.

Too much of our political and technical discourse takes place in the realm of utilitarian ethics. Too many of our arguments are supported by pseudo-scientific assumptions about the nature of our society, or by technical sounding speculation. Too often choices are made by economically weighing one interest against another, weighing the tangible material benefit of any policy by it's expected outcome, without delving too deeply into moral and cultural considerations. This is why it is important that an elected body be in ultimate charge of planning- it is only before an elected body whose job it is to make moral choices that a non-utilitarian ethical argument may most effectively be made for the value of culture for it's own sake, or rather, for our sake.

A part of the current Market-Octavia Plan is a proposed fee that will go towards the construction of affordable housing (something that in this City means middle-class housing). I will not delve into this issue too deeply as this is a Preservation oriented resource, but I would like to point out that this issue, again, has to do with moral considerations of what our society should look be like as a whole, whether we really want to live in a city shaped by a de facto social Darwinism, or whether the existing population of this City, which in a deep way constitutes the city, has any claim on continuing to live here. True, any city is a diverse and dynamic entity, but this should not blind us to the fact that the city is actually a network of personal, family and social relationships of long standing. A lack of continuity in these relationships leads to a "city" which is not a city at all, but rather a collection of housing, a kind of gigantic worker barracks. I am amused when planners and writers state that "we know how to build communities". Well, perhaps some know how to build cute shopping streets. Our mothers and grandmothers knew how to build community: they knew who to ask to get your cousin a job, they knew who was sick and needed taking care of, they got together and raised money when the church

needed a new roof. This is how community is built, it is not built by planting flowers in planter boxes or by having small signs. You need to have the same families or population in the same place for an extended period of time to have a real Community; everything else is housing.

San Francisco has been criticized for being too culturally "conservative" in the realm of architecture and planning - I think this "conservatism" is precisely the result of our holding the value of the existing communities and the value of the identity and history of this place sacred in a way that is resistant to being drawn into the utilitarian game of economic cost benefit analysis. We feel a moral responsibility to take care of the City we have inherited, a City rich with beauty, diverse cultural life and historical association. The moral impetus is similar to that behind the way we have tried to take care of people who are homeless or who have catastrophic illnesses- we make the argument that it is practical in some way to do these things, and this might be so, but ultimately we make these choices because we know in our hearts that these are the right things to do.

Alan W. Martinez

March, 2008

--- End forwarded message ---

Robin F. Levitt
San Francisco, CA 94102

San Francisco Board of Supervisors
City Hall
1 Carlton B. Goodlett Place
San Francisco, CA 94102

8 April 2008

Dear Supervisor,

After over 8 years of hard work by planning staff and neighbors you will decide today on whether or not to approve the Market/Octavia Plan. I as well as many of my neighbors have been involved in the process from the beginning and are very supportive of the plan. I encourage you to vote to adopt it with one caveat.

One of the key elements of the plan from its inception was lifting of restrictions on the number of units that could be built in the area. The idea being that this would encourage infill housing and also allow for diverse housing types that would compliment the neighborhood's diversity as well as help make housing in the area more affordable.

Attached is a letter from the Hayes Valley Neighborhood Association, of which I'm a member, that supports the removal of density caps and the reasons for doing so. Also attached are excerpts from a policy paper titled "Affordable By Design" written by SPUR regarding strategies to make housing in San Francisco more affordable. One of the strategies suggested is the lifting of density caps.

The plan's proposed removal of density caps, while embraced by Hayes Valley and other neighborhoods, was met with some concern by neighbors in Duboce Triangle. So after much discussion, Supervisor Mirkarimi crafted a compromise that would have lifted the density caps in RTO zones everywhere in the plan area except Duboce Triangle. That compromise, which we all supported, was part of the package of amendments that was presented to the Planning Commission and the Land Use Committee.

Unfortunately the Land Use Committee, at the urging of Supervisor McGoldrick reinstated the density cap in RTO districts throughout the plan area. Supervisor McGoldrick felt that removal of the density cap would have adverse impacts on existing housing and the neighborhood as well as discourage the production of "family" housing units.

While I appreciate Supervisor McGoldrick's good intentions, **I strongly urge you to adopt the Market/Octavia plan with all of Supervisor Mirkarimi's original amendments including the removal of the density cap in all RTO districts (except in Duboce Triangle).**

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BOARD OF SUPERVISORS
SAN FRANCISCO
2008 APR -8 PM 12:23
BY *[Signature]*
F.W. # 070560
✓ all sups done by Levitt

With regard to “family” housing, the neighborhood already has many multiple bedroom units, which are in most cases shared by unrelated individuals. Still the plan mandates that new housing construction be 40% two bedroom units or larger to encourage “family” housing.

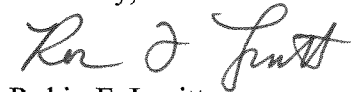
With regard to neighborhood impacts, imposing a density cap, which allows only one unit per 600 square feet of lot area, is actually inconsistent with the existing density and character of my neighborhood. Just surveying several of the existing buildings on my block, most of them would be non-conforming under the proposed cap.

For example the building behind mine, which is a 3 unit 3 story building with an above ground undeveloped basement, sits on a 62 x 25 foot lot. The total area of that lot is 1550 square feet. A density cap of 1 unit per 600 square feet of lot area would only allow a 2 unit building on that lot. That building would already be non-conforming and the existing above ground unimproved basement, which offers an excellent opportunity for infill housing, could not be used as such. The cap would prohibit these sorts of infill housing opportunities throughout the plan area.

The Market/Octavia Plan reflects many years of hard work by planning staff and neighbors to craft a plan, which will direct future growth and development in a way that will compliment and strengthen the neighborhood. For this and the reasons outlined above, I urge you to reject the last minute inclusion of the density cap and adopt the Plan with all of Supervisor Mirkarimi’s amendments.

Thank you very much for your consideration.

Sincerely,



Robin F. Levitt

San Francisco Planning Commission
1660 Mission Street, 5th Floor
San Francisco, CA 94103-241

March 26, 2007

Re: Density Controls in the Market and Octavia Plan RTO district

Dear Planning Commissioners:

In 2002 Hayes Valley Neighborhood Association (HVNA) passed a resolution in support of the modifications in zoning proposed in the Market and Octavia Better Neighborhoods Plan. In that resolution we supported zoning changes in conjunction with other recommendations, including the elimination of density restrictions and changes to parking requirements, to encourage innovative design solutions and permit maximum utilization of available land parcels. One of the key innovative components of the Market Octavia Plan is the elimination of maximum residential density controls. We are writing to affirm our support for the elimination of density restrictions. We object to recent proposals of a density soft-cap in the Residential Transit Oriented Districts (RTO).

The Planning Department, in arriving at the proposed policy (2.2.1) of eliminating maximum residential density controls, has been thoughtful, strategic, and equitable on this issue. The absence of density controls is a strategy that has historically been employed as a response of housing supply to demand.* It can provide a wide variety of housing sizes and types that have come to partially contribute to the urban fabric and lifestyle that makes San Francisco diverse and desirable.

It is in this vein that no-density controls can also encourage development of affordable housing. By design, eliminating density controls can result in market-driven creation of more, smaller units that provide entry-level ownership or rentals. We recognize eliminating density controls is not the panacea for affordable housing, but rather a critical piece that complements other direct approaches such as inclusionary zoning or non-profit affordable housing development.

We are concerned about any alterations to the density controls in the plan after years of public involvement leading to consensus. We believe that the combination of height and bulk controls, restrictions on unit mergers and demolitions and the requirement for at least 40% of units to have two or more bedrooms provide protection for existing neighborhoods. Reinstating a density cap will only serve to further restrict a market-led supply of affordable, smaller housing units that could otherwise relieve the pressure on the city-administered BMR program.

Paul Olsen, President, Hayes Valley Neighborhood Association
HVNA Transportation and Planning Committee as a whole.

*See: *Built for Change: Neighborhood Architecture in San Francisco*, by Anne Vernez Moudon, which analyzes the transformation of housing in the Alamo Square area.

01.08

SPUR REPORT

Affordable “by design” units cost less to produce because they are small, efficiently designed, and in many cases do not come with a parking space. Could affordable “by design” be a new way to produce middle income housing without using public subsidy?

A proposal to create middle income housing in San Francisco

AFFORDABLE BY DESIGN

This report was reviewed, debated and approved as SPUR policy by the SPUR Board of Directors on November 21, 2007.

SPUR Staff: Sarah Karlinsky,
Policy Director; Gabriel Metcalf,
Executive Director.

Affordability by Design Task Force
Members: David Baker, David Baker + Partners; Grant Barbour, Build, Inc; Kristen Belt, WRT Solomon ETC; Lisa Congdon, The Prado Group; Charmaine Curtis, Curtis + Partners Development; Robert Hertzfeld, BUILD; David Ismay, Farella Braun + Martel, LLP; Owen Kennerly, Kennerly Architecture; Mark Macy, Macy Architecture; Daniel Murphy, UrbanGreen Devco, LLC; Paul Nieto, Avant Housing; Helen Oliver, Seifel Consulting Inc; Jack Robertson, AF Evans Development; Dan Safier, The Prado Group; John Schlesinger, AIA, Architect; Lydia Tan, BRIDGE Housing; Anne Torney, WRT Solomon ETC; Kevin Wilcock, David Baker + Partners; George Williams, Planner; Peter Winkelstein, Architect; David Winslow, Winslow Architecture & Urban Design; Lou Vasquez, Build, Inc.; Steve Vettel, Farella, Braun + Martel, LLP; Jessica Zenk, Seifel Consulting Inc.

Alongside all of the formal programs to create affordable housing in San Francisco exists an underappreciated, but potentially important, component of the housing market: units that cost less because they are small and efficiently designed, and in many cases do not come with a parking space.

Housing that is affordable “by design” could become a more important part of San Francisco’s middle-income housing strategy, something to be encouraged to supplement nonprofit, 100 percent affordable projects subsidized with public funds and inclusionary housing units subsidized by private developers. This is a housing type that benefits the lower middle class rather than the truly poor, but it is precisely in this middle-income stratum of the market that San Francisco has been least successful in serving. Given that San Francisco’s median home prices have hovered between \$750,000 and \$800,000 over the past year, and that the City’s inclusionary housing program creates units priced between \$200,000 and \$250,000, there is a need to create units priced somewhere in the middle that don’t require public subsidy.

Currently, the Planning and Building Codes make it extremely difficult to build housing that is affordable by design. This is primarily due to density controls, overly prescriptive courtyard and unit exposure rules, and minimum parking requirements in the Planning Code, as well as

housing stock is in older buildings, constructed before current code provisions went into effect. We believe that some private developers would build affordable “by design” units in some locations in the city if doing so were not essentially prohibited, as it is now.

In 2007, SPUR convened a task force comprising architects, developers and policy-makers to explore strategies to reduce the hard “bricks and mortar” construction cost of new housing. In general, this means designing units that are smaller, more efficient, or have fewer amenities. The goal is to enable housing that can be brought to market at prices affordable to households earning between 120 percent and 150 percent of San Francisco median income. That translates to between \$77,000 and \$96,000 for a family of two and between \$96,000 and \$120,000 a year for a family of four.

This article, resulting from the work of the task force, contains SPUR’s recommendations to enable the construction of housing that is affordable by design. In particular, SPUR recommends that the City should:

> Regulate building density by height, bulk and setback requirements, not by limits on the number of units allowed.

- > Stop requiring parking in new buildings.
- > Stop regulating bedroom counts.
- > Enable a greater range of wood-frame buildings to be constructed by allowing housing



The Landes is an example of a five-story woodframe building over two stories of concrete, a common construction type for Seattle, but not San Francisco.

> Allow developers to fulfill their inclusionary housing requirement by providing a greater percentage of their units at middle-income price points.

> Modify requirements for courtyard widths and rear-yard setbacks to allow for greater design flexibility in locating common open space.

Recommendation #1: Regulate building density by height, bulk and setback requirements, not by limits on the number of units allowed

The right way to control the size of buildings is to rely on height, bulk and setback requirements, not by limits on the number of units allowed. This manages the impacts of buildings on the streetscape and the skyline. However, in much of San Francisco, we also regulate building size through limiting the number of units that can be built within that building envelope. Very often, it would be possible to fit more units within the allowable height and bulk, but because the total unit count is restricted, there are strong financial incentives to build larger units in order to fill the allowable zoning envelope, which results in larger, more expensive units.

Again, the main way to make a unit cost less is to make it smaller and more efficient. The simple change of regulating building size by

“amortizing”) certain fixed costs, such as the cost of land, by more units, further driving down the cost of each unit in the project. That being said, we understand that smaller spaces need to be designed to be as livable as possible. In general, higher ceiling heights and good exposure help to improve the livability of smaller spaces.

Recommendation #2: Stop requiring parking in new buildings

SPUR already has written extensively on the relationship between parking requirements and housing cost. Because parking costs so much to construct (between \$40,000 and \$75,000 per unit in San Francisco), it adds to the cost of the housing unit. Requiring units to include a parking space increases the cost of construction by that amount. By eliminating the requirement to construct parking (and by selling or renting parking spaces separately from housing units), greater affordability can be achieved. Clearly, if a developer were trying to create a housing type with smaller units targeted to moderate-income households who would otherwise not be able to afford to stay in the city, many of those units would not include parking.

Recommendation #3: Stop regulating bedroom counts

Many people are rightly concerned about

more bedrooms. While SPUR strongly supports the policy goal of retaining and attracting families to the city, we do not believe that mandating the construction of multi-bedroom units achieves that goal. The requirement for multi-bedroom units adds to housing cost, while not necessary resulting in the housing of more people.

The truth is that the city is filled with multi-bedroom units — most of the traditional Victorian building stock — but those units often are occupied by unrelated adults. There is no evidence that multi-bedroom units in new developments are being occupied by families, so by requiring multiple bedrooms, the City simply may be requiring singles and couples to have offices and guest bedrooms. In other words, from a policy perspective, requiring multi-bedroom units fails the basic test of targeting: The benefits do not accrue to the intended beneficiaries. At the same time, this strategy raises the cost of housing for everyone. The only way to make the city more family friendly, from a housing perspective, is to solve the aggregate housing problem. The government should reverse course on the current trend of forcing units to have more rooms, and let buyers and renters make their own trade-offs between location and space consumption.

One option to increase the availability of affordable family housing is to change the inclusionary housing requirement to one that would require 15 percent of the total square footage (not of total units) of a project to be priced at below-market-rate levels. The BMR square footage could be concentrated in all two- and three-bedroom units within a project, instead of applied proportionately to the unit mix within a development. In other words, fewer units in a project, but more two- and three-bedroom units, would be offered at below market rates.

One additional possibility for adding new non-traditional, multi-bedroom units to San Francisco's housing stock is to look more closely at "one plus" units, where the second bedroom does not share all the characteristics of a full bedroom but could be used for sleeping. These unit types employ sleeping alcoves or offices that function as a separate bedroom. These one-pluses come in all shapes and sizes and are being developed throughout the Bay Area. They are

WHAT IS AFFORDABLE HOUSING?

Income Category	Percent Area Median Income	Maximum Income (3 person hhold)
Extremely Low Income	30% AMI or below	\$23,350
Very Low Income	31% to 50% of AMI	\$38,950
Low Income	51% to 80% of AMI	\$62,300
Moderate Income	81% to 120% of AMI	\$93,400
Middle Income	121% to 150% of AMI	\$116,775

Source: 2007 Maximum Income by Household Size.
http://www.sfgov.org/site/moh_page.asp?id=62377

When we talk about affordable housing, we usually mean subsidized housing affordable to households below 60 percent of AMI. San Francisco's inclusionary ordinance is targeted to moderate income households earning between 80 and 120 percent of AMI.

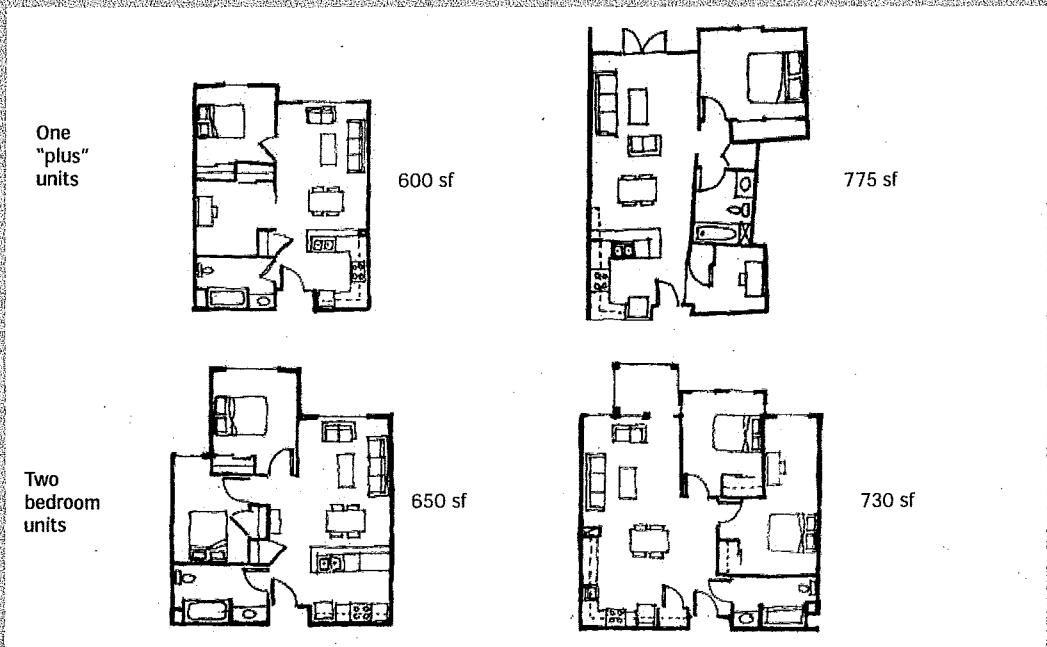
Finally, through many of the changes recommended in this paper, more compact two-bedroom units could be created and brought to market at more affordable price points.

Recommendation #4: Allow flexibility in the code to facilitate an additional story of housing in wood-frame buildings and housing at the ground floor of podium buildings

The Building Code is at once more restrictive and more flexible than the Planning Code. Because it is based on model codes developed in an extensive peer review process and then adopted by the state, the Building Code cannot easily be changed. However, building officials have the authority under the code to approve alternative construction methods that deliver equivalent protection of health and safety, especially as they are related to the specific needs of the jurisdiction. With this provision in mind, SPUR recommends the Department of Building Inspection and Fire Department study and adopt two possible alternative construction methods that would effectively facilitate the economical construction of additional units on any given parcel, thereby contributing to affordability by design. Although any alternative methods must be approved on a case by case basis, the City

It is possible to develop compact units for couples and families in under 800 square feet.

COMPACT UNITS FOR COUPLES AND FAMILIES



Designs: WRT Solomon ETC (left); David Baker + Partners (right); Drawings courtesy of Iveanette Santiago Rivera. All square footages represent net values.

METHOD 1: HOUSING AT THE GROUND FLOOR OF PODIUM BUILDINGS

One of the most common building types for new projects in San Francisco is four stories of wood frame housing over a concrete ground floor with parking and retail (a “podium”). The building code section that allows this type of construction does not permit housing in the ground-floor podium. Some jurisdictions, Oakland included, have developed local guidelines that allow and actually encourage housing at the ground floor.

In addition to allowing more units on the same area of land, there are other obvious benefits to this strategy: In locations where mixed-use development that includes ground-floor retail may not be appropriate, it would activate the street edge and bring “eyes on the street” to increase neighborhood safety.

METHOD #2: ENABLE AN ADDITIONAL STORY OF WOOD-FRAME CONSTRUCTION

The Building Code requires relatively onerous measures if a builder wants to add a residential story to the typical four-over-one configuration described above. Again, other jurisdictions,

(see the modification to Type 3 construction recommended below).

As of 2007, the new building code will allow four-over-one buildings up to 60 tall. A five-over-one would fit within this height, but only by having a 10-foot tall ground floor. Ten-foot-tall ground floors are common in new buildings, but we believe that taller, 15-foot ground floors make new buildings more graceful — in fact, more similar to well-loved older buildings.

In many parts of the city the Planning Code allows buildings to be 65 feet tall. By amending the building code to facilitate the economical construction of five-over-one buildings in neighborhoods already zoned for this height, the City would encourage more affordable density.

Additionally, in order to facilitate the construction of additional stories of housing in a wood-frame building, SPUR recommends modifying the Building Code to make Type 3 construction more flexible.

Type 3 construction allows additional building height and an additional story of occupied space compared to Type 5 construction, but without the large construction cost premium

File # 070560
C: Box



"Stephen M. Williams"
<smw@stevewilliamslaw.com>

06/15/2007 01:37 PM

To "Aaron Peskin" <Aaron.Peskin@sfgov.org>
<board.of.supervisors@sfgov.org>, "Charles Chase"
cc <cechase@sfheritage.org>, "Alan Martinez"
<awmarch@earthlink.net>, "Joe BUTLER"

bcc

Subject

Dear President Peskin:

Attached is further correspondence from the Preservation Consortium regarding the Market-Octavia Plan.

Thank you for your continued support.

Very Truly Yours,

Steve Williams,
On behalf of the San Francisco Preservation Consortium

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115
Phone: (415) 292-3656
Fax: (415) 776-8047



Market-Octavia Appeal letter to Sup. Peskin.pdf



Comprehensive Survey.pdf



Resolution in Support of Market Octavia Plan Appeal 06_14_07.pdf



LAW OFFICES OF
STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamsllaw.com

Via Facsimile and E-Mail

June 15, 2007

Honorable Aaron Peskin, President
San Francisco Board of Supervisors
One Dr. Carlton Goodlett Place, City Hall
San Francisco, CA 94102

Re: San Francisco Preservation Consortium Appeal of the Market and Octavia
Neighborhood Plan EIR—Continued Hearing Date June 19, 2007

President Peskin and Members of the Board:

On behalf of the San Francisco Preservation Consortium, I thank you for your time and continued support of its preservation advocacy. The Consortium's mission is to ensure that historic preservation is properly recognized and fully integrated into all land use planning activities in San Francisco on a par with other resources enumerated in the current CEQA Checklist (Appendix G of the CEQA Guidelines). The parties to our appeal include: San Francisco Architectural Heritage, Duboce Triangle Neighborhood Association, Mission Dolores Neighborhood Association/Safe Clean Green, Friends of 1800 and numerous individuals committed to preservation.

We continue to believe that our appeal of the Market-Octavia Plan EIR is well grounded in law and fact and deserves your and the Board's full support. Our appeal continues to garner support from leading preservation advocates and groups City-wide. Recently we received from San Francisco Architectural Heritage a Resolution in full support of the appeal and I have attached that Resolution for your review.

Nevertheless, we also are committed to working with Planning and your office to reach an agreement regarding this environmental review and future reviews regarding treatment of historic resources within neighborhood plans. We have reviewed the draft Resolution and Ordinance provided by your office, have vetted their substance in our group(s) and provide the following comments and concerns.

Resolution: Historic Resource Survey Programming Concurrent with Area Planning

Ordinance: Historic Preservation Controls Related to Market -Octavia Plan

While we appreciate the effort that went into drafting said documents, many of our concerns remain unaddressed. Therefore, we have listed them below. We are writing to request that staff incorporate them into the next drafts of the ordinance and resolution.

Honorable Aaron Peskin, Board President

June 15, 2007

Page 2 of 3

- Identification of historic resources must occur prior to, or concurrent with, planning efforts in order to inform decision makers of impacts in accordance with CEQA. This is crucial and the current Resolution and Ordinance do not achieve this goal.
- Survey methodology and results must be reviewed by an independent panel of preservation experts including neighborhood representatives/survey area stakeholders.
- Adoption of the attached comprehensive survey definition.
- Expansion of the scope of the Market and Octavia Historic Resources Survey to be consistent with said definition of comprehensive survey and consistent with the scope of the Central Waterfront and Inner Mission surveys.
- • Identification of funding needed to complete comprehensive survey of the Market and Octavia Neighborhood Plan (M-O Plan) area and commitment of needed funds.
- Incorporation of existing and in-process surveys, context statements and potential historic districts including but not limited to:
 - Market and Octavia Neighborhood Plan Draft Survey (Page & Turnbull, Authors);
 - Mission Dolores Context Statement (Carol Rowland, Author), Map and Comprehensive Survey;
 - Mission Dolores Archaeological District (Randall Dean Author);
 - Inner Mission North Survey, Map (Including areas 4a and 4b) and Context Statement (Moses Corrette, Author);
 - GLBT History Context Statement adopted by the Landmarks Preservation Advisory Board (LPAB) (Friends of 1800, Authors); and the
 - Former San Francisco State Teacher's College at 55 Laguna Street National Register Nomination Report (Vincent Marsh, Author) and Proposed Local Landmark Designation Report (Carol Rowland, Author).
- The resolution for survey preparation concurrent with area plans provides no accountability or enforcement and is simply a policy statement. Therefore, it does not address the problem of area planning being conducted in the absence of surveys.
- Not only is a comprehensive survey needed to support the M-O Plan and the proposed re-zoning, it is also needed to support concurrent planning activity and project reviews in these historic neighborhoods.

Honorable Aaron Peskin, Board President

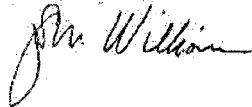
June 15, 2007

Page 3 of 3

- Extra scrutiny measures only apply to a portion of the M-O Plan survey area even though the entire survey area lacks comprehensive survey. This leaves a significant number of historic resources in the M-O Plan area without protection.
- Extra scrutiny measures that provide for LPAB review and comment on certain types of projects to Planning Department staff hold little weight as they can be overridden by decision making bodies. The Planning Department needs to more seriously take into consideration the recommendations of the LPAB in the future.

We are available to work with your office, the Planning Department and the City Attorney to incorporate our concerns into the resolution and ordinance. In the interest of coming to agreement on these issues, we ask to see a final draft of the documents in advance of the continued hearing on the appeal of the M-O Plan EIR.

VERY TRULY YOURS,



STEPHEN M. WILLIAMS

Attachment: Comprehensive Survey Definition
Resolution from San Francisco Architectural Heritage

cc: Members of the San Francisco Board of Supervisors
F. Joseph Butler & Gertrude Bland Platt, Co-Chairs, San Francisco Preservation Consortium
Charles Chase, San Francisco Architectural Heritage
Dennis Richards, Duboce Triangle Neighborhood Association
Peter Lewis, Mission Dolores Neighborhood Association/Safe Clean Green
Mark Paez, Friends of 1800
Rich Hillis, Mayor's Office of Economic Development
Amit Gosh, Paul Maltzer, John Billovits, Mark Luellen, Planning Department
Paul Maltzer, Planning Department
John Billovits, Planning Department
Mark Luellen, Planning Department

Comprehensive Survey

Defined as the development of a historic context statement and subsequent survey, recordation and evaluation of all parcels within the boundaries of a citywide survey area or neighborhood plan area for determination of individual significance, and or contributing to a potential historic district of local, state or national recognition.

Based upon a fully considered and developed context statement, as represented by the historic and architectural resources in a plan area or area considered under the Planning Department's Citywide Historic Resources Survey Program:

1. Research, inventory and record all properties which are age eligible within the survey area to determine the potential resources for further analysis
2. All properties which meet the criteria established in the area's context statement shall be evaluated for historic and cultural associations and physical integrity and be recorded on standard survey data forms which comply with the requirements of the State of California's Office of Historic Preservation.
3. All such properties shall be evaluated for individual significance and or contributing to a historic district. Their contributing status shall be reflected in the preparation of one or both individual historic resource forms or district forms.
4. All such data and findings shall be made available to the public in hardcopy and digital form which complies with and becomes a part of the California Historic Resource Database System.

Additional Information

The following are excerpts from the National Park Service on Historic Resource Surveys. I think you should look carefully at these citations and the website pages referenced in the footnotes as you develop what "Comprehensive Survey" is for San Francisco.

National Park Service uses **Intensive Level Survey** and its definition follows after this brief intro on Elements of Survey Planning

Surveys as Defined by the National Park Service and other Pertinent Information

How is the purpose of the survey established?

It is fair to say that any historic resources survey of a community has as one of its main purposes, if not its sole purpose, the development of a complete, fully documented, comprehensive inventory of the community's historic properties. It is important to recognize, however, that a *survey need not be complete and comprehensive in order to be useful.*

- If background knowledge of a community's history suggests that particularly important historic properties may be concentrated in particular areas, it may be cost-effective to survey such areas first, giving lower priority to areas where historic properties are less likely to be found, or may be found in lower densities.
- Conversely, if not much is known about a community's historic resources, it may be appropriate to concentrate initially on background research and broad-scale *reconnaissance* (as defined above) to obtain an initial idea of the community's resource base before designing more intensive surveys.
- If a particular part of the community may be subject to substantial development in the near future, or is the target for use of Federal assistance, triggering the need for historic preservation review, it may be appropriate to concentrate survey in that part of the community before other areas are addressed.
- If there is a considerable potential for rehabilitation of historic commercial buildings in the community, stimulated by the availability of tax advantages at the Federal or State level, it may be appropriate to give the identification of commercial buildings priority over the identification of other types of historic properties.
- If the residents of a particular neighborhood, or property owners in a particular commercial area of the community, have expressed interest in maintaining and enhancing their historic properties, it may be a prudent investment to give survey in such area priority over survey in areas where there is less immediate potential for use of the resulting survey data.

*In short, a survey can be done at many different scales, with many different emphases, and using many different techniques at different levels of refinement. The kind of survey undertaken depends on the needs of the community.*¹

¹ NPS, <http://www.nps.gov/history/nr/publications/bulletins/nrb24/chapter1.htm>

An intensive survey, as the name implies, is a close and careful look at the area being surveyed. It is designed to identify precisely and completely all historic resources in the area. It generally involves detailed background research, and a thorough inspection and documentation of all historic properties in the field. It should produce all the information needed to evaluate historic properties and prepare an inventory.²

An **intensive survey** should document:

1. The kinds of properties looked for (*as determined by context statement findings*)³;
2. The boundaries of the area surveyed;
3. The method of survey, including an estimate of the extent of survey coverage;
4. A record of the precise location of all properties identified; and
5. Information on the appearance, significance, integrity, and boundaries of each property sufficient to permit an evaluation of its significance.

SECRETARY OF THE INTERIOR'S STANDARDS FOR PRESERVATION PLANNING, IDENTIFICATION, EVALUATION, AND REGISTRATION⁴

Standards for Preservation Planning:

Standard I. Preservation planning establishes historic contexts.

Standard II. Preservation planning uses historic contexts to develop goals and priorities for the identification, evaluation, registration, and treatment of historic properties.

Standard III. The results of preservation planning are made available for integration into broader planning processes.

Standards for Identification:

Standard I Identification of historic properties is undertaken to the degree required to make decisions.

Standard II. Results of identification activities are integrated into the preservation planning process.

Standard III. Identification activities include explicit procedures for record-keeping and information distribution.

Standards for Evaluation:

Standard I. Evaluation of the significance of historic properties uses established criteria.

Standard II. Evaluation of significance applies the criteria within historic contexts.

Standard III. Evaluation results in a list or inventory of significant properties that is consulted in

² NPS, <http://www.nps.gov/history/nr/publications/bulletins/nrb24/chapter1.htm>

³ Chase, my () insert and emphasis

⁴ NPS, <http://www.nps.gov/history/nr/publications/bulletins/nrb24/intro.htm>

assigning registration and treatment priorities.

Standard IV. Evaluation results are made available to the public.

Standards for Registration:

Standard I. Registration is conducted according to stated procedures.

Standard II. Registration information locates, describes, and justifies the significance and physical integrity of a historic property.

Standard III. Registration information is accessible to the public.

What is the value of a historic resources survey and inventory?⁵

To summarize, historic resources surveys and the resulting survey data and inventories can be used to:

1. Identify properties that contribute to the community's character, or that of its neighborhoods, or that illustrate its historical and architectural development, and as a result deserve consideration in planning.
2. Identify properties or areas whose study may provide information about the community's past, and contribute to scholarship, which should be preserved or subjected to scientific investigation.
3. Establish priorities for conservation, restoration and rehabilitation efforts within the community.
4. Provide the basis for using legal and financial tools to protect and enhance historic resources.
5. Provide planners with a data base from which to monitor and channel new development.
6. Increase awareness in the public and private sectors of the manmade environment and the need for preservation efforts.
7. Enable local governments and Federal agencies to meet their planning and review responsibilities under existing Federal legislation and procedures.

⁵ NPS, <http://www.nps.gov/history/nr/publications/bulletins/nrb24/intro.htm>



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**A RESOLUTION OF THE BOARD OF SAN FRANCISCO ARCHITECTURAL
HERITAGE SUPPORTING THE APPEAL OF THE MARKET OCTAVIA PLAN
ENVIRONMENTAL IMPACT REVIEW**

WHEREAS, Significant defects exist (with respect to the historic and architectural resources) in the Environmental Impact Review (EIR) before the Board of Supervisors of the City and County of San Francisco, that if accepted will have a significant effect on future historic resource surveys in plan areas throughout the City and County of San Francisco, and

WHEREAS, San Francisco Architectural Heritage recognizes historic resource surveys as the first step in accessing valuable and necessary information to inform quality urban planning, and San Francisco Architectural Heritage has been a primary advocate for the development of historic resource surveys through its work with the San Francisco's Planning Department, Landmarks Preservation Advisory Board, and the Mayor's Preservation Fund Committee, and

WHEREAS, concerned citizens and preservation professionals of San Francisco have concluded an appeal of the current EIR and Neighborhood Plan is the only means to call attention to the defects in the aforementioned documents, and to assure the Market Octavia Plan, future area plans and citywide surveys are accomplished in a consistent manner to meet current national and state survey criteria, have filed an appeal with the San Francisco Board of Supervisors to be heard on June 19, 2007 and

WHEREAS, The Issues Committee of San Francisco Architectural Heritage reviewed the circumstances of the appeal on June 5, 2007 finds the appeal appropriate, and unanimously voted to forward its recommendation of support to the Board of San Francisco Architectural Heritage

SO THEREFORE BE IT RESOLVED:

San Francisco Architectural Heritage endorses and joins in the appeal filed by the San Francisco Preservation Consortium, supports the effort to find appropriate measures to avoid the appeal through negotiation with the Planning Department to resolve the issues identified and through the development of resolution(s) and planning code amendment(s) to be presented to the Board of Supervisors and to assure similar defects are not repeated in successive area plans and their respective Environmental Impact Reviews.

Further, the cost of such appeal shall be no more than \$500.00 to defray any expenses incurred in the appeal process.

Approved, June 14, 2007

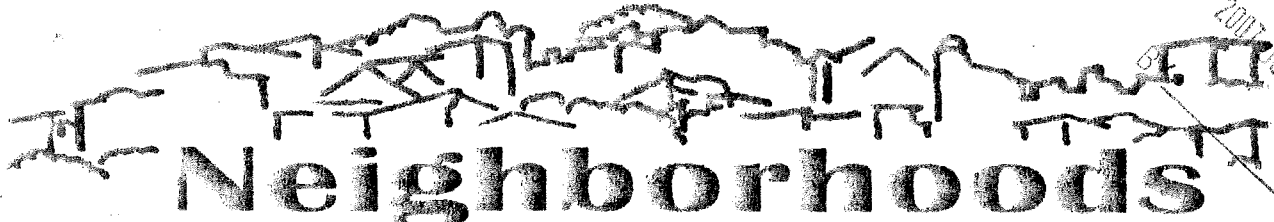
Signed

Charles R. Olson, President
San Francisco Architectural Heritage

Resolution in Support of Market Octavia Plan Appeal 06_14_07

for File 070560

Coalition for San Francisco



Neighborhoods

www.csfm.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972

June 12, 2007

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Honorable Members, San Francisco Board of Supervisors
President Aaron Peskin; Supervisors Alioto-Pier,
Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, and Sandoval

**Subject: Public Hearing - Appeal of Final Environmental Impact Report
for Market and Octavia Neighborhood Plan - Items 25 thru 28
on Board of Supervisors June 12, 2007 Meeting Agenda**

BOS Files 070560 through 070563; Planning Case No. 2003.0347EMTZU

Dear President Peskin and Supervisors:

The Coalition For San Francisco Neighborhoods ("CSFN") **strongly supports subject appeals** of Planning Commission certification of the Final Environmental Impact Report for the Market and Octavia Area Plan ("FEIR").

The following Resolution was passed by CSFN member organizations at CSFN's April 17, 2007 General Assembly meeting:

RESOLVED, The Coalition For San Francisco Neighborhoods **strongly urges the Board of Supervisors to vote to support the appeals** of the decision of the Planning Commission to recommend the Board of Supervisors adopt the Final Environmental Impact Report ("FEIR") prepared for the Market & Octavia Neighborhood Plan **and to return said FEIR to the Planning Commission -- on the grounds that said FEIR is insufficient, inadequate, inaccurate, and misleading --** for correction and revision so it complies completely with the provisions of the California Environmental Quality Act ("CEQA").

Subject FEIR contains **no analysis of "reasonably foreseeable" city-wide cumulative impacts** resulting from proposed creation of three (3) new zoning classifications: "RTO (Residential Transit-Oriented Neighborhood) District"; "NCT (Neighborhood Commercial Transit) District"; and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) District" -- proposed new Planning Code Sections 206.4, 702.1(b), and 731.1, respectively.

Said imminently critical legislation -- crafted to create said

1. Find subject 254-page draft legislation -- proposing Planning Code text amendments to create said RTO, NCT, and NCT-3 zoning classifications -- encapsulated in Planning Department's 3/29/07-published document, Materials for Market & Octavia Plan Adoption Planning Case No. 2003.0347EMTZU, at pages 178, 165, & 236, respectively.

- Barbary Coast Neighborhood Assn
- Bayview/Hunters Point Coordinating Council
- Buena Vista Neighborhood Assn
- Cathedral Hill Neighbors Assn
- Cayuga Improvement Assn
- Cole Valley Improvement Assn
- Cow Hollow Assn
- Diamond Heights Community Assn
- Dolores Heights Improvement Club
- East Mission Improvement Assn
- Ewing Terrace Neighborhood Assn
- Excelsior District Improvement Assn
- Fair Oaks Community Coalition
- Forest Knolls Neighborhood Assn
- Francisco Heights Civic Assn
- Glen Park Assn
- Golden Gate Heights Nghbrd Assn
- Greater West Portal Nghbrd Assn
- Haught Ashbury Improvement Assn
- Inner Sunset Action Committee
- Jordan Park Improvement Assn
- Laurel Heights Improvement Assn
- Lincoln Park Homeowners Assn
- Marina Civic Improvement & Property Owners Assn
- Miraloma Park Improvement Club
- Mission Creek Harbor Assn
- New Mission Terrace Improvement Assn
- North Beach Neighbors
- North Park Neighbors
- Oceanview, Merced Heights, Ingleside -- Neighbors in Action
- Outer Mission Residents Assn
- Pacific Heights Residents Assn
- Panhandle Residents Organization/ Stanyan-Fulton
- Patrero Boosters Neighborhood Assn
- Richmond Community Assn
- Rincon Point Neighborhood Assn
- Russian Hill Improvement Assn
- Russian Hill Neighbors
- Stop 55, Preserve Our Waterfront
- Sunset Heights Assn of Responsible People
- Sunset-Parkside Education & Action Committee
- Telegraph Hill Dwellers
- Twin Peaks Council & Open Space Conservancy
- Twin Peaks Improvement Assn
- West Potrero Neighborhood Assn

higher-density "transit-oriented" RTO, NCT, and NCT-3 zoning classifications and to enable implementation of same² in those areas and neighborhoods of San Francisco as are proximal to such "Primary Transit Streets" and/or "Transit Corridors" as are already designated and/or mapped citywide³ -- will have **significant cumulative impacts citywide**. CEQA standards require proper analysis of same. N.B. - Subject legislation is proposed for application **not only**⁴ in the Market and Octavia Neighborhood Plan area **but in the Mission area as well**. Additionally, application of such higher-density "transit-oriented" RTO, NCT, and NCT-3 zoning classifications is described in other published neighborhood area plans as well -- e.g., the 2002-published Balboa Park Station Area Plan.

Higher density in the aforementioned "Transit Corridors" will adversely impact those RH-1 Single-Family-Dwelling land use districts, or portions thereof, as are proximal to said "Transit Corridors" and/or "Primary Transit Streets". Planning Code Section 207.2 contains **codified findings which set forth those adverse effects on public health, safety, and welfare of both increased density in San Francisco and of loss of single-family dwellings**⁵ due to "infill" development enabled, as-of-right, by subject RTO legislation. Such "reasonably foreseeable" heightening of ^{that} impact, declared and codified, is **not** dealt with and/or analyzed by subject FEIR in compliance with CEQA requirements and, furthermore, **not reviewed** in light of voter-mandated Planning Code Section 101.1(b) Priority Policies which ^{Policies} require that the City's supply of affordable housing be preserved and enhanced and that existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

Muni ridership will be severely impacted by the increased density and population resulting from the implementation of subject three (3) new RTO, NCT, and NCT-3 zoning classifications. Metro-Muni's underground lines -- the K, L, M, N, T, J, etc. -- are **already over-capacity at prime hours**. Planning Department materials state that "At the confluence of San Francisco's three main grids, a significant share of all Muni lines converge on Market Street."⁶ **Absent** in subject FEIR is an adequate, objective analysis of the "reasonably foreseeable" impact on Muni capacity due to that increased density/population as will result from implementation of said higher-density "transit-oriented" RTO, NCT, and NCT-3 zoning classifications.

Other "reasonably foreseeable" **citywide impacts**--resulting from the creation and implementation of said three (3) new higher-density "transit-oriented" zoning classifications--**require, but have not received, careful analysis** to comply with CEQA standards. Such other **citywide impacts include** but are not limited to the following:

2. Subject legislation proposes revision of over fifty (50) current sections and subsections, of the Planning Code to change established citywide land use standards and controls -- including height & bulk, density, parking, demolition, etc. -- in order to enable implementation of said higher-density "transit-oriented" RTO, NCT, & NCT-3 land use districts.
3. See, attached hereto as **Exhibit A**, Planning Department maps of subject "Primary Transit Streets" and "Transit Corridors".
4. See, attached hereto as **Exhibit B**, pages 4 & 10 of Planning's 3/13/07-published Draft Mission Area Plan, evidencing same.
5. See Planning Code § 207.2 attached hereto as **Exhibit C**. N.B.-emphasis (arrows, underline) added.
6. Find said statement in 2002-published Draft Market and Octavia Neighborhood Plan, at the last paragraph on page 104, thereof.

- * lack of adequate land-fill to receive construction/alteration/demolition debris
- * lack of adequate infrastructure and resources to provide and process clean and waste water
- * potential loss of historically significant structures
- * increased traffic congestion due to increased density/population
- * increased burden on fire and safety facilities/services
- * increased evacuation difficulty in potential disaster

Any and all "reasonably foreseeable" **significant citywide impacts need, but have not received, adequate objective and reasoned analysis in compliance with CEQA standards.**

Notice provided regarding the **seminally significant**^{aspect} of subject project = the legis-
lation to create said three (3) new higher-density "transit-oriented" RTO, NCT, and
NCT-3 zoning classifications **and to revise** over fifty (50) current citywide land use
standards and controls for potential application throughout San Francisco -- **has**
not been legally adequate pursuant to that threshold established by The San Francisco
Sunshine Ordinance, Chapter 67 of the S. F. Administrative Code, Section 67.7
standard and criteria. Published notice describes said legislation -- to add to
and to amend Planning Code text -- as being **specific to that land area** contained
within the ⁸boundaries set forth by the Market and Octavia Area Plan **and limited**
thereto.

Said legislation was not available to the public for review and response until Septem-
ber 28, 2007, **well after** the Draft Environmental Impact Report ("DEIR") was published
and **after** the "comments and responses" period was **closed.**

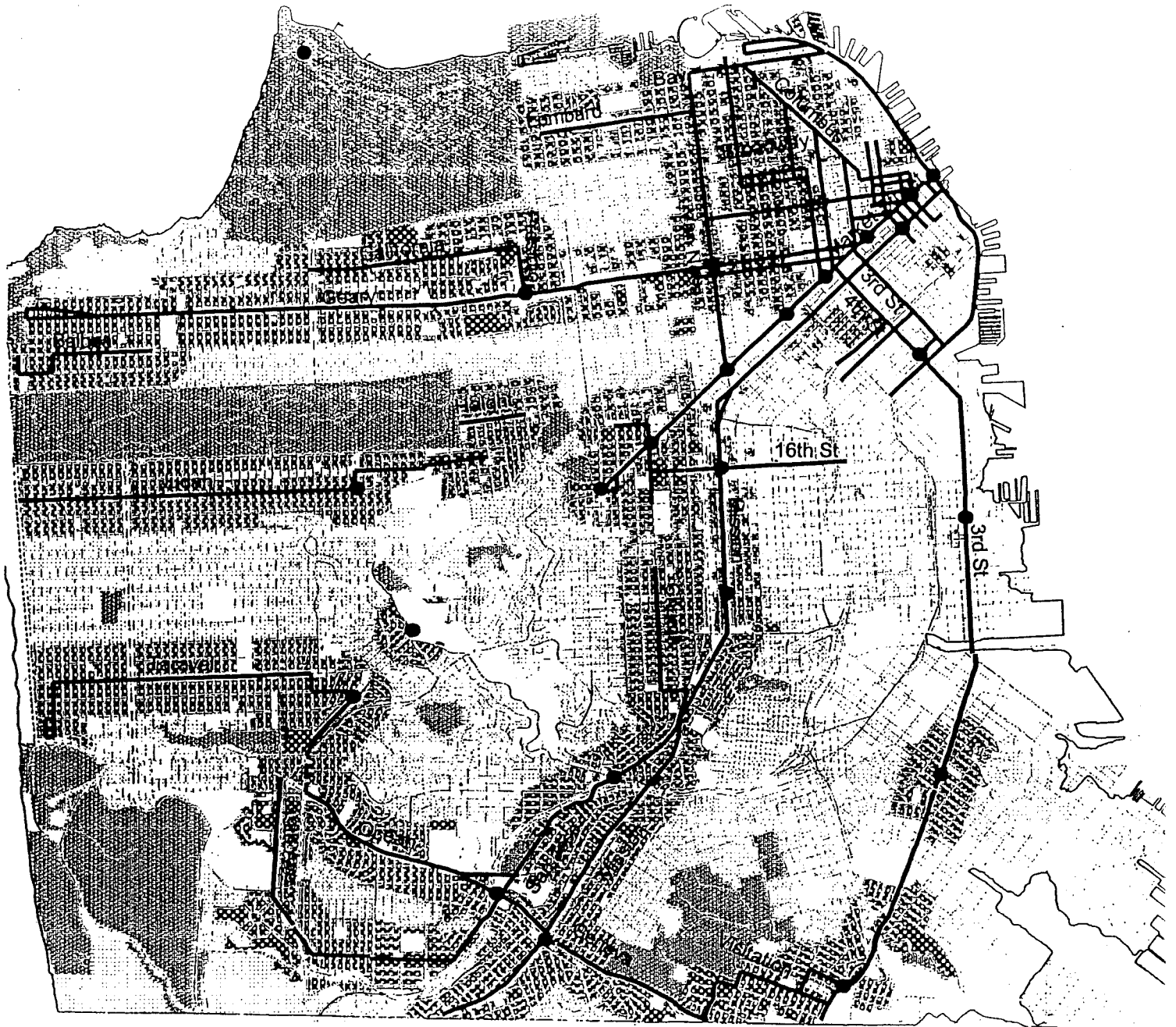
CSFN requests that the Board of Supervisors **take action on June 12, 2007 at subject**
hearing to approve both Item 27, File 070562 [Motion disapproving the certification
by the Planning Commission of the Final Environmental Impact Report for Market and
Octavia Area Plan] and Item 28, File 070563 [Preparation of findings to disapprove
certification of the Market and Octavia Area Plan FEIR] for but not limited to those
reasons set forth above.

Thank you for your careful consideration in this matter.

-
7. Refer to Footnote 2, above
 8. See, attached hereto as **Exhibit D**, pages 10 & 11 from Planning Commission 3/22/07
Notice of Meeting and Calendar, whereon pg. 11, at item c. project description, for
2003.0347EMT ZU, note the words, "Adoption of amendments to the Planning Code...",
followed by the words in bold type "**for the area described in item 23 above...**".
 9. See **Exhibit E** hereto, CSFN 6/7/07 9-page Filing Statement requesting Board of Appeals
jurisdiction and hearing concerning deficient notice regarding legislation crafted to
create three (3) new citywide zoning classifications --with Exhibits A thru E thereto.

Judith Berkowitz

Judith Berkowitz
CSFN President

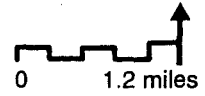


- Transit Nodes
- ▬ Primary Transit Street
- ▨ Residential Lots within 1,250 ft. of transit and commercial areas
- ▩ Residential Lots
- ▧ Parks



EXHIBIT A

BOS File 070560, CSFN-6/12/07



TRANSIT PREFERENTIAL STREETS

Primary Transit Streets



Transit Oriented
Transit Important

Others



Secondary Transit Street
Transit Center

Map 9

- Preserve the character of the Mission
- Encourage compatible housing, particularly family affordable housing
- Enhance the character of neighborhood commercial areas
- Establish new mixed use areas
- Protect important production, distribution, and repair activities

The following land use districts are proposed (*see page 10*):

Neighborhood Commercial Transit (NC-T)

This district encourages active ground floor uses by requiring minimum ceiling heights for retail uses, prohibiting new curb cuts on some of the blocks and limiting blank walls. Housing is encouraged on the upper stories with an increased amount of below market rate (BMR) inclusionary housing where up-zoning has occurred. This district would apply to Mission, Valencia and 24th Street.

Residential Transit Oriented (RTO)

This district encourages residential infill development compatible with the surrounding neighborhood. Small-scale, neighborhood oriented corner stores are permitted in order to provide goods and services to nearby residents and to create a more pleasant urban environment.

Mixed Use – PDR (MU-PDR) (formerly Urban Mixed Use)

The intent of this district is to create mixed-use places that also serve as transitional areas between established residential neighborhoods and areas intended for PDR and other business activities. It allows housing, office, and other uses and requires some PDR space in new development.

PDR

The intent of this district is to encourage new business formation, support existing businesses, and to

conserve space for Production, Distribution, and Repair (PDR) businesses, including arts activities. In order to protect PDR, certain uses such as housing and downtown office are prohibited in this district.

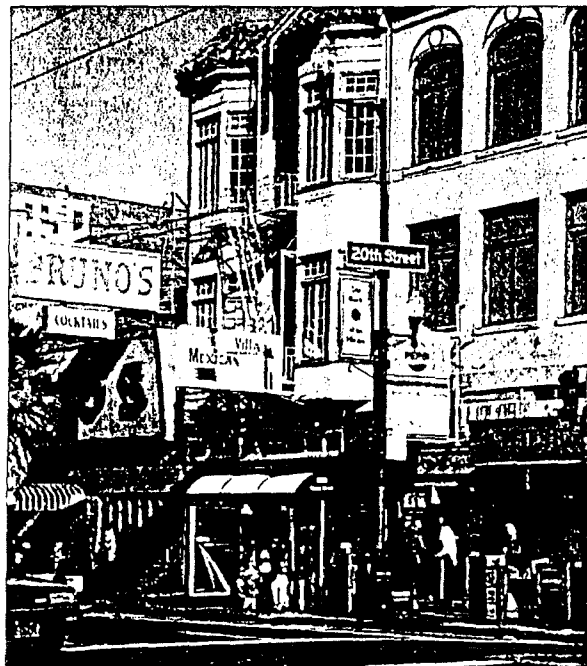
Affordable Housing Overlay

Operating in conjunction with the proposed underlying zoning, the intent of the affordable housing overlay is to encourage affordable housing development that is well served by transit, while protecting existing neighborhood serving uses including PDR activities such as auto repair businesses and arts activities.

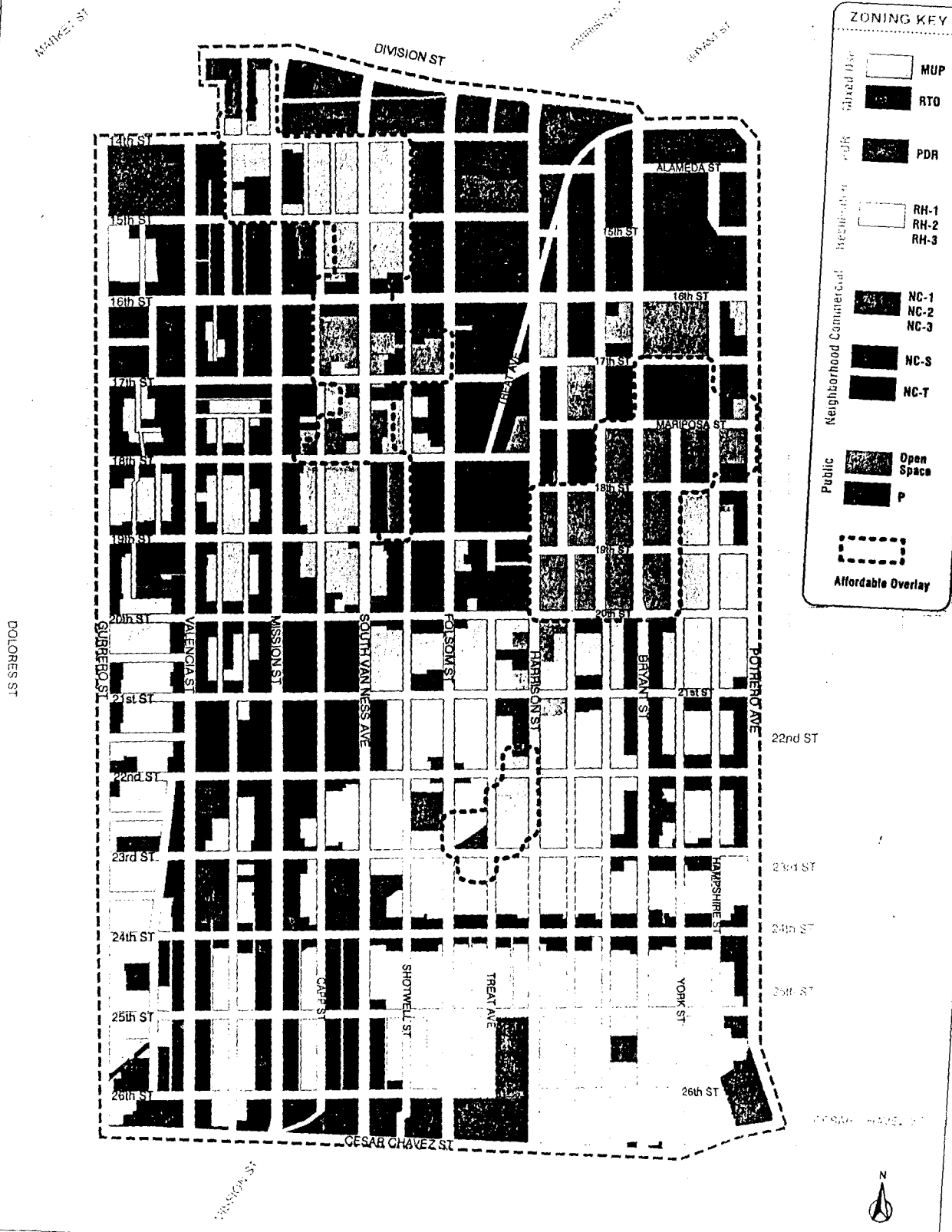
Policy 1.1.2

Generally retain existing heights while allowing for some change where appropriate.

Heights should generally remain the same along Mission Street, and refined to better reflect the presence of the BART stations at 16th and 24th Streets as well as the adjacent north/south alleys. For the north/south alleys adjacent to Mission and Valencia Streets, heights have been slightly decreased to 40' to ensure greater levels of sunlight and air. The existing heights of 40' in the residential area south of 20th Street and east of South Van Ness are retained, while an increase to 55' north of 20th Street is proposed to allow for taller, more flexible ground floor spaces for businesses.



Proposed Zoning



ZONING KEY	
	MUP
	ATO
	PDR
	RH-1
	RH-2
	RH-3
	NC-1
	NC-2
	NC-3
	NC-S
	NC-T
	Open Space
	P
	Affordable Overlay

supporting commercial uses. The commercial uses are those permitted in C-2 Districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-2 Districts, except that rear yards are somewhat smaller and need not be at ground level, and front setback areas are not required.

RC-3 Districts: Medium Density. These districts provide for a mixture of medium-density dwellings similar to those in RM-3 Districts, with supporting commercial uses. The commercial uses are those permitted in C-2 Districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-3 Districts, except that rear yards need not be at ground level and front setback areas are not required.

RC-4 Districts: High Density. These districts provide for a mixture of high-density dwellings similar to those in RM-4 Districts with supporting commercial uses. The commercial uses are those permitted in C-2 Districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-4 Districts, except that rear yards need not be at ground level and front setback areas are not required. The high-density and mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements. (Added by Ord. 443-78, App. 10/6/78)

SEC. 207. DENSITY OF DWELLING UNITS IN R DISTRICTS.

The density of dwelling units permitted in the various R Districts shall be as set forth in Sections 207.1, 207.2, 207.5 and 209.1 of this Code. The term "dwelling unit" is defined in Section 102.7 of this Code. (Amended by Ord. 155-84, App. 4/11/84; Ord. 115-90, App. 4/6/90)

SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.

The following rules shall apply in the calculation of dwelling unit densities under this Code:

(a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot.

Fractional numbers shall be adjusted downward to the next lower whole number of dwelling units.

(b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this Code, two or more of the dwelling and other housing uses specified in said sections may be located on a single lot, either in one structure or in separate structures; provided that the specified density limits are not exceeded by the total of such combined uses. Where dwelling units and group housing are combined, the maximum permitted density for dwelling units and for group housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

(c) Where any portion of a lot is narrower than five feet, such a portion shall not be counted as part of the lot area for purposes of calculating the permitted dwelling density.

(d) No private right-of-way used as the principal vehicular access to two or more lots shall be counted as part of the lot area of any such lot for purposes of calculating the permitted dwelling unit density.

(e) Where a lot is divided by a use district boundary line, the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the dwelling units attributable to the district permitting the greater density shall be located in the district permitting the lesser density. (Added by Ord. 443-78, App. 10/6/78; amended by Ord. 115-90, App. 4/6/90)

SEC. 207.2. SECOND UNITS.

(a) Second units, as defined and referred to in Government Code Section 65852.2, are precluded in RH-1(D) and RH-1 zoned areas, except where second units are currently permitted under Section 209.1(m) for units designed for and occupied by senior citizens or physically handicapped persons and except as may hereafter be permitted by later amendments to this Code governing second units.

(b) Government Code Section 65852.2 requires a City to adopt either an ordinance permitting or precluding second units within single-family and multifamily zoned areas or, in the alternative, to be subject to certain restrictions set forth in Government Code Section 65852.2(b). The provisions of this ordinance, in light of other provisions of the City Planning Code governing second units, do not result

in the total preclusion of second units within single-family and multifamily zoned areas and therefore San Francisco has a legislative scheme which complies with Government Code Section 65852.2(a). In the event that it is determined, however, that San Francisco's legislative scheme does not comply with Government Code Section 65852.2(a), the following findings are made with the intent of complying with Government Code Section 65852.2(c).

(1) San Francisco's total land area is approximately 49 square miles and much of this land is not open to development because of topography or public ownership. San Francisco does not have the option open to many other cities of annexing undeveloped land currently outside its borders.

(2) San Francisco already has higher density development than other cities in California, both in terms of units per square feet of lot area and in terms of units per linear feet of street frontage. The density for housing development in San Francisco ranges from 4,000 square feet of lot area per unit in RH-1(D) (House, One-Family Detached Dwellings) Districts to 200 square feet per unit in RM-4 (Mixed Residential, High Density) Districts. Except for districts which require a lot width of 33 feet and an area of 4,000 square feet, the minimum lot size for housing development is 2,500 square feet in area, following the standard lot size in San Francisco (25 × 100 square feet), or 1,750 square feet for lots within 125 feet of a corner. This density and lot size requirement allows greater density than other jurisdictions in California where the typical density and lot size is about 5,000 square feet per unit for single-family dwellings and 1,500 square feet per unit for multifamily development.

(3) San Francisco is the most densely populated city in California. It is the fourth most densely populated city in the nation following only New York City and two cities in New Jersey (Jersey City and Patterson).

(4) The limited land area and the limited developable land area of San Francisco make it difficult to provide sites to replace single-family houses lost through conversion to a higher density. Once single-family homes are converted into multiple dwelling structures by the addition of a second unit, single-family housing stock is eliminated from the

existing supply of single-family homes. The irrevocable loss of the limited supply of single-family housing stock throughout the City will adversely affect the health, safety and welfare of San Francisco residents.

(5) Single-family residences have in recent years been demolished at a faster rate than any other residential structures in the City primarily because new multiple-unit residential development in the City often occurs as the result of the demolition of single-family homes in multiple-unit districts. Single-family homes were 37 percent of the residential units demolished in 1984, and 61 percent of the residential units demolished in 1983. Single-family homes represented an even larger percentage of the residential structures demolished. Single-family homes were 86 percent of the residential structures demolished in 1984, and 74.4 percent of the residential structures demolished in 1983.

(6) Single-family structures represent only 1/3 of all residential structures in San Francisco compared to 60 percent of the residential structures in the State of California. Single-family homes accounted for 18 percent of the new housing units in San Francisco in 1984, and 7 percent of the new units in 1983. Other jurisdictions in California had single-family structures representing approximately 50 percent of their new residential building permits for the same period.

(7) The number of families in San Francisco declined in the years from 1970 to 1980, as evidenced by the school enrollment for the population group under 15 years old. The decline in enrollment was from 106,900 to 83,790. The zoning policy of the City and County of San Francisco should encourage families to live in the City rather than encouraging them to leave the City. A further decline in the number of families living in the City is detrimental to the public health, safety and welfare.

(8) The addition of second units to single-family dwellings usually results in an increase in the cost of those dwellings, and, in addition, to the cost of the remaining smaller supply of single-family homes without second units. An increase in the cost of these types of dwellings will discourage families from living in the City because the cost of dwellings most suitable for families will be beyond the means of many who would otherwise live in the City.

(9) San Francisco will probably face a need for more large units in the future than it did in the past, as the population ages and the new baby boom continues. Many women born between 1945 and 1952 who delayed child-bearing during the 1970's are now having babies at the same rate as women born after 1952.

(10) The addition of second units in single-family houses throughout the City will irrevocably deplete its limited supply of single-family homes and discourage families from living in the City by removing the type and size of dwelling units most suitable for families. Many of the residential parcels in the City are less than 2,500 square feet in size or 1,750 square feet for corner lots and do not meet minimum lot size standards. Many of these parcels were developed without required garages or with minimal garage space, and do not comply with existing off-street parking requirements. The addition of second residential units in these areas could only worsen existing congestion.

(11) Parking problems are severe in a number of areas of the City because of its dense population. The addition of second units in such areas will exacerbate the parking problem. Imposing off-street parking requirements on secondary units would only partially alleviate that problem in that additional units cause increased traffic other than that engaged in by the occupants of the units (such as persons visiting the occupants for social or business purposes) as well as by the occupants of the units.

(12) Increased parking problems in areas of the City already burdened with traffic congestion adversely affects the health, safety and welfare of the residents of such areas by interfering with access to off-street parking spaces, requiring additional police services to control traffic problems and unlawful parking, requiring occupants and visitors to park further from their homes (thereby also exposing themselves to greater inconvenience and, in some instances, threat to safety), and interfering with access by emergency vehicles during an emergency (a problem which is further complicated in areas with narrow streets, winding roads, and other topographical features which make access by vehicles difficult).

(13) A need exists in San Francisco for additional affordable housing. Allowing second units in RH-1(D) and RH-1 Districts is one means of providing such

housing. However, to allow second units without restriction in all areas currently zoned RH-1(D) and RH-1 would adversely affect the health, safety and welfare of the public by permitting the conversion of an undue number of single-family houses to multi-family units; by eliminating low-density residential areas in the City and thereby depriving those who desire to live in the City without the stress of living in higher-density areas of their opportunity to do so; and by permitting second units to be added in areas where undue traffic congestion and the attendant difficulties described above, will occur.

(14) A further period of time is needed in order to determine those areas of the City where the traffic congestion problems described above would be least likely to occur and where second units may therefore be permitted without adverse impact to the public.

(15) There are no large districts suitable for the provision of second units, but instead there are small subareas which must be reviewed on a case-by-case basis with community participation in the review process. A case-by-case review is needed in order to determine those areas of the City where the traffic congestion problems described above would be least likely to occur and where second units may therefore be permitted without adverse impact to the public. Furthermore:

(A) The City Planning Code presently permits a secondary unit in all single-family homes in RH-1(S) (House, One-Family with Minor Second Unit), RH-2 (House, Two-Family) and RH-3 (House, Three-Family) Districts no matter what the lot size. Second units in single-family homes are permitted in all other multifamily residential districts (all RM and RC Districts), depending on the size of the lot.

(B) The City Planning Code Section 209.1(c) permits the mapping of the RH-1(S) (House, One-Family with Minor Second Unit) District. These RH-1(S) Zoning Districts provide for a two-family dwelling with the second dwelling limited to 600 square feet of net floor area. The second unit remains subordinate to the owner's unit and the structures retain the appearance of single-family dwellings. The RH-1(S) Zoning District has been mapped in four areas of the City. Additional mapping of the RH-1(S) Zoning District may be used to legalize existing secondary units in single-family homes and to increase the number of secondary units.

(C) Dwellings specifically designed for and occupied by senior citizens and handicapped persons are presently permitted at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted as a principal use in the district by the City Planning Code (Section 209.1(m)).

(16) Restricting second units in single-family homes in San Francisco's RH-1(D) and RH-1 Zoning Districts may limit the housing opportunities of the region. However, over time, applications for RH-1(S) zoning designation may be reviewed on a case-by-case basis by the City Planning Commission and its staff, the Board of Supervisors and the Mayor and where second units would be appropriate and would not adversely affect the public health, safety and welfare of residents of the City and County of San Francisco, such rezoning applications would be approved. Neither the provisions of this Section nor those of Government Code Section 65852.2 preclude the City from hereafter amending this Code in order to permit second units in additional situations designed to address specific housing needs and circumstances unique to San Francisco.

(17) San Francisco has been and will continue to be a major provider of affordable housing opportunities in the region.

(A) Currently (1986) San Francisco administers 6,766 units of public housing and 2,574 Section 8 certificates.

(B) Article 34, Section 1 of the California Constitution requires the approval of the electorate as a condition to the development or acquisition of a low-rent housing project by the local jurisdiction. San Francisco has met the requirement with the City's voters approving the development of a maximum of 3,000 low-income housing units by a vote on Proposition Q on November 2, 1976. Together with the units previously approved, approximately 4,000 low-income housing units may be developed, constructed or acquired.

(C) Between 1981 and 1985, San Francisco's housing production efforts included, but were not limited to the following:

1. San Francisco undertook a major rezoning of underutilized land which will allow the development of 14,000 housing units. Another 1,700 units are underway on vacant publicly owned sites in the City.

2. San Francisco set aside \$10,000,000 in general-fund monies for an Affordable Housing Fund. \$6,100,000 of this amount is committed to create 443 housing units including the renovation of 82 vacant public housing units into privately managed two- and three-bedroom apartments.

3. San Francisco combined \$1,000,000 in federal Community Development Funds with the proceeds of an \$8,000,000 bond issue to finance home improvement loans for low- and moderate-income homeowners.

4. The Office Housing Production Program (OHPP), under which high-rise office developers are required to build or contribute to housing on a formula based on the size of their projects was instituted in 1981. The program has resulted in \$25,000,000 and over 3,700 housing units to date.

5. The City of San Francisco has sold \$84,000,000 in two bond issues since 1982 to provide 30-year, 10¾ percent mortgages to some 900 low-to middle-income first-time homebuyers. In addition a \$42,000,000 bond issue was sold to finance up to 400 homes with 9.8 percent mortgages. In June, 1985 the City sold \$44,000,000 in mortgage revenue bonds to finance the construction of 563 units of rental housing on five sites.

(D) Between 1980 and mid-1985 community-based nonprofit organizations which receive Community Development Block Grant funding built 1,166 new housing units for low- and moderate-income households. At the time of the 1985 report on their activities they had 200 units under construction, and 426 units planned. During this same time the organizations rehabilitated 1,780 units for lower-income households, had 426 units undergoing rehabilitation, and had plans to rehabilitate 1,285 units. (Added by Ord. 155-84, App. 4/11/84; amended by Ord. 526-85, App. 11/27/85; Ord. 324-86, App. 8/8/86)

SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

The density of dwelling units in Neighborhood Commercial Districts shall be as stated in the following subsections:

(a) The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in Neighborhood Commercial Districts, except

Transit, Moderate-Scale Mixed Use Districts (NCT-3). The project would also increase height limits in certain areas and reduce height limits in other areas, and establish new fees. The proposed zoning and height reclassifications would increase the potential for residential development in the area.

Preliminary Recommendation: Adopt CEQA Findings.
(Continued from Regular Meeting of March 8, 2007)

23. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)

MARKET AND OCTAVIA PLAN AMENDMENTS - The Planning Commission will hold a public hearing to consider additional information related to the Market and Octavia Plan and may consider adopting General Plan, Planning Code, Zoning Map amendments and adopting other actions related to the Market and Octavia Plan.

The Plan encompasses an irregularly shaped area in northeast San Francisco. It extends two to three blocks in width along Market Street for ten blocks and extends north along the former Central Freeway alignment at Octavia Boulevard for ten blocks. Along Market Street, the Plan Area boundaries extend from 11th and Larkin Streets in the east to Noe and Scott Streets in the west. The boundary jogs north along Noe Street, Duboce Avenue, Scott Street, Waller Street, Webster Street, Oak Street, Buchanan Street, and Grove Street; continues north along the former Central Freeway alignment to include the area up to Turk Street between Laguna and Franklin Streets; and east of Franklin Street jogs south to Grove and Larkin Streets. The Project Area boundary extends south of Market Street between 10th and 11th Street to Howard Street. Extending west along Howard Street, the Project Area boundaries jog along Division, Clinton, Stevenson, Fourteenth, Guerrero, and Sixteenth Streets. The Project Area is comprised of 89 Assessor's Blocks in entirety or in part, including the whole of Blocks 759, 761, 768, 770, 783, 785, 792 to 794, 806 to 809, 813 to 819, 830 to 841, 850 to 858, 863 to 876, 3501 to 3506, 3512 to 3514, 3533 to 3538, 3541 to 3545, 3556 to 3560; and portions of 3507 (lot 40), 3510 (lots 49, 57), 3511 (lots 1, 23, 25, 31, 33, 74, 75, 80, 82, and 93), and 3532 (lots 14, 19B, 35, 36, 88, 89, 90 and 91).

Hearing # 8 – March 22, 2007 - Schedule for Planning Commission Hearing

- Respond to Commissioner comments on Affordable Housing, Height Controls and other topics (item a)
- Finalize Plan for Adoption (item a)
- Consider taking action to approve resolutions adopting amendments to the General Plan, Planning Code, Zoning Map and approving interim procedures within the project area (items b, c, d, e)

The Planning Commission has held a number of public hearings to consider Case No. 2003.0347MTZU. Hearings were held on October 26, 2006, Nov. 2, 2006, Nov. 9, 2006, Nov. 16, 2006, January 11, 2007, Feb. 8, 2007, and Feb. 15, 2007. At the hearings, the Planning Commission considered various aspects of the Project, including adopting General Plan, Planning Code and Zoning Map amendments and adopting interim procedures for review of projects within the plan area to realize the vision articulated by the community through the Market and Octavia community planning process. For more information on this six-year planning process, please visit our website at <http://marketoctavia.betterneighborhoods.org>. The Commission has considered staff presentations and public comment on specific aspects of the Plan and proposed amendments at each hearing. The Planning Commission will consider the following items and may take action on or after March 15, 2007. Be advised that due to the nature of the public hearings, the Commission may continue any particular hearing item and/or may not hear all items at the hearing. To confirm the final Commission Hearing schedule, on the week of the hearing please visit:

EXHIBIT D

BOS File 070560, CSEF-6/12/07
Aksei Oisen at 558-

http://www.sfgov.org/site/planning_meeting.asp?id=15840 or call 558-6616. For more information on this six-year planning process, please visit our website at <http://marketoctavia.betterneighborhoods.org>. In addition to providing information about the proposed General Plan, Planning Code and Zoning Map amendments, staff will also provide follow-up information on issues discussed at earlier hearings.

Together, the Commission actions are intended to implement the Market and Octavia Plan. In addition, an historic survey is currently being done of the project area; property owners considering constructing or altering a building in this area should consult with Planning Department staff to determine the historic resource status of their property. Property owners and interested parties are advised that height limits and other controls do not provide unqualified rights to development, but rather, proscribe the maximum potential building envelope that may be permitted; proposed buildings may not reach the maximum permitted building height/envelope. The Commission may also consider establishing interim procedures to guide the review of plans to construct new structures and alter existing structures to protect potentially eligible historic resources in the Plan Area prior to conclusion of an historic resources survey.

Members of the public may review a copy of the proposed amendments at the San Francisco Planning Department office at 1660 Mission Street 5th Floor, San Francisco, CA 94103, at the Public Library (the Main Library 100 Larkin St., and Harvey Milk branch library, 1 Jose Sarria Ct. (near 16th & Market Sts.)). An electronic copy of the proposed amendments and actions is available at <http://marketoctavia.betterneighborhoods.org>. At this hearing, the Planning Commission will consider the following aspects of the Plan:

- a. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS - Informational hearing on components of the Market and Octavia Plan. Described in item 23 above. Staff will respond to Commissioner comments and questions on affordable housing, height controls and other topics raised at earlier public hearings. The Planning Commission may also finalize the Plan for adoption of amendments to the General Plan, Planning Code, Zoning Map and adoption of interim procedures for review of projects within the Plan area.
Preliminary Recommendation: Informational Item, no action requested.
- b. 2003.0347MTZU J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS
Adoption of amendments to the General Plan for the area described in item 23 above. The proposed General Plan amendment would add a new area plan, the Market and Octavia Area Plan, and make related amendments to the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan.
Preliminary Recommendation: Adopt a Draft Resolution amending the General Plan.
- c. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS
Adoption of amendments to the Planning Code for the area described in item 23 above. The proposed Planning Code amendment would revise Planning Code controls, including controls for land use, height and bulk, building design, loading, parking and establish new fees.
In order to fund the community improvements identified in the Plan, the Program document proposes to establish a Development Impact Fee, requiring the growth that generates the demand for additional infrastructure and services to provide some of the revenue required to fund the improvements. The proposal establishes a development impact fee on new residential and commercial development in the Plan Area. The fee

Coalition for San Francisco

BOARD OF APPEALS

JUN 08 2007

Neighborhoods

APPEAL #

EXHIBIT E
BOS File 070560
CSFN - 6/12/07

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June 7, 2007

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Coordinating Council

Buena Vista Neighborhood Assn

Cathedral Hill Neighbors Assn

Cayuga Improvement Assn

Cole Valley Improvement Assn

Cow Hollow Assn

Diamond Heights Community Assn

Dolores Heights Improvement Club

East Mission Improvement Assn

Ewing Terrace Neighborhood Assn

Excelsior District Improvement Assn

Fair Oaks Community Coalition

Forest Knolls Neighborhood Assn

San Francisco Heights Civic Assn

Glen Park Assn

Golden Gate Heights Nqhbnd Assn

Greater West Portal Nqhbnd Assn

Haight Ashbury Improvement Assn

Inner Sunset Action Committee

Jordan Park Improvement Assn

Laurel Heights Improvement Assn

Lincoln Park Homeowners Assn

Marina Civic Improvement &

Property Owners Assn

Miraloma Park Improvement Club

Mission Creek Harbor Assn

New Mission Terrace Improvement Assn

North Beach Neighbors

North Park Neighbors

Oceanview, Merced Heights,

Inqleside — Neighbors in Action

Outer Mission Residents Assn

Pacific Heights Residents Assn

Panhandle Residents Organization/

Stanyan-Fulton

Potrero Boosters Neighborhood Assn

Richmond Community Assn

Rincon Point Neighborhood Assn

Russian Hill Improvement Assn

Russian Hill Neighbors

Stop 55/Preserve Our Waterfront

Sunset Heights Assn of

Responsible People

Sunset-Parkside Education &

Action Committee

Telegraph Hill Dwellers

Twin Peaks Council & Open

Space Conservancy

Twin Peaks Improvement Assn

West Presidio Neighborhood Assn

Honorable Members, San Francisco Board of Appeals:
President Randall Knox; Vice-President Michael Garcia;
Commissioners Katherine Albright, Frank Fung, Robert Haaland

RE: FILING- REQUEST Board take jurisdiction and hear appeal re Zoning Administrator use of February 27, 2007 Letter of Determination to justify the lack of provision of such legally adequate notice as is required by The San Francisco Sunshine Ordinance to inform the public re legislation to create three (3) new RTO, NCT, and NCT-3 zoning classifications to establish higher-density "transit-oriented" land use districts in those areas and neighborhoods of San Francisco as are proximal to such "Primary Transit Streets" and/or "Transit Corridors" as are already mapped and/or designated citywide.

Dear President Knox and Commissioners:

The Coalition For San Francisco Neighborhoods ("CSFN") requests that the Board of Appeals act to take jurisdiction and grant hearing on a matter of critical import to the whole of San Francisco. The basic issue at hand is essentially as follows:

QUESTION

Can any San Francisco government policy and/or legislative body act to adopt or to recommend adoption of legislation proposing amendment to the San Francisco Planning Code to create three (3) new "transit-oriented" zoning classifications, allowing as-of-right higher-density/reduced parking development, for potential implementation in such areas and neighborhoods of San Francisco as are proximal to those "Primary Transit Streets" and/or "Transit Corridors" as are already designated and/or mapped citywide **without** providing such legally adequate notice as is required by The San Francisco Sunshine Ordinance, Chapter 67 of The San Francisco Administrative Code?

ANSWER

No.

The San Francisco Sunshine Ordinance, Section 67.7, AGENDA REQUIREMENTS: regular meetings. states, at (a) and (b) thereof:

"At least 72 hours before a regular meeting, a policy body

shall post an agenda containing a **meaningful description of each item of business** to be transacted or discussed at the meeting. ... **A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item."**

Such legally adequate notice is required before **any item of business can be legally considered** by a policy and/or legislative body.

San Francisco's Sunshine Ordinance **cannot be violated**. Section 67.36 of said Sunshine Ordinance states:

"The provisions of this Sunshine Ordinance **supercede other local laws**. Whenever a conflict in local law is identified, the requirement which would result in greater or more expedited public access to public information shall apply. (Added by Proposition G, 11/2/99) " ¹

No such legally adequate notice -- in compliance with said Sunshine Ordinance Section 67.7 standard and criteria-established threshold whereby the adequacy, or lack thereof, of published notice **shall** be assessed -- **has been provided** regarding subject legislation crafted to create three (3) new "transit-oriented" zoning classifications:

- "RTO (Residential Transit-Oriented Neighborhood) District",
- "NCT (Neighborhood Commercial Transit) District", and
- "NCT-3 (Moderate-Scale Neighborhood Commercial Transit) District",

which three (3) new zoning classifications are proposed by new Planning Code ² Sections 206.4, 702.1(b), and 731.1, respectively, for citywide application.

No such legally adequate notice has been published in **any** Planning Commission Notice of Meeting and Calendar ("agenda") to comply with Sunshine Ordinance Section 67.7 requirements that a **"meaningful description"** be published concerning subject legislation **prior to** any meeting whereat consideration of said new

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1. See, attached hereto as **Exhibit A**, the foresheet to the SUNSHINE ORDINANCE TASK FORCE PRESENTATION OF THE SAN FRANCISCO SUNSHINE ORDINANCE 2002, which foresheet emphasizes **both** the importance of **and** the intent of law to ensure public participation in the government decision-making process.
 2. Find subject legislation proposing Planning Code text amendments to create said new RTO, NCT, and NCT-3 citywide zoning classifications encapsulated in Planning's 3/29/07-published document, Materials For Market & Octavia Plan Adoption Planning Case No. 2003.0347EMTZU, and in the 254-page Exhibit T-3-B thereof, entitled "Draft Board of Supervisors Ordinance [Planning Code amendments to implement The Market and Octavia Area Plan]", wherein said RTO, NCT, and NCT-3 proposed text amendments are found at pages 178, 165, and 236, respectively.
- * **N. B.** - **Not only** does subject legislation create three (3) new zoning classifications, **but, in addition**, in the bulk of its 254 pages are **revisions to over fifty (50)** current sections, and/or subsections, of the San Francisco Planning Code to **change currently-established citywide land use standards and controls** -- including height and bulk, density, parking, demolition, etc. -- in order to enable the **creation of**, and the subsequent implementation of, said higher-density/reduced parking "transit-oriented" RTO, NCT, and NCT-3 **citywide** zoning classifications in such areas and neighborhoods of San Francisco as are proximal to those "Primary Transit Streets" and/or "Transit Corridors" as are already mapped citywide.
- ** See, at Exhibits B.1 & B.2 hereto, said mapped "Transit Corridors" along designated "Primary Transit Streets".

RTO, NCT, and NCT-3 legislation was scheduled for discussion and/or action by the Planning Commission. Subject Planning Code text amendment legislation was not published for public review until September 28, 2006, on which day the Planning Commission acted to adopt a Resolution of Intention to initiate such amendments to the Planning Code as were contained in said 250-page-plus draft Ordinance before the Commission.

All notice published in Planning Commission meeting agendas, and in materials provided by the Department of City Planning ("Planning") for public information purposes, **is deficient** in that said notice **describes subject legislation** -- creating said new higher-density "transit-oriented" RTO, NCT, and NCT-3 zoning classifications -- as **impacting specifically and only** those areas of San Francisco as are located **within** those boundaries³ set forth by The Market and Octavia Area Plan, Planning Case No. 2003.0347EMTZU.

No notice has informed the public that **subject legislation** --creating said three (3) new higher-density "transit-oriented" RTO, NCT, and NCT-3 zoning classifications -- **will, if adopted, provide the required "ready tool" to enable implementation** of such higher-density land use districts in other like-character, similarly-situated, "transit-oriented" districts and/or areas and neighborhoods throughout San Francisco as are proximal to those "Transit Corridors"⁴ and/or "Primary Transit Streets" as are already mapped and/or designated citywide.

Creation of said three (3) new citywide zoning classifications is the seminally significant aspect of that Planning Code text amendment legislation encapsulated within "The Market and Octavia Area Plan". [See again Footnote 2, hereto.]

Publication of such notice as would contain that "**meaningful description**" of subject legislation **as is required**/⁵ San Francisco's Sunshine Ordinance Section 67.7 **would alert** San Francisco residents regarding pending proposals to amend Planning Code text to create said three (3) new "transit-oriented" RTO, NCT, and NCT-3 zoning classifications, which classifications **can and will** be applied to other areas of San Francisco to effect reorganization of San Francisco's current land use districts. Provision of said "**meaningful description**" -

"sufficiently clear and specific to alert a person of average intelligence and education...that he or she may have reason to attend the meeting or seek more information on the item" -

would enable interested members of the public to review and respond to subject proposals -- crafted to foster higher-density development, with reduced and/or

3. See, attached hereto as **Exhibits C.1 through C.9**, pages from March 22, 2007 and April 5, 2007 Planning Commission Meeting Agendas, **which** 3/22/07 four (4) attached pages [Exhibits C.1 to C.4] and 4/5/07 five (5) attached pages [Exhibits C.5 to C.9] **evidence said deficient notice which describes subject legislation** to amend Planning Code text, to create said three (3) new **citywide zoning classifications, as being specific to, and limited in potential application only to**, the Market/Octavia Plan area. Note especially the 3/22/07 Agenda page 11 [Exhibit C.2] whereon, at item "c." project description for 2003.0347EMTZU, see the words "Adoption of amendments to the Planning Code" followed by the **words in bold type "for the area described at item 23 above"** And at said item 23 description [Exhibit C.1, page 10 of said 3/22/07 Agenda], **see specific boundaries set forth to describe the potential applicability of such three (3) new RTO, NCT, and NCT-3 zoning classifications as being limited to said Plan area only.**

4. Refer again to **Exhibits B.1 & B.2**, hereto, to see mapping of said "Transit Corridors".

eliminated parking requirements, along "Transit Corridors" throughout the City -- **and would promote** that informed public participation in the government decision-making process as is engendered by, and guaranteed by, the law.

The San Francisco Charter, Section 4.106(c) states:

"The Board of Appeals **shall** hear and determine appeals where it is alleged that there is error or abuse of discretion in **any** order, requirement, decision, or determination made by the Zoning Administrator **in the enforcement of the provisions of any ordinance** adopted by the Board of Supervisors creating zoning districts or regulating the use of property in the City and County."

CSFN requests that the Board of Appeals act to take jurisdiction and grant hearing in subject matter on but not limited to the following bases:

- I. The Zoning Administrator, **in error and abuse of discretion**, neglected to provide that quality of published notice as is required by the above-cited Section 67.7 of The San Francisco Sunshine Ordinance in **violation of said Ordinance**; and
- II. The Zoning Administrator **further compounded, heightened, and aggravated error and abuse of discretion** by choosing to **use subject February 27, 2007 Letter of Determination as a vehicle to excuse and justify** said lack of provision of such legally adequate notice as is required by the San Francisco Sunshine Ordinance, in **violation** thereof, while, at the same time, acknowledging in said Letter of Determination that subject legislation--creating said new "transit-oriented" RTO, NCT, and NCT-3₅ zoning classifications--**can, and will, impact other areas** of the City.

N.B.-- In his 2/27/07 Letter of Determination the Zoning Administrator alludes to **only one** of said three (3) new zoning classifications, thereby "keeping silent" on the proposed new **RTO (Residential Transit-Oriented) District**, creation of which will potentially **adversely affect** those San

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5. See said 2/27/07 Letter of Determination attached hereto as **Exhibit D**, whereon note the following statements:
 - page 2/paragraph 2, "The physical effect on the environment **will occur when the zoning classification is applied to a particular area of the City. At that time...putting that new zoning classification into effect in a specified location...**" and "...the physical effects of **applying the zoning classification in a specified area...**"
 - page 1/last paragraph, "...the Department might **propose** in the future, and the Commission...**adopt...**(such)...District **elsewhere in the City...**" "When, and if..."
 - page 1/paragraph 2, "**There are draft proposals under consideration for NCT Districts in the Eastern Neighborhoods.**" N.B.--Said "draft proposals" to implement NCT Districts in the Eastern Neighborhoods **and RTO Districts there, as well, are already published in** Planning's 3/13/07--published Draft Mission Area Plan. See copy of said 3/13/07--published proposals * attached hereto as **Exhibits E.1 and E.2**. Compare Zoning Administrator 2/27/07 **denial** of any "official(ly)" **proposal** for application of said Districts in "any other portions of the City **at this time.**" [Exhibit D, page 1/paragraph 2]
 - ** Implementation of subject new "transit-oriented" zoning classifications **is described** in already-published draft area plans for other sections of the City, as well.

San Francisco RH-1 Single-Family-Dwelling land use districts -- or portions thereof -- as are proximal to the aforementioned "Transit Corridors" and/or "Primary Transit Streets". Planning Code Section 207.2 contains **codified findings setting forth those adverse effects on public health, safety, and welfare of increased density** in San Francisco **and of loss of single-family dwellings.**⁶ N.B.- Potential "infill" development, enabled as-of-right by subject RTO legislation, will **intensify such impact and adverse effect and will potentially thwart** those voter-mandated Priority Policies codified in Planning Code Section 101.1(b), **as well.**⁷

In his 2/27/07 Letter of Determination the Zoning Administrator **denies** that he is required to provide the public such legally adequate notice as contains such **"meaningful description"** of subject legislation as is required by Sunshine Ordinance Section 67.7, thereby aborting and/or circumventing disclosure of that material information required to **ensure** that interested members of the public are afforded opportunity to review and respond to pending legislation proposing **the creation of said three (3) new higher-density "transit-oriented" RTO, NCT, and NCT-3 zoning classifications, which classifications, once implemented, will impact all areas of the City.**

The Zoning Administrator **further asserts** that it is not necessary to provide such Sunshine Ordinance Section 67.7 - **required "meaningful description"**. He states, "The **mere creation** of a new type of zoning district does not require notice..."⁸, **ignoring** Sunshine Ordinance Section 67.7's requirement that notice **shall** be published regarding **any and all** items of business **and shall contain such "meaningfull description"** -- consistent with those established standards and criteria as are set forth in said Section 67.7 -- **for each item to be transacted or discussed at the at the meeting.**

Throughout subject 2/27/07 Letter of Determination, the Zoning Administrator **asserts** that he is required to inform citizens about subject proposed three (3) new higher-density "transit-oriented" RTO, NCT, and NCT-3 zoning classifications **only when -- through the process of serial application of same --** said already-created classifications are slated for implementation in a particular segment of San Francisco, **thereby presuming that he has the right, and/or authority, to deny citizens that required notice** which would protect and ensure their **due process right to comment at the time legislation to create a new zoning classification** is before the Planning Commission for consideration and action.

- III. By his choice to **use a Letter of Determination to respond to Planning Commission inquiry** -- regarding the adequacy of such notice as has been provided concerning creation of said three (3) new "transit-oriented" RTO, NCT, and NCT-3 citywide zoning classifications -- the Zoning Administrator **further heightens and aggravates error and abuse of discretion, since use of said "Letter of Determination" - mechanism/process, will potentially -- if unchallenged -- set, and codify, precedence to violate both** voter-mandated San Francisco Sunshine Ordinance standards and requirements for published notice **and**

6. See copy of said Planning Code Sec. 207.2 attached hereto as **Exhibit F**.
[Emphasis = arrows/underline - added.]

7. Said Priority Policies **require that** the City's supply of affordable housing be preserved and enhanced **and that** existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

8. Find said statement in last paragraph, page 1 of said Letter, **Exhibit D** hereto.

the intent of State and City Open Government laws, as well ⁹, thereby barring citizens from process due them by the willful denial of such legally adequate notice as would inform the public of legislation pending action before the Planning Commission -- in this case, legislation proposing the creation of subject three (3) new higher-density "transit-oriented" zoning classifications and potential reorganization of existing land use districts in San Francisco, if adopted.

CSFN requests that the **Board of Appeals disregard that March 14, 2007 deadline for appeal**, alluded to in the last paragraph of subject February 27, 2007 Letter of Determination, **on the grounds** that the Zoning Administrator has **inappropriately used said Letter of Determination as a device to excuse and justify the lack of provision of such legally adequate notice as is required by the San Francisco Sunshine Ordinance, in violation thereof, and, in so doing, has abused the power and authority granted him.**

Regarding dates set forth as material to CSFN Request for Jurisdiction:

Subject Zoning Administrator Letter of Determination, dated **February 27, 2007**, was presented to Planning Commissioners on **March 1, 2007**. Neither the Zoning Administrator nor the Planning Commission Executive Secretary distributed said 2/27/07 Letter of Determination to interested neighborhood organizations ¹⁰ **and have not, to date, distributed** same to said organizations for their review and response.

On March 8, 2007, the Planning Commission requested a written opinion from the City Attorney regarding the question of

- adequacy of the notice published to alert San Francisco residents regarding subject legislation creating three (3) new "transit-oriented" RTO, NCT, and NCT-3 zoning classifications;
- potential for applicability of said RTO, NCT, and NCT-3 zoning classifications to other already-mapped "transit-oriented" areas of the City; and
- quality and scope of environmental review necessary in light of CEQA's standard requiring evaluation of that "reasonably foreseeable" cumulative impact citywide second to the creation of such three (3) new "transit-oriented" zoning classifications.

On March 15, 2007, a written response to said Planning Commission request was provided by Deputy City Attorney ("DCA") Susan Cleveland-Knowles -- author of subject legislation creating said new zoning classifications -- and DCA Kate H. Stacy, in which said DCAs concur with subject February 27, 2007 Letter of Determination and acknowledge their role in advising the Zoning Administrator "in making his original determination". ¹¹ Concurring with statements found in subject Zoning Administrator 2/27/07 Letter of Determination, DCAs Cleveland-Knowles and Stacy acknowledge potential application of subject new zoning classifications in other areas of San Francisco to implement higher-density

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9. Refer to Footnote 1, hereon, and to **Exhibit A**, re the stated intent and purpose of Open Government Laws.
 10. See letters from the West of Twin Peaks Council and from CSFN attached hereto as **Exhibits G & H**, respectively.
 11. See subject 3/15/07 DCA written response, attached hereto as **Exhibit I**, and find said acknowledgment on page 2, in the first sentence under "II", thereof.

"transit-oriented" land use districts therein. ¹²

Other aspects of subject DCA written response **require careful scrutiny:**

- DCAs Cleveland-Knowles and Stacy **erroneously** state, "...the **only action** presently before the Commission is to apply these zoning districts to the Market and Octavia Plan Area", ¹³ **whereas the critically significant action**, pending before the Commission, was **action to create** said three (3) new RTO, NCT, and NCT-3 citywide zoning classifications. ¹⁴ Pending before the Commission was **action to approve or to disapprove Planning Code text amendments to create new citywide zoning classifications** for potential application.
- DCA Cleveland-Knowles' and Stacy's use of the phrase "additional notice", in their statement, "...additional notice would be required to apply these ¹⁵ **newly created zoning districts to another geographic area of the City...**" demonstrates recognition that the provision of "initial" notice is required at the time subject legislation, **creating said new RTO, NCT, and NCT-3 zoning classifications, is before the Commission for consideration and action.**
- Citing Planning Code Section 307(a) in their written response, DCAs Cleveland-Knowles and Stacy point to Zoning Administrator duty "...to administer and enforce the provisions of this Code. ... The Zoning Administrator **must** act to pursue the **intent and objectives** of the Code."¹⁶

* Said Section 307 requires that Zoning Administrator action "**shall**" be consistent with the expressed **standards, purposes and intent** of this Code..."
N.B.- An "interested property owner" is defined by Planning Code Section 302. PLANNING CODE AMENDMENTS.(b) "as an owner of real property, a resident or a commercial lessee...**upon a showing that such property is influenced by development...**". **Such showing of influence --** as will be exerted citywide by implementation of said three (3) new higher-density "transit-oriented" zoning classifications **in the Market and Octavia Plan area and in other areas of the City -- has been entered into public record** at Planning Commission hearings on the matter.

** In light of that definition of "**interested**" parties, as is **established by** said Planning Code Section 302(b) **and by** the above-cited Sunshine Ordinance Section 67.7, the Zoning Administrator is **required by law** to meet and satisfy such established and codified **standard, purpose and intent** by providing such sufficient, clear, and "**meaningful description**", as is required, **in all notice published** regarding subject proposed Planning Code text amendments to create said three (3) new citywide zoning classifications. **Such standard must control** in the meeting, and/or satisfying, of those noticing requirements as are set forth in Planning Code Section 306.3.

Such full concurrence of said DCA 3/15/07 written response with subject February 27, 2007 Letter of Determination, as is evidenced above, **points to lack of an adequate "due process wall"** to protect and ensure citizens' constitutionally-

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12. See said DCAs' statements in **Exhibit I**, on page 2/ paragraph 2 under "II":
"...any possible area where the zoning district **may one day be applied.**"
..."Thus, even though a **new zoning district created...**- such as the Neighborhood Commercial Transit (NCT) District or the Residential Transit Oriented (RTO) District- **may one day be applied to another geographic area of the City...**"
 13. Find said assertion on page 2 of **Exhibit I**, in the last 3 lines of paragraph 2 under "II", thereof.
 14. See again Footnote 2, hereon, re same.
 15. Find said phrase on page 2/paragraph 3 under "II", of **Exhibit I**.
 16. Find said reference in **Exhibit I** on page 1, in the first paragraph under "I".

guaranteed due process rights. This seminally-critical issue requires very careful consideration by Board of Appeals Commissioners. N.B.- The San Francisco Charter, Section 4.102.7, invests the Board of Appeals with power to retain temporary independent counsel, when/if necessary, for purposes of ensuring adequate, fair, objective and proper review and findings.

At CSFN's **March 20, 2007** meeting, the General Assembly voted to appeal subject Zoning Administrator 2/27/07 Letter of Determination by the filing of a request for Board of Appeals jurisdiction and hearing in this matter. Subsequently, at an **April 9, 2007** regularly-scheduled CSFN Land Use Committee meeting and at a **May 25, 2007** specially-called CSFN Land Use Committee meeting aspects of this filing were discussed.

CSFN, herewith, formally requests that the Board of Appeals act to take jurisdiction in this critically important matter for, but not limited to, the reasons set forth above. CSFN notes that **there exists no established deadline for filing such** jurisdiction request whereby CSFN would be barred from obtaining hearing in this matter. To reiterate that request set forth on page 6 hereof, CSFN requests that the Board of Appeals **disregard that March 14, 2007 appeal deadline alluded to** in the Zoning Administrator's 2/27/07 Letter of Determination **on the grounds that** the Zoning Administrator inappropriately used said Letter as a device **to excuse and justify the lack of provision of such legally adequate notice as is required.**

CSFN requests that hearing on this matter be scheduled for a time when **the full complement** of Board of Appeals Commissioners are present for consideration, deliberation, and action on same.

Regarding focus at upcoming hearing re filing:

CSFN **focus** -- in presentation of subject matter at the scheduled Jurisdiction Request hearing -- **will be on the Zoning Administrator's faulty and inappropriate use of said Letter of Determination as a mechanism to not only** excuse and justify the lack of provision of such legally adequate notice as is required **but** as a mechanism to codify such error and abuse of discretion, **as well.** The **right to focus on same** at subject Jurisdiction Request hearing **is guaranteed** by The San Francisco Sunshine Ordinance Section 67.15. PUBLIC TESTIMONY. (d), which states,

"A policy body **shall not abridge...**(public comment)**...on any basis other than** reasonable time constraints..."

Regarding hearing procedure:

CSFN requests, herewith, that those members of the public present wishing to comment on subject matter **be guaranteed the full three (3) minutes for public comment**, the provision of which full three (3) minutes is **required** by said Section 67.15, Subsection (c) which states,

"Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting **shall be permitted to be heard once for up to three minutes.**" ¹⁷

17. The words "up to", included therein, indicate that a person is not obliged to speak the full three (3) minutes if he/she does not wish to.

Regarding findings in this matter:

CSFN herewith requests that the Board of Appeals, upon hearing and consideration of this filing, acts to take jurisdiction and grant appeal in this matter based on, but not limited to, findings that

- (1) the nature and gravity of those facts set forth, in subject filing, additional submissions and at hearing in subject matter, warrants hearing of an appeal in the matter regardless of that appeal deadline set forth in subject February 27, 2007 Zoning Administrator Letter of Determination;
- (2) given the critical import of the issue at hand to the whole of San Francisco, the Board of Appeals is bound by obligation and duty, pursuant to the San Francisco Charter, to hear and determine an appeal concerning allegations that
 - the Zoning Administrator, in error and abuse of discretion, used subject February 27, 2007 Letter of Determination **both** to excuse and justify the lack of provision of such legally adequate notice -- regarding proposed creation of subject three (3) RTO, NCT, and NCT-3 citywide zoning classifications -- as is required by law, **and** to avoid provision of same; and
 - said February 27, 2007 Letter of Determination -- if upheld and/or left unchallenged -- would set, and/or codify precedence to withhold such legally adequate notice as is required, thereby causing great harm to San Franciscans by setting, and/or giving credence to, illegal precedence and procedures.

Thank you for your careful consideration of this filing.

Judith Berkowitz TK

Judith Berkowitz
President

State and City Open Government Laws

The San Francisco Sunshine Ordinance Task Force

Easy access to government by members of the public is essential to having an effective democratic society. We in California and in San Francisco have the necessary access to government if we know what the laws are, both state and in the city, and how to use them.

There are three laws that make it easier to participate in the government decision-making process. These laws are: The Brown Act, the Public Records Act; and the San Francisco Sunshine Ordinance.

California's Brown Act requires that the Board of Supervisors and any board or commission established by the City Charter, ordinance or resolution and advisory commissions and committees of the City created by a board or commission and any standing committee of a board or commission conduct their business at open and public meetings. In short, no government business may be conducted behind closed doors. All business must be conducted in the open where it may be scrutinized.

California also recognizes that information is essential to participatory government and enacted the Public Records Act that requires local governments to make most public records available within ten days. There may be a reasonable charge for copying.

The City's Sunshine Ordinance broadened the Brown Act and the Public Records Act. The Sunshine Ordinance was designed to assure that not only would government be open, but that the public would be able to participate intelligently in the decision-making process. The Sunshine Ordinance increased the number of City-authorized groups required to comply with the Brown Act. It also strengthened the access to public records requirements. The Ordinance assures that members of the public have the right to speak to the deliberative body before a decision is made. In summary, the open government laws require that:

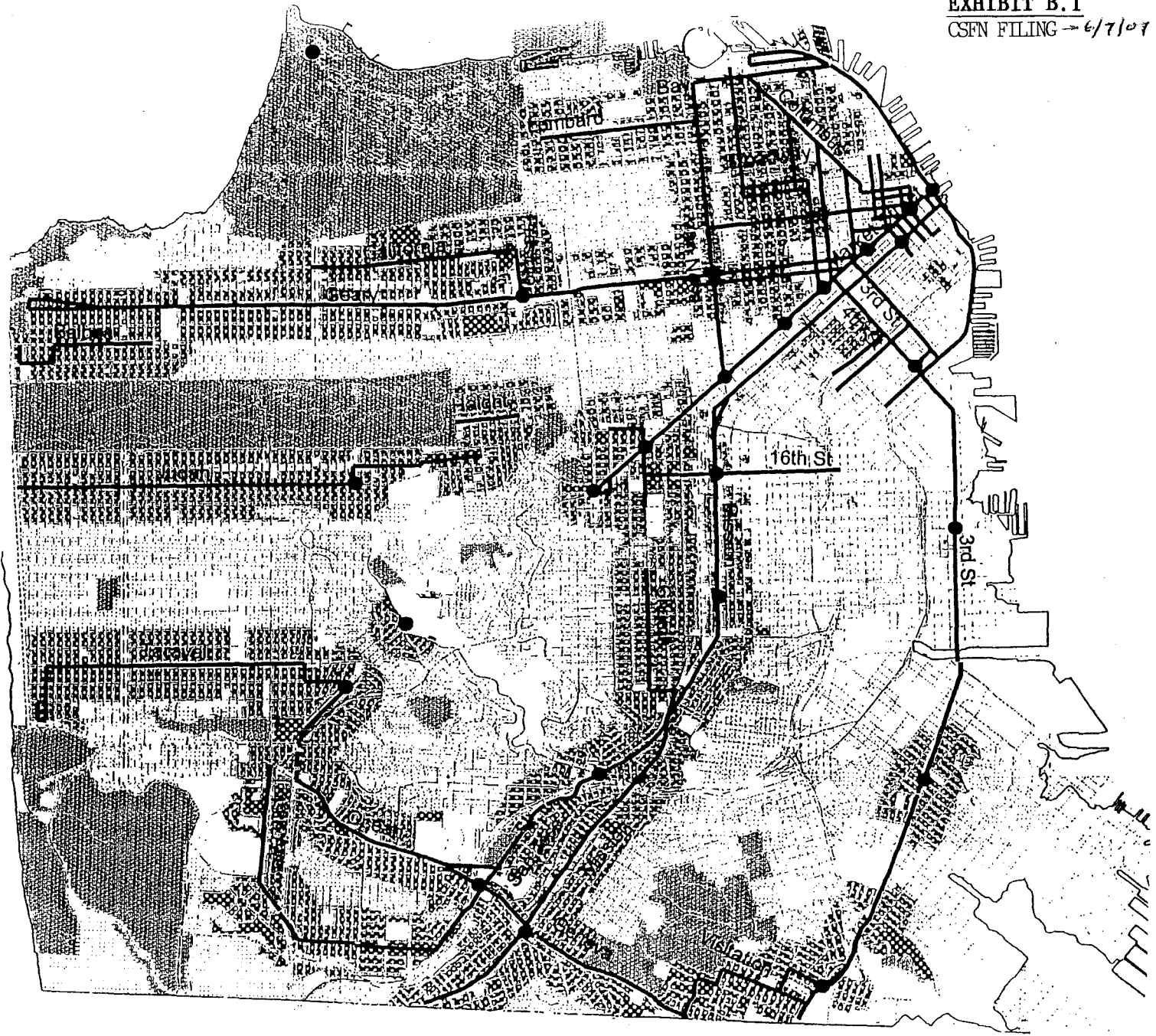
- City Boards and Commissions meet in public
- City Boards and Commissions give notice and post agendas in a timely manner, including the locations of meetings
- Citizens have a right to obtain and review public records
- Citizens have a right to speak to the issues at most public meetings
- Departments or agencies, except for those excluded, must respond to requests for records in a meaningful and timely manner.

Some of the requirements also apply to private non-profits that receive \$250,000 or more per year from City or City-administered funds.

The Brown Act, the Sunshine Ordinance and the Public Records Act are more complicated than outlined in this summary. **The Sunshine Ordinance Task Force would welcome the opportunity to appear before your group to present information on the Sunshine Ordinance.**

For additional information you may contact the Sunshine Ordinance Task Force at the address below. We hope this will help get you started in being an activist in the areas of government that concern you.

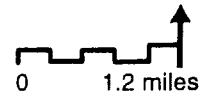
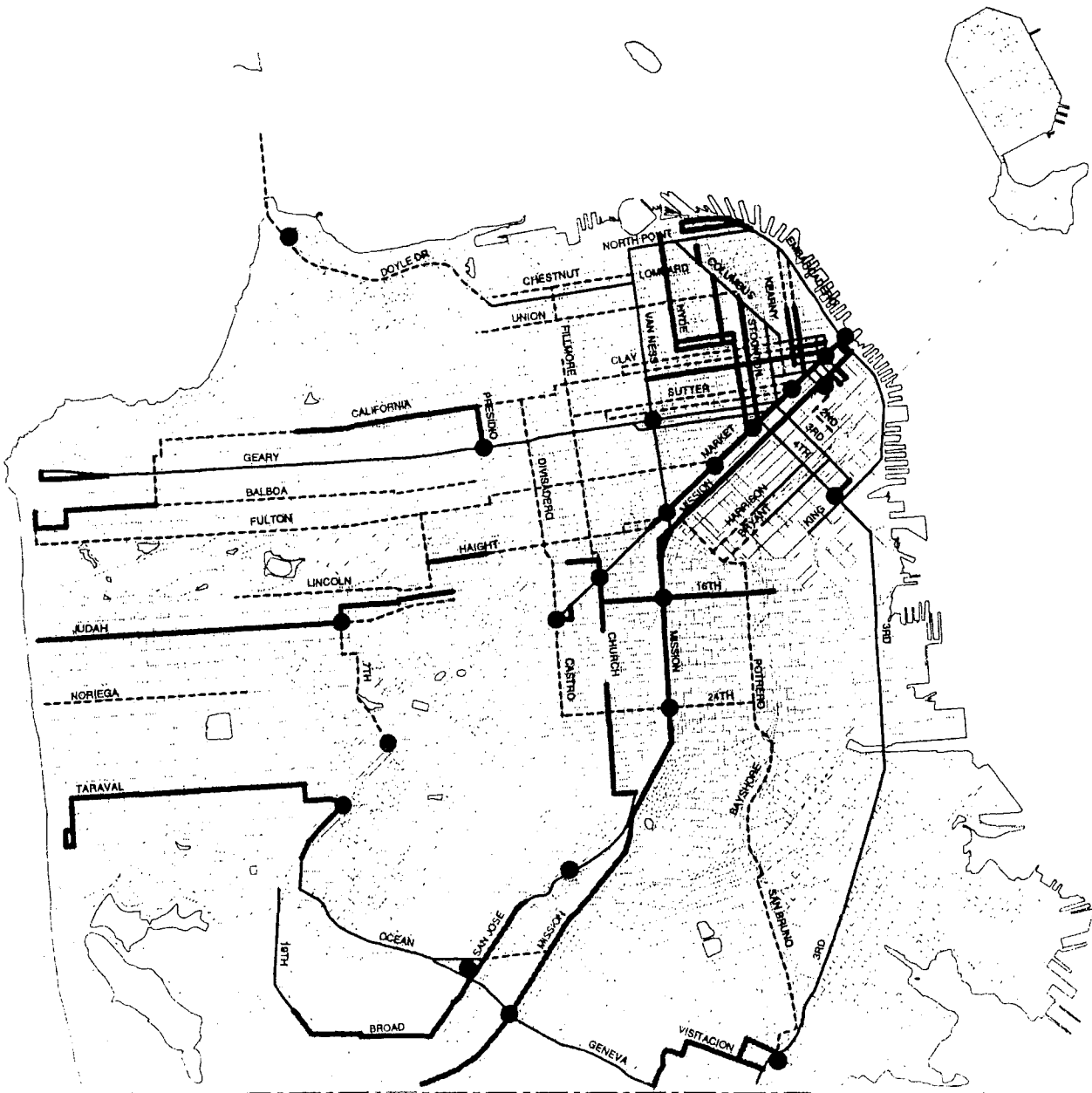
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, Room 409
San Francisco, CA 94102-4683
Tele: 415 554-7724/Fax: 415 554-7854
<http://www.ci.sf.ca.us.bdsupvrs/sunshine.htm>



- Transit Nodes
- ▬ Primary Transit Street
- ▨ Residential Lots within 1,250 ft. of transit and commercial areas
- ▧ Residential Lots
- ▩ Parks

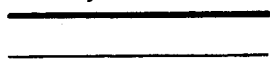


EXHIBIT B.2
CSFN FILING 2/6/7/07



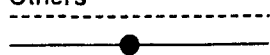
TRANSIT PREFERENTIAL STREETS

Primary Transit Streets



Transit Oriented
Transit Important

Others



Secondary Transit Street
Transit Center

Map 9

Transit, Moderate-Scale Mixed Use Districts (NCT-3). The project would also increase height limits in certain areas and reduce height limits in other areas, and establish new fees. The proposed zoning and height reclassifications would increase the potential for residential development in the area.

Preliminary Recommendation: Adopt CEQA Findings.
(Continued from Regular Meeting of March 8, 2007)

23. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)

MARKET AND OCTAVIA PLAN AMENDMENTS - The Planning Commission will hold a public hearing to consider **additional information related to the Market and Octavia Plan and may consider adopting General Plan, Planning Code, Zoning Map amendments and adopting other actions related to the Market and Octavia Plan.** The Plan encompasses an irregularly shaped area in northeast San Francisco. It extends two to three blocks in width along Market Street for ten blocks and extends north along the former Central Freeway alignment at Octavia Boulevard for ten blocks. Along Market Street, the Plan Area boundaries extend from 11th and Larkin Streets in the east to Noe and Scott Streets in the west. The boundary jogs north along Noe Street, Duboce Avenue, Scott Street, Waller Street, Webster Street, Oak Street, Buchanan Street, and Grove Street; continues north along the former Central Freeway alignment to include the area up to Turk Street between Laguna and Franklin Streets; and east of Franklin Street jogs south to Grove and Larkin Streets. The Project Area boundary extends south of Market Street between 10th and 11th Street to Howard Street. Extending west along Howard Street, the Project Area boundaries jog along Division, Clinton, Stevenson, Fourteenth, Guerrero, and Sixteenth Streets. The Project Area is comprised of 89 Assessor's Blocks in entirety or in part, including the whole of Blocks 759, 761, 768, 770, 783, 785, 792 to 794, 806 to 809, 813 to 819, 830 to 841, 850 to 858, 863 to 876, 3501 to 3506, 3512 to 3514, 3533 to 3538, 3541 to 3545, 3556 to 3560; and portions of 3507 (lot 40), 3510 (lots 49, 57), 3511 (lots 1, 23, 25, 31, 33, 74, 75, 80, 82, and 93), and 3532 (lots 14, 19B, 35, 36, 88, 89, 90 and 91).

Hearing # 8 – March 22, 2007 - Schedule for Planning Commission Hearing

- Respond to Commissioner comments on Affordable Housing, Height Controls and other topics (item a)
- Finalize Plan for Adoption (item a)
- Consider taking action to approve resolutions adopting amendments to the General Plan, Planning Code, Zoning Map and approving interim procedures within the project area (items b, c, d, e)

The Planning Commission has held a number of public hearings to consider Case No. 2003.0347MTZU. Hearings were held on October 26, 2006, Nov. 2, 2006, Nov. 9, 2006, Nov. 16, 2006, January 11, 2007, Feb. 8, 2007, and Feb. 15, 2007. At the hearings, the Planning Commission considered various aspects of the Project, including adopting General Plan, Planning Code and Zoning Map amendments and adopting interim procedures for review of projects within the plan area to realize the vision articulated by the community through the Market and Octavia community planning process. For more information on this six-year planning process, please visit our website at <http://marketoctavia.betterneighborhoods.org>. The Commission has considered staff presentations and public comment on specific aspects of the Plan and proposed amendments at each hearing. The Planning Commission will consider the following items and may take action on or after March 15, 2007. Be advised that due to the nature of the public hearings, the Commission may continue any particular hearing item and/or may not hear all items at the hearing. To confirm the final Commission Hearing schedule, on the week of the hearing please visit:

http://www.sfgov.org/site/planning_meeting.asp?id=15840 or call Aksel Olsen at 558-6616. For more information on this six-year planning process, please visit our website at <http://marketoctavia.betterneighborhoods.org>. In addition to providing information about the proposed General Plan, Planning Code and Zoning Map amendments, staff will also provide follow-up information on issues discussed at earlier hearings.

Together, the Commission actions are intended to implement the Market and Octavia Plan. In addition, an historic survey is currently being done of the project area; property owners considering constructing or altering a building in this area should consult with Planning Department staff to determine the historic resource status of their property. Property owners and interested parties are advised that height limits and other controls do not provide unqualified rights to development, but rather, proscribe the maximum potential building envelope that may be permitted; proposed buildings may not reach the maximum permitted building height/envelope. The Commission may also consider establishing interim procedures to guide the review of plans to construct new structures and alter existing structures to protect potentially eligible historic resources in the Plan Area prior to conclusion of an historic resources survey.

Members of the public may review a copy of the proposed amendments at the San Francisco Planning Department office at 1660 Mission Street 5th Floor, San Francisco, CA 94103, at the Public Library (the Main Library 100 Larkin St., and Harvey Milk branch library, 1 Jose Sarria Ct. (near 16th & Market Sts.)). An electronic copy of the proposed amendments and actions is available at <http://marketoctavia.betterneighborhoods.org>. At this hearing, the Planning Commission will consider the following aspects of the Plan:

- a. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS - Informational hearing on components of the Market and Octavia Plan. Described in item 23 above. Staff will respond to Commissioner comments and questions on affordable housing, height controls and other topics raised at earlier public hearings. The Planning Commission may also finalize the Plan for adoption of amendments to the General Plan, Planning Code, Zoning Map and adoption of interim procedures for review of projects within the Plan area.
Preliminary Recommendation: Informational Item, no action requested.
- b. 2003.0347MTZU J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS
Adoption of amendments to the General Plan for the area described in item 23 above. The proposed General Plan amendment would add a new area plan, the Market and Octavia Area Plan, and make related amendments to the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan.
Preliminary Recommendation: Adopt a Draft Resolution amending the General Plan.
- c. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS
Adoption of amendments to the Planning Code for the area described in item 23 above. The proposed Planning Code amendment would revise Planning Code controls, including controls for land use, height and bulk, building design, loading, parking and establish new fees.
In order to fund the community improvements identified in the Plan, the Program document proposes to establish a Development Impact Fee, requiring the growth that generates the demand for additional infrastructure and services to provide some of the revenue required to fund the improvements. The proposal establishes a development impact fee on new residential and commercial development in the Plan Area. The fee

proposal is \$10.00 per square foot of residential development, and \$4.00 per square foot of commercial development.

To encourage the provision of necessary and desirable public infrastructure improvements and also in order to mitigate the impacts of this increased localized density, the Department has established the Van Ness and Market Neighborhood Infrastructure Fund. Developers may provide in-kind public improvements (such as open space or streetscape improvements) or proportional in-lieu contributions to this fund that will allow the city to develop these facilities. The Department estimates that no more than 6 potential development sites would benefit from participating in the program. The Department has set the value of the additional FAR at par with the current market value of historic TDR credits (\$15 per square foot).

Preliminary Recommendation: Adopt a Draft Resolution amending the Planning Code.

- d. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS

Adoption of amendments to the Zoning Map for the area described in item 23 above.

The proposed Zoning Map amendment would revise Maps 2 and 2H, 7 and 7H, and 2SU and 7SU. The proposed Planning Code text and map (Zoning Map) amendments would a) establish three new zoning districts, b) amend the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts (NCDs), c) update height and bulk districts, d) establish the Market and Octavia Community Improvements Impact Fee, and e) make related revisions necessary to implement the General Plan. The proposed changes are described in greater detail in Case 2003.0347T (above). As part of Case No. 2003.0347T, the proposed Planning Code text amendment would revise Planning Code controls, including controls for land use, height and bulk, building design, loading, parking and establish new fees. The proposed amendments are described more fully below:

Establishment of Three Zoning Districts in the Plan Area

The Transit-Oriented Residential Use District (RTO) will replace most of the RH and RM districts zoning north and south of the Market Street corridor, extending north to Turk Street, west to Noe and Scott Streets, and South to Sixteenth Street. The proposed RTO district will encourage moderate-density, multi-family, and residential infill. Because of the availability of transit service, proximity of retail and services within walking distance, and limitation on permitted parking the RTO permits the construction of some housing without accessory parking. Parking controls will establish maximum caps (instead of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing within buildings in keeping with neighborhood scale. Proposed heights in Residential Transit Oriented (RTO) Districts and RH districts primarily remain 40 and 50 feet as currently classified; in some RTO areas, permitted heights will change from 50, 80 and 105 feet to 40 and 50 feet.

A Neighborhood Commercial Transit District (NCT) will overlay the Hayes-Gough Neighborhood Commercial District and portions of the Upper Market and Valencia Neighborhood Commercial Districts within the Market and Octavia neighborhood. In named NCT and NC-1 (T) districts, parking controls will establish maximum caps (instead of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing above ground-floor retail uses. These districts will largely keep the existing specific use-size controls. They include current Neighborhood Commercial Districts (Hayes-Gough, portions of the Upper Market, Valencia) and several parcels currently zoned NC-1.

The Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) will permit the development of a transit-oriented, high-density, mixed-use neighborhood around the intersections of Van Ness Avenue and Market Street and South Van Ness Avenue and Mission Street. This SUD will overlay existing C-3-G districts and existing C-M districts will be rezoned to C-3-G with this new VNMDR-SUD. Parking controls will establish maximum caps (instead of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing in buildings with mixed-used

podiums and some residential towers at two key intersections: Market Street and Van Ness Avenue and Mission Street and South Van Ness Avenue. Proposed heights in the Van Ness and Market Downtown Residential Use District (VNMDR-SUD) will change from 120, 130, 150, 160, 200 and 320 feet to 85, 120, 200, 320 and 400 feet; towers will be permitted over a podium of 85 or 120 feet; the highest towers will be permitted in the vicinity of the Market Street/Van Ness Avenue intersections.

In the Transit-Oriented Neighborhood Commercial Use Districts (NCT), height districts will change from 50, 80 and 105 feet to primarily 55, 65 and 85 feet; these districts will be located in SoMa West and along Market Street. The NCT district will largely replace C-M and NC-3 districts. In the NCT district, parking controls will establish maximum caps (instead of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing above ground-floor retail uses. These districts will largely keep the existing specific use-size controls in place in the NC-3 district. Some heights on some parcels near Brady Street will change from 105 and 60 feet to 40 feet and 85 feet on parcels surrounding a proposed public open space.

Preliminary Recommendation: Adopt a Draft Resolution amending the Zoning Map.

- e. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395) MARKET AND OCTAVIA PLAN AMENDMENTS - Adoption of a resolution establishing interim procedures for the area described in item 23 above. Case Establishing interim procedures for Planning Department use for review of projects proposed within the Market and Octavia Plan area to protect potential historic buildings and potential eligible historic district or districts until an historic resources survey (Survey) is completed and the results of the Survey are incorporated into the Market and Octavia Plan and implementing instruments.

Preliminary Recommendation: Adopt a Draft Resolution adopting interim procedures.

H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

- 16c. 2006.0584KXCV (M. LI: (415) 558-6396)
1407-1435 MARKET STREET AND 16-70 TENTH STREET - southwest corner of Tenth and Market Streets; Lot 041 (a portion of the former Lot 039) in Assessor's Block 3507 - **Request for an elevator penthouse height exemption and usable open space dimension, dwelling unit exposure, hazard-level wind, and loading entry variances** in connection with the mixed-used project described in Item 16a. The request for exemptions/variances will be considered by the Zoning Administrator.
 (Continued from Regular Meeting of March 22, 2007)

6:00 P.M.**D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

17. 2003.0347E (R. AHMADI: (415)-558-5966)
MARKET & OCTAVIA NEIGHBORHOOD PLAN - **Certification of Final Environmental Impact Report** - The project area lies to the west of the City's downtown financial district and sits at the junction of several neighborhoods, including, Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market. The proposed neighborhood plan would reclassify the existing zoning from Residential Districts (R), Neighborhood Commercial Districts (NCD's), Moderate-Scale Neighborhood Commercial (NC-3), and Heavy Commercial (C-M) to Downtown General Commercial Districts (C-3-G), Residential Transit Oriented (RTO), Neighborhood Commercial Transit Districts (NCT), Neighborhood Commercial-Transit, and Moderate-Scale Mixed Use Districts (NCT-3). It would also increase height limits in certain areas and reduce height limits in other areas. The proposed zoning and height reclassifications would increase the potential for residential development in the area.
 Preliminary Recommendation: Certify the Final Environmental Impact Report.
Please note: The public review period for the Draft Environmental Impact Report is closed. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.
 (Continued from Regular Meeting of March 8, 2007)
NOTE: On March 22, 2007, following public testimony, the Commission closed public hearing and passed a motion of intent to certify by a vote of +4 -1. Commissioner Moore voted no. Commissioners Alexander and Sugaya were absent.
18. 2003.0347E (R. AHMADI: 414-558-5966)
MARKET & OCTAVIA NEIGHBORHOOD PLAN - **Adoption of CEQA Findings Related to EIR and Potential Project Approval Action** - The project includes proposed amendments to the General Plan, Planning Code and Zoning Map. The project area lies to the west of the City's downtown financial district and sits at the junction of several neighborhoods, including, Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market. The proposed neighborhood plan would: (1) amend the General Plan, adding a new Area

Plan (the Market and Octavia Area Plan) and make related amendments to the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South of Market Area Plan and the Land Use Index; and (2) amend the Planning Code and Zoning Map to reclassify the existing zoning from Residential Districts (R), Neighborhood Commercial Districts (NCD's), Moderate-Scale Neighborhood Commercial (NC-3), and Heavy Commercial (C-M) to Downtown General Commercial Districts (C-3-G), Residential Transit Oriented (RTO), Neighborhood Commercial Transit Districts (NCT), Neighborhood Commercial-Transit, Moderate-Scale Mixed Use Districts (NCT-3). The project would also increase height limits in certain areas and reduce height limits in other areas, and establish new fees. The proposed zoning and height reclassifications would increase the potential for residential development in the area.

Preliminary Recommendation: Adopt CEQA Findings.

(Continued from Regular Meeting of March 8, 2007)

NOTE: On March 22, 2007, following public testimony, the Commission closed public hearing and passed a motion of intent to adopt by a vote of +4 -1. Commissioner Moore voted no. Commissioners Alexander and Sugaya were absent.

- 19a. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395) MARKET AND OCTAVIA PLAN AMENDMENTS - The Planning Commission will consider adopting General Plan, Planning Code, Zoning Map amendments and approve other actions related to the Market and Octavia Plan. On March 22, 2007, the Planning Commission adopted a Motion of Intent to adopt amendments to the General Plan, Planning Code, Zoning Map and other approval actions. The Plan encompasses an irregularly shaped area in northeast San Francisco. It extends two to three blocks in width along Market Street for ten blocks and extends north along the former Central Freeway alignment at Octavia Boulevard for ten blocks. Along Market Street, the Plan Area boundaries extend from 11th and Larkin Streets in the east to Noe and Scott Streets in the west. The boundary jogs north along Noe Street, Duboce Avenue, Scott Street, Waller Street, Webster Street, Oak Street, Buchanan Street, and Grove Street; continues north along the former Central Freeway alignment to include the area up to Turk Street between Laguna and Franklin Streets; and east of Franklin Street jogs south to Grove and Larkin Streets. The Project Area boundary extends south of Market Street between 10th and 11th Street to Howard Street. Extending west along Howard Street, the Project Area boundaries jog along Division, Clinton, Stevenson, Fourteenth, Guerrero, and Sixteenth Streets. The Project Area is comprised of 89 Assessor's Blocks in entirety or in part, including the whole of Blocks 759, 761, 768, 770, 783, 785, 792 to 794, 806 to 809, 813 to 819, 830 to 841, 850 to 858, 863 to 876, 3501 to 3506, 3512 to 3514, 3533 to 3538, 3541 to 3545, 3556 to 3560; and portions of 3507 (lot 40), 3510 (lots 49, 57), 3511 (lots 1, 23, 25, 31, 33, 74, 75, 80, 82, and 93), and 3532 (lots 14, 19B, 35, 36, 88, 89, 90 and 91).

Hearing # 9 - April 5, 2007 - Schedule for Planning Commission Consideration

- Respond to Commissioner comments and questions.
- Consider taking action to approve resolutions adopting amendments to the General Plan, Planning Code, Zoning Map and approving interim procedures within the project area (items a, b, c, d)

The Planning Commission has held a number of public hearings to consider Case No. 2003.0347MTZU. Hearings were held on October 26, 2006, Nov. 2, 2006, Nov. 9, 2006, Nov. 16, 2006, January 11, 2007, Feb. 8, 2007, and Feb. 15, 2007, and March 22, 2007. At the hearings, the Planning Commission considered various aspects of the Project, and on March 22, 2007, passed a Motion of intent to adopt General Plan, Planning Code and Zoning Map amendments and adopt interim procedures for review of projects within the

plan area to realize the vision articulated by the community through the Market and Octavia community planning process. For more information on this six-year planning process, please visit our website at <http://marketoctavia.betterneighborhoods.org>. The Commission has considered staff presentations and public comment on specific aspects of the Plan and proposed amendments at each hearing. The Planning Commission will consider the following items and may take action on or after April 5, 2007. Be advised that due to the nature of the public hearings, the Commission may continue any particular hearing item and/or may not hear all items at the hearing. To confirm the final Commission Hearing schedule, on the week of the hearing please visit: http://www.sfgov.org/site/planning_meeting.asp?id=15840 or call Aksel Olsen at 558-6616. For more information on this six-year planning process, please visit our website at <http://marketoctavia.betterneighborhoods.org>. In addition to providing information about the proposed General Plan, Planning Code and Zoning Map amendments, staff will also provide follow-up information on issues discussed at earlier hearings.

Together, the Commission actions are intended to implement the Market and Octavia Plan. In addition, an historic survey is currently being done of the project area; property owners considering constructing or altering a building in this area should consult with Planning Department staff to determine the historic resource status of their property. Property owners and interested parties are advised that height limits and other controls do not provide unqualified rights to development, but rather, proscribe the maximum potential building envelope that may be permitted; proposed buildings may not reach the maximum permitted building height/envelope. The Commission may also consider establishing interim procedures to guide the review of plans to construct new structures and alter existing structures to protect potentially eligible historic resources in the Plan Area prior to conclusion of an historic resources survey.

Members of the public may review a copy of the proposed amendments at the San Francisco Planning Department office at 1660 Mission Street 5th Floor, San Francisco, CA 94103, at the Public Library (the Main Library 100 Larkin St., and Harvey Milk branch library, 1 Jose Sarria Ct. (near 16th & Market Sts.)). An electronic copy of the proposed amendments and actions is available at <http://marketoctavia.betterneighborhoods.org>. At this hearing, the Planning Commission will consider the following aspects of the Plan:

- 19b. 2003.0347MTZU J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS - Adoption of amendments to the General Plan for the area described in item 19a above. The proposed General Plan amendment would add a new area plan, the Market and Octavia Area Plan, and make related amendments to the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan. On Sept. 28, 2006, the Planning Commission adopted Res. 17312, a Resolution of Intention to initiate amendments to the General Plan
Preliminary Recommendation: Adopt a Draft Resolution amending the General Plan.
NOTE: On March 22, 2007, following public testimony, the Commission closed public hearing and passed a motion of intent to adopt/approve by a vote of +4 -1. Commissioner Moore voted no. Commissioners Alexander and Sugaya were absent.
- 19c. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS - Adoption of amendments to the Planning Code for the area described in item 19a above. The proposed Planning Code amendment would revise Planning Code controls, including controls for land use, height and bulk, building design, loading, parking and establish new fees. On Sept. 28, 2006, the Planning Commission adopted Res. 17313, a Resolution of Intention to initiate amendments to the Planning Code.

In order to fund the community improvements identified in the Plan, the Program document proposes to establish a Development Impact Fee, requiring the growth that generates the demand for additional infrastructure and services to provide some of the revenue required to fund the improvements. The proposal establishes a development impact fee on new residential and commercial development in the Plan Area. The fee proposal is \$10.00 per square foot of residential development, and \$4.00 per square foot of commercial development.

To encourage the provision of necessary and desirable public infrastructure improvements and also in order to mitigate the impacts of this increased localized density, the Department has established the Van Ness and Market Neighborhood Infrastructure Fund. Developers may provide in-kind public improvements (such as open space or streetscape improvements) or proportional in-lieu contributions to this fund that will allow the city to develop these facilities. The Department estimates that no more than 6 potential development sites would benefit from participating in the program. The Department has set the value of the additional FAR at par with the current market value of historic TDR credits (\$15 per square foot).

Preliminary Recommendation: Adopt a Draft Resolution amending the Planning Code.

NOTE: On March 22, 2007, following public testimony, the Commission closed public hearing and passed a motion of intent to adopt/approve by a vote of +4 -1. Commissioner Moore voted no. Commissioners Alexander and Sugaya were absent.

- 19d. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395)
MARKET AND OCTAVIA PLAN AMENDMENTS - Adoption of amendments to the Zoning Map for the area described in item 19a above. The proposed Zoning Map amendment would revise Maps 2 and 2H, 7 and 7H, and 2SU and 7SU. The proposed Planning Code text and map (Zoning Map) amendments would a) establish three new zoning districts, b) amend the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts (NCDs), c) update height and bulk districts, d) establish the Market and Octavia Community Improvements Impact Fee, and e) make related revisions necessary to implement the General Plan. The proposed changes are described in greater detail in Case 2003.0347T (above). As part of Case No. 2003.0347T, the proposed Planning Code text amendment would revise Planning Code controls, including controls for land use, height and bulk, building design, loading, parking and establish new fees. On Sept. 26, 2006, the Planning Commission adopted Res. No. 17314, a Resolution of Intention to initiate amendments to the Zoning Map. The proposed amendments are described more fully below: Establishment of Three Zoning Districts in the Plan Area

The Transit-Oriented Residential Use District (RTO) will replace most of the RH and RM districts zoning north and south of the Market Street corridor, extending north to Turk Street, west to Noe and Scott Streets, and South to Sixteenth Street. The proposed RTO district will encourage moderate-density, multi-family, and residential infill. Because of the availability of transit service, proximity of retail and services within walking distance, and limitation on permitted parking the RTO permits the construction of some housing without accessory parking. Parking controls will establish maximum caps (instead of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing within buildings in keeping with neighborhood scale. Proposed heights in Residential Transit Oriented (RTO) Districts and RH districts primarily remain 40 and 50 feet as currently classified; in some RTO areas, permitted heights will change from 50, 80 and 105 feet to 40 and 50 feet.

A Neighborhood Commercial Transit District (NCT) will overlay the Hayes-Gough Neighborhood Commercial District and portions of the Upper Market and Valencia Neighborhood Commercial Districts within the Market and Octavia neighborhood. In named NCT and NC-1 (T) districts, parking controls will establish maximum caps (instead

of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing above ground-floor retail uses. These districts will largely keep the existing specific use-size controls. They include current Neighborhood Commercial Districts (Hayes-Gough, portions of the Upper Market, Valencia) and several parcels currently zoned NC-1.

The Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) will permit the development of a transit-oriented, high-density, mixed-use neighborhood around the intersections of Van Ness Avenue and Market Street and South Van Ness Avenue and Mission Street. This SUD will overlay existing C-3-G districts and existing C-M districts will be rezoned to C-3-G with this new VNMDR-SUD. Parking controls will establish maximum caps (instead of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing in buildings with mixed-used podiums and some residential towers at two key intersections: Market Street and Van Ness Avenue and Mission Street and South Van Ness Avenue. Proposed heights in the Van Ness and Market Downtown Residential Use District (VNMDR-SUD) will change from 120, 130, 150, 160, 200 and 320 feet to 85, 120, 200, 320 and 400 feet; towers will be permitted over a podium of 85 or 120 feet; the highest towers will be permitted in the vicinity of the Market Street/Van Ness Avenue intersections.

In the Transit-Oriented Neighborhood Commercial Use Districts (NCT), height districts will change from 50, 80 and 105 feet to primarily 55, 65 and 85 feet; these districts will be located in SoMa West and along Market Street. The NCT district will largely replace C-M and NC-3 districts. In the NCT district, parking controls will establish maximum caps (instead of existing minimum requirements) and housing density will be controlled by building envelope to encourage housing above ground-floor retail uses. These districts will largely keep the existing specific use-size controls in place in the NC-3 district. Some heights on some parcels near Brady Street will change from 105 and 60 feet to 40 feet and 85 feet on parcels surrounding a proposed public open space.

Preliminary Recommendation: Adopt a Draft Resolution amending the Zoning Map.

NOTE: On March 22, 2007, following public testimony, the Commission closed public hearing and passed a motion of intent to adopt/approve by a vote of +4 -1. Commissioner Moore voted no. Commissioners Alexander and Sugaya were absent.

- 19e. 2003.0347MTZU (J. BILLOVITS (415) 558-6390/A. RODGERS: (415) 558-6395) MARKET AND OCTAVIA PLAN AMENDMENTS - Adoption of a resolution establishing interim procedures for the area described in item 19a above Case establishing interim procedures for Planning Department use for review of projects proposed within the Market and Octavia Plan area to protect potential historic buildings and potential eligible historic district or districts until an historic resources survey (Survey) is completed and the results of the Survey are incorporated into the Market and Octavia Plan and implementing instruments.

Preliminary Recommendation: Adopt a Draft Resolution adopting interim procedures.

NOTE: On March 22, 2007, following public testimony, the Commission closed public hearing and passed a motion of intent to adopt/approve by a vote of +4 -1. Commissioner Moore voted no. Commissioners Alexander and Sugaya were absent.

F. COMMISSIONERS' QUESTIONS AND MATTERS

20. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

DIRECTOR'S OFFICE
PHONE: 558-6411

4TH FLOOR
FAX: 558-6426

ZONING ADMINISTRATOR
PHONE: 558-6350

5TH FLOOR
FAX: 558-6409

PLANNING INFORMATION
PHONE: 558-6377

MAJOR ENVIRONMENTAL
FAX: 558-5991

COMMISSION CALENDAR
INFO: 558-6422

INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

EXHIBIT D
CSFN FILING --6/7/07
Page 1 of 2

February 27, 2007

Members, Planning Commission
SF Planning Department
1660 Mission Street – 5th Floor
San Francisco, CA 94103

RE: Market Octavia Neighborhood Commercial Transit District Notice

Commissioners:

You have requested my opinion, in consultation with the City Attorney, on three items:

1. Since the NC-T district could potentially be adopted in other areas, should there have been broader notice than just to the Market-Octavia Plan Area?
2. Since the Market Octavia Plan introduces a new district, the Neighborhood Commercial, Transit (NC-T) District, does this district, per se, apply to any other districts or areas of the City.
3. What form of environmental review is required for the creation of a new zoning classification or district?

The Department has introduced, or is contemplating, new zoning districts in a number of areas. For example, the Rincon Hill Plan introduced a Downtown Residential (DTR) District. The Department is also considering new PDR-1 and PDR-2 Districts. These are in addition to the NC-T Districts. However, at this time, the Planning Commission is formally only considering applying the NC-T District within the Market-Octavia District. There are draft proposals under consideration for NC-T Districts in the Eastern Neighborhoods. These would be noticed as part of the Eastern Neighborhoods process.

The Department noticed the proposed NC-T District as part of the Market-Octavia Plan Area. Since neither the Department nor the Planning Commission are officially proposing the NC-T District for any other portions of the City at this time, no other notice, either Citywide or more focused, is required.

At the time of the Rincon Hill Plan amendments, only the Rincon Hill area was noticed, properly so. While the Department might propose in the future, and the Commission might eventually adopt, a DTR or NC-T District elsewhere in the City, there is no official pending proposal to do so. Accordingly, no notice is required to other areas in the City. The mere creation of a new type of zoning district does not require notice citywide. When, and if a new NC-T district is proposed, proper notice is required to be provided.

In answer to your second question, the amendments to the Market-Octavia Plan will have no applicability outside of the Market & Octavia Plan Area. Any extension of the NC-T would require notice to that area and hearings before adoption.

The third question raised is whether some form of environmental review is required for the creation of a new zoning classification or district. The mere (theoretical) creation of a new zoning category does not have any physical effect on the environment. The physical effect on the environment will occur when the zoning classification is applied to a particular area of the City. At that time, the zoning ordinance putting that new zoning classification into effect in a specified location would require environmental review and the physical effects of applying the zoning classification in a specified area would be analyzed under the California Environmental Quality Act.

If anyone has substantial reason to believe that there is an error in the interpretation of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, this determination may be appealed to the Board of Appeals within fifteen (15) days from the date of this letter. For further information regarding the appeals process, please contact the Board of Appeals, 1660 Mission Street, Room 3036, San Francisco, or by telephone at (415) 575.6880.

Sincerely,



Lawrence B. Badiner
Zoning Administrator

- Preserve the character of the Mission
- Encourage compatible housing, particularly family affordable housing
- Enhance the character of neighborhood commercial areas
- Establish new mixed use areas
- Protect important production, distribution, and repair activities

The following land use districts are proposed (*see page 10*):

Neighborhood Commercial Transit (NC-T)

This district encourages active ground floor uses by requiring minimum ceiling heights for retail uses, prohibiting new curb cuts on some of the blocks and limiting blank walls. Housing is encouraged on the upper stories with an increased amount of below market rate (BMR) inclusionary housing where up-zoning has occurred. This district would apply to Mission, Valencia and 24th Street.

Residential Transit Oriented (RTO)

This district encourages residential infill development compatible with the surrounding neighborhood. Small-scale, neighborhood oriented corner stores are permitted in order to provide goods and services to nearby residents and to create a more pleasant urban environment.

Mixed Use – PDR (MU-PDR) (formerly Urban Mixed Use)

The intent of this district is to create mixed-use places that also serve as transitional areas between established residential neighborhoods and areas intended for PDR and other business activities. It allows housing, office, and other uses and requires some PDR space in new development.

PDR

The intent of this district is to encourage new business formation, support existing businesses, and to

conserve space for Production, Distribution, and Repair (PDR) businesses, including arts activities. In order to protect PDR, certain uses such as housing and downtown office are prohibited in this district.

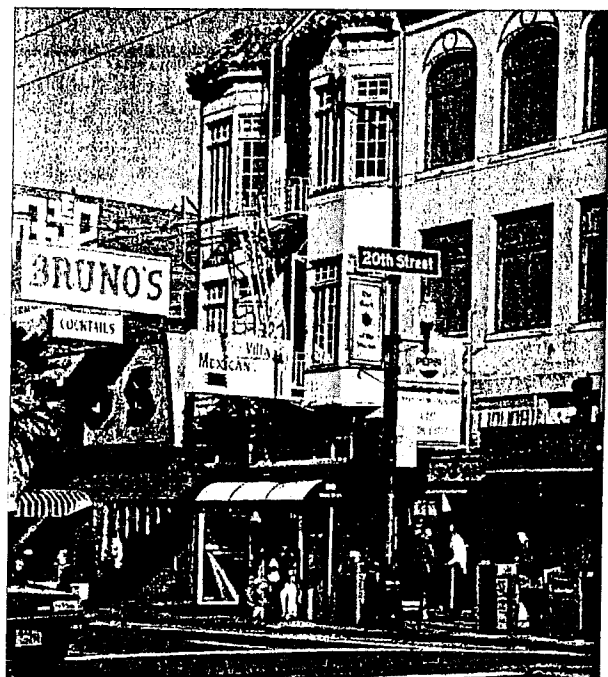
Affordable Housing Overlay

Operating in conjunction with the proposed underlying zoning, the intent of the affordable housing overlay is to encourage affordable housing development that is well served by transit, while protecting existing neighborhood serving uses including PDR activities such as auto repair businesses and arts activities.

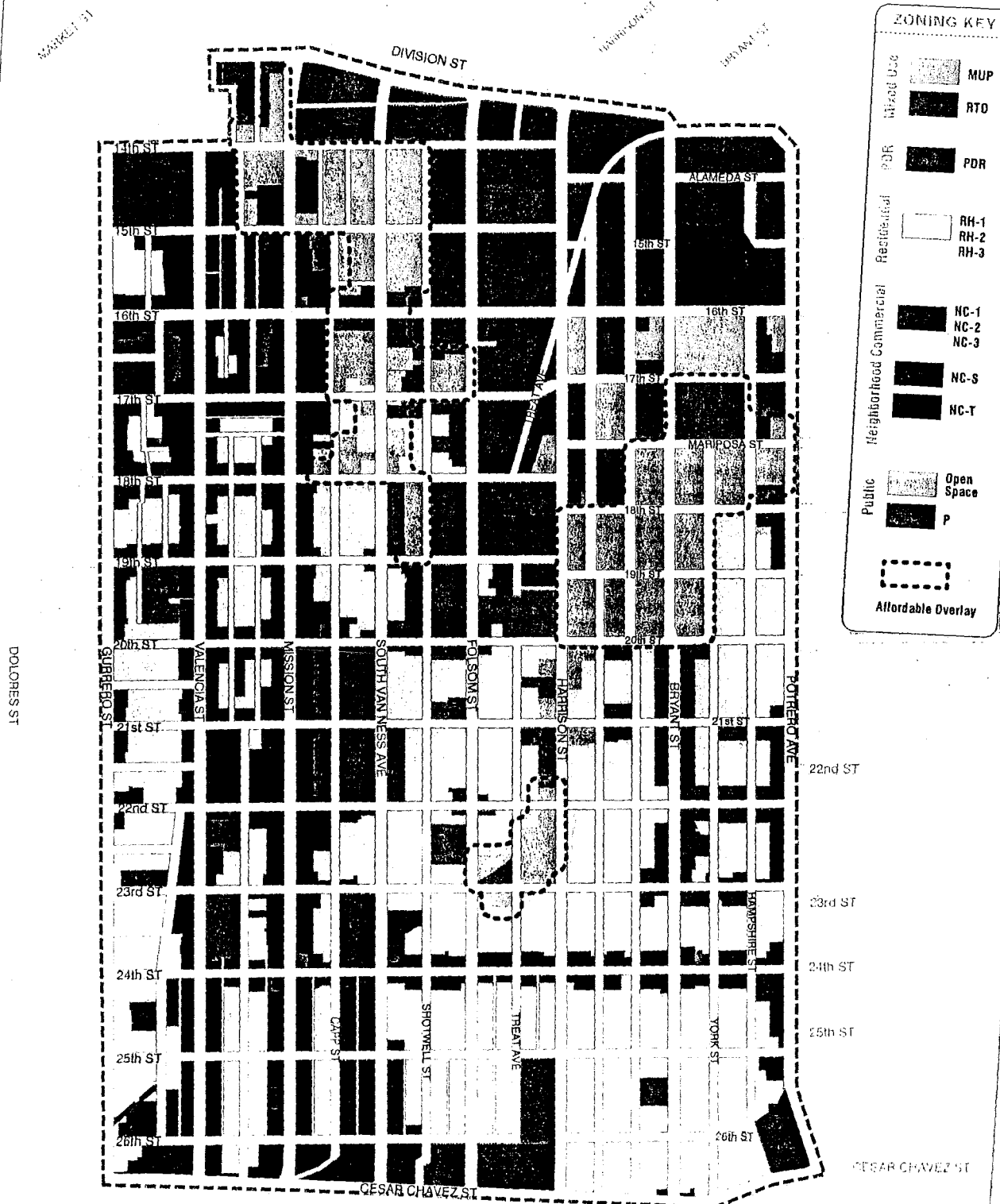
Policy 1.1.2

Generally retain existing heights while allowing for some change where appropriate.

Heights should generally remain the same along Mission Street, and refined to better reflect the presence of the BART stations at 16th and 24th Streets as well as the adjacent north/south alleys. For the north/south alleys adjacent to Mission and Valencia Streets, heights have been slightly decreased to 40' to ensure greater levels of sunlight and air. The existing heights of 40' in the residential area south of 20th Street and east of South Van Ness are retained, while an increase to 55' north of 20th Street is proposed to allow for taller, more flexible ground floor spaces for businesses.



Proposed Zoning



ZONING KEY	
Industrial Use	MUP
	RTD
PDR	PDR
Residential	RH-1 RH-2 RH-3
Neighborhood Commercial	NC-1 NC-2 NC-3 NC-S NC-T
Public Open Space	Open Space P
	Affordable Overlay



SAN FRANCISCO PLANNING DEPARTMENT

supporting commercial uses. The commercial uses are those permitted in C-2 Districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-2 Districts, except that rear yards are somewhat smaller and need not be at ground level, and front setback areas are not required.

RC-3 Districts: Medium Density. These districts provide for a mixture of medium-density dwellings similar to those in RM-3 Districts, with supporting commercial uses. The commercial uses are those permitted in C-2 Districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-3 Districts, except that rear yards need not be at ground level and front setback areas are not required.

RC-4 Districts: High Density. These districts provide for a mixture of high-density dwellings similar to those in RM-4 Districts with supporting commercial uses. The commercial uses are those permitted in C-2 Districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-4 Districts, except that rear yards need not be at ground level and front setback areas are not required. The high-density and mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements. (Added by Ord. 443-78, App. 10/6/78)

SEC. 207. DENSITY OF DWELLING UNITS IN R DISTRICTS.

The density of dwelling units permitted in the various R Districts shall be as set forth in Sections 207.1, 207.2, 207.5 and 209.1 of this Code. The term "dwelling unit" is defined in Section 102.7 of this Code. (Amended by Ord. 155-84, App. 4/11/84; Ord. 115-90, App. 4/6/90)

SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.

The following rules shall apply in the calculation of dwelling unit densities under this Code:

(a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot.

Fractional numbers shall be adjusted downward to the next lower whole number of dwelling units.

(b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this Code, two or more of the dwelling and other housing uses specified in said sections may be located on a single lot, either in one structure or in separate structures, provided that the specified density limits are not exceeded by the total of such combined uses. Where dwelling units and group housing are combined, the maximum permitted density for dwelling units and for group housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

(c) Where any portion of a lot is narrower than five feet, such a portion shall not be counted as part of the lot area for purposes of calculating the permitted dwelling density.

(d) No private right-of-way used as the principal vehicular access to two or more lots shall be counted as part of the lot area of any such lot for purposes of calculating the permitted dwelling unit density.

(e) Where a lot is divided by a use district boundary line, the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the dwelling units attributable to the district permitting the greater density shall be located in the district permitting the lesser density. (Added by Ord. 443-78, App. 10/6/78; amended by Ord. 115-90, App. 4/6/90)

SEC. 207.2. SECOND UNITS.

(a) Second units, as defined and referred to in Government Code Section 65852.2, are precluded in RH-1(D) and RH-1 zoned areas, except where second units are currently permitted under Section 209.1(m) for units designed for and occupied by senior citizens or physically handicapped persons and except as may hereafter be permitted by later amendments to this Code governing second units.

(b) Government Code Section 65852.2 requires a City to adopt either an ordinance permitting or precluding second units within single-family and multifamily zoned areas or, in the alternative, to be subject to certain restrictions set forth in Government Code Section 65852.2(b). The provisions of this ordinance, in light of other provisions of the City Planning Code governing second units, do not result

in the total preclusion of second units within single-family and multifamily zoned areas and therefore San Francisco has a legislative scheme which complies with Government Code Section 65852.2(a). In the event that it is determined, however, that San Francisco's legislative scheme does not comply with Government Code Section 65852.2(a), the following findings are made with the intent of complying with Government Code Section 65852.2(c).

(1) San Francisco's total land area is approximately 49 square miles and much of this land is not open to development because of topography or public ownership. San Francisco does not have the option open to many other cities of annexing undeveloped land currently outside its borders.

(2) San Francisco already has higher density development than other cities in California, both in terms of units per square feet of lot area and in terms of units per linear feet of street frontage. The density for housing development in San Francisco ranges from 4,000 square feet of lot area per unit in RH-1(D) (House, One-Family Detached Dwellings) Districts to 200 square feet per unit in RM-4 (Mixed Residential, High Density) Districts. Except for districts which require a lot width of 33 feet and an area of 4,000 square feet, the minimum lot size for housing development is 2,500 square feet in area, following the standard lot size in San Francisco (25 × 100 square feet), or 1,750 square feet for lots within 125 feet of a corner. This density and lot size requirement allows greater density than other jurisdictions in California where the typical density and lot size is about 5,000 square feet per unit for single-family dwellings and 1,500 square feet per unit for multifamily development.

(3) San Francisco is the most densely populated city in California. It is the fourth most densely populated city in the nation following only New York City and two cities in New Jersey (Jersey City and Patterson).

(4) The limited land area and the limited developable land area of San Francisco make it difficult to provide sites to replace single-family houses lost through conversion to a higher density. Once single-family homes are converted into multiple dwelling structures by the addition of a second unit, single-family housing stock is eliminated from the

existing supply of single-family homes. The irrevocable loss of the limited supply of single-family housing stock throughout the City will adversely affect the health, safety and welfare of San Francisco residents.

(5) Single-family residences have in recent years been demolished at a faster rate than any other residential structures in the City primarily because new multiple-unit residential development in the City often occurs as the result of the demolition of single-family homes in multiple-unit districts. Single-family homes were 37 percent of the residential units demolished in 1984, and 61 percent of the residential units demolished in 1983. Single-family homes represented an even larger percentage of the residential structures demolished. Single-family homes were 86 percent of the residential structures demolished in 1984, and 74.4 percent of the residential structures demolished in 1983.

(6) Single-family structures represent only 1/3 of all residential structures in San Francisco compared to 60 percent of the residential structures in the State of California. Single-family homes accounted for 18 percent of the new housing units in San Francisco in 1984, and 7 percent of the new units in 1983. Other jurisdictions in California had single-family structures representing approximately 50 percent of their new residential building permits for the same period.

(7) The number of families in San Francisco declined in the years from 1970 to 1980, as evidenced by the school enrollment for the population group under 15 years old. The decline in enrollment was from 106,900 to 83,790. The zoning policy of the City and County of San Francisco should encourage families to live in the City rather than encouraging them to leave the City. A further decline in the number of families living in the City is detrimental to the public health, safety and welfare.

(8) The addition of second units to single-family dwellings usually results in an increase in the cost of those dwellings, and, in addition, to the cost of the remaining smaller supply of single-family homes without second units. An increase in the cost of these types of dwellings will discourage families from living in the City because the cost of dwellings most suitable for families will be beyond the means of many who would otherwise live in the City.

(9) San Francisco will probably face a need for more large units in the future than it did in the past, as the population ages and the new baby boom continues. Many women born between 1945 and 1952 who delayed child-bearing during the 1970's are now having babies at the same rate as women born after 1952.

(10) The addition of second units in single-family houses throughout the City will irrevocably deplete its limited supply of single-family homes and discourage families from living in the City by removing the type and size of dwelling units most suitable for families. Many of the residential parcels in the City are less than 2,500 square feet in size or 1,750 square feet for corner lots and do not meet minimum lot size standards. Many of these parcels were developed without required garages or with minimal garage space, and do not comply with existing off-street parking requirements. The addition of second residential units in these areas could only worsen existing congestion.

(11) Parking problems are severe in a number of areas of the City because of its dense population. The addition of second units in such areas will exacerbate the parking problem. Imposing off-street parking requirements on secondary units would only partially alleviate that problem in that additional units cause increased traffic other than that engaged in by the occupants of the units (such as persons visiting the occupants for social or business purposes) as well as by the occupants of the units.

(12) Increased parking problems in areas of the City already burdened with traffic congestion adversely affects the health, safety and welfare of the residents of such areas by interfering with access to off-street parking spaces, requiring additional police services to control traffic problems and unlawful parking, requiring occupants and visitors to park further from their homes (thereby also exposing themselves to greater inconvenience and, in some instances, threat to safety), and interfering with access by emergency vehicles during an emergency (a problem which is further complicated in areas with narrow streets, winding roads, and other topographical features which make access by vehicles difficult).

(13) A need exists in San Francisco for additional affordable housing. Allowing second units in RH-1(D) and RH-1 Districts is one means of providing such

housing. However, to allow second units without restriction in all areas currently zoned RH-1(D) and RH-1 would adversely affect the health, safety and welfare of the public by permitting the conversion of an undue number of single-family houses to multi-family units; by eliminating low-density residential areas in the City and thereby depriving those who desire to live in the City without the stress of living in higher-density areas of their opportunity to do so; and by permitting second units to be added in areas where undue traffic congestion and the attendant difficulties described above, will occur.

(14) A further period of time is needed in order to determine those areas of the City where the traffic congestion problems described above would be least likely to occur and where second units may therefore be permitted without adverse impact to the public.

(15) There are no large districts suitable for the provision of second units, but instead there are small subareas which must be reviewed on a case-by-case basis with community participation in the review process. A case-by-case review is needed in order to determine those areas of the City where the traffic congestion problems described above would be least likely to occur and where second units may therefore be permitted without adverse impact to the public. Furthermore:

(A) The City Planning Code presently permits a secondary unit in all single-family homes in RH-1(S) (House, One-Family with Minor Second Unit), RH-2 (House, Two-Family) and RH-3 (House, Three-Family) Districts no matter what the lot size. Second units in single-family homes are permitted in all other multifamily residential districts (all RM and RC Districts), depending on the size of the lot.

(B) The City Planning Code Section 209.1(c) permits the mapping of the RH-1(S) (House, One-Family with Minor Second Unit) District. These RH-1(S) Zoning Districts provide for a two-family dwelling with the second dwelling limited to 600 square feet of net floor area. The second unit remains subordinate to the owner's unit and the structures retain the appearance of single-family dwellings. The RH-1(S) Zoning District has been mapped in four areas of the City. Additional mapping of the RH-1(S) Zoning District may be used to legalize existing secondary units in single-family homes and to increase the number of secondary units.

(C) Dwellings specifically designed for and occupied by senior citizens and handicapped persons are presently permitted at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted as a principal use in the district by the City Planning Code (Section 209.1(m)).

(16) Restricting second units in single-family homes in San Francisco's RH-1(D) and RH-1 Zoning Districts may limit the housing opportunities of the region. However, over time, applications for RH-1(S) zoning designation may be reviewed on a case-by-case basis by the City Planning Commission and its staff, the Board of Supervisors and the Mayor and where second units would be appropriate and would not adversely affect the public health, safety and welfare of residents of the City and County of San Francisco, such rezoning applications would be approved. Neither the provisions of this Section nor those of Government Code Section 65852.2 preclude the City from hereafter amending this Code in order to permit second units in additional situations designed to address specific housing needs and circumstances unique to San Francisco.

(17) San Francisco has been and will continue to be a major provider of affordable housing opportunities in the region.

(A) Currently (1986) San Francisco administers 6,766 units of public housing and 2,574 Section 8 certificates.

(B) Article 34, Section 1 of the California Constitution requires the approval of the electorate as a condition to the development or acquisition of a low-rent housing project by the local jurisdiction. San Francisco has met the requirement with the City's voters approving the development of a maximum of 3,000 low-income housing units by a vote on Proposition Q on November 2, 1976. Together with the units previously approved, approximately 4,000 low-income housing units may be developed, constructed or acquired.

(C) Between 1981 and 1985, San Francisco's housing production efforts included, but were not limited to the following:

1. San Francisco undertook a major rezoning of underutilized land which will allow the development of 14,000 housing units. Another 1,700 units are underway on vacant publicly owned sites in the City.

2. San Francisco set aside \$10,000,000 in general-fund monies for an Affordable Housing Fund. \$6,100,000 of this amount is committed to create 443 housing units including the renovation of 82 vacant public housing units into privately managed two- and three-bedroom apartments.

3. San Francisco combined \$1,000,000 in federal Community Development Funds with the proceeds of an \$8,000,000 bond issue to finance home improvement loans for low- and moderate-income homeowners.

4. The Office Housing Production Program (OHPP), under which high-rise office developers are required to build or contribute to housing on a formula based on the size of their projects was instituted in 1981. The program has resulted in \$25,000,000 and over 3,700 housing units to date.

5. The City of San Francisco has sold \$84,000,000 in two bond issues since 1982 to provide 30-year, 10¼ percent mortgages to some 900 low-to middle-income first-time homebuyers. In addition a \$42,000,000 bond issue was sold to finance up to 400 homes with 9.8 percent mortgages. In June, 1985 the City sold \$44,000,000 in mortgage revenue bonds to finance the construction of 563 units of rental housing on five sites.

(D) Between 1980 and mid-1985 community-based nonprofit organizations which receive Community Development Block Grant funding built 1,166 new housing units for low- and moderate-income households. At the time of the 1985 report on their activities they had 200 units under construction, and 426 units planned. During this same time the organizations rehabilitated 1,780 units for lower-income households, had 426 units undergoing rehabilitation, and had plans to rehabilitate 1,285 units. (Added by Ord. 155-84, App. 4/11/84; amended by Ord. 526-85, App. 11/27/85; Ord. 324-86, App. 8/8/86)

SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

The density of dwelling units in Neighborhood Commercial Districts shall be as stated in the following subsections:

(a) The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in Neighborhood Commercial Districts, except

WEST OF TWIN PEAKS CENTRAL COUNCIL
P.O. Box 27112, San Francisco, CA 94127

January 30, 2007

Mr. Dwight S. Alexander, Esquire
President
San Francisco Planning Commission
1660 Mission Street
San Francisco, California 94103

Re: Item(s) 2 and 3 File # 2003.0347E

Dear President Alexander:

On January 29, 2006 the West of Twin Peaks Central Council, representing sixteen Westside neighborhood organizations voted to request a continuance of 90 days on the hearing on the Market Octavia Neighborhood Plan.

The plan seems to introduce two new citywide zoning categories through Planning Code amendments regarding Residential Transit-Oriented Neighborhood District (RTO) and Neighborhood Commercial Transit District (NCT). It is believed that these categories are not specific to the Market-Octavia plan and have further reaching application to all transit corridors.

Whereby our organization is currently reviewing major development plans located on Brotherhood Way, 19th Avenue, the Christian Science lots, Summerhill Homes, San Francisco State long range plan, City College expansion plans, and numerous others, we are obviously concerned for any change to the Planning Code which would increase density and height reclassifications citywide.

At your earliest convenience, please confirm that the new categories for zoning apply only to the Market Octavia Neighborhood Plan and not the entire city or major transit corridors on the west side of San Francisco.

Sincerely,


Denise LaPointe

Vice-President Christina Olague
Commissioner Michael Antonini
Commissioner William Lee
Commissioner Kathhrin Moore
Commissioner Hisashi Sugaya

Coalition for San Francisco

EXHIBIT H
CSFN FILING - 4/7/07
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Mary Helen Briscoe 346-1448

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Dick Millet 861-0345

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Jim Lew 771-5250

Members-at-Large

Babette Drefke

Joan Girardot

Tony Sacco

Honorable Dwight Alexander, President
Planning Commission

City & County of San Francisco
1660 Mission Street, 5th Floor
San Francisco, CA 94103-2414

March 8, 2007

cc: Members of the Planning Commission and Commission Secretary

Subject: Request for written opinion from City Attorney

Re: Market & Octavia Neighborhood Plan – Case No. 2003.0347MTZU

Dear President Alexander and Honorable Members of the Planning Commission

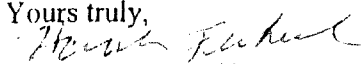
Last fall the planning staff presented to the Planning Commission for its consideration 650 pages of documents pertaining to the proposed Market & Octavia Neighborhood Plan. Included in this documentation, the planning staff proposed to the Planning Commission legislation for the Commission to consider for recommendation to the Board of Supervisors to adopt into law the proposed Market & Octavia Neighborhood Plan. The proposed legislation included over 300 pages of amendments to San Francisco Planning Code and San Francisco Zoning Code.

During the past six months, the public and representatives of the 44-member Coalition for San Francisco Neighborhoods expressed concerns that not only properties located within the proposed Market & Octavia Neighborhood Plan area will be subject to the proposed 300 pages of legislation. They expressed strong grave concerns that properties outside the Market & Octavia Neighborhood Plan area in other neighborhood areas of San Francisco also will be subject to provisions of this proposed legislation ostensibly for the Market & Octavia Neighborhood Plan area.

Consequently, on February 20, 2007, the General Assembly of the 44-member Coalition for San Francisco Neighborhoods voted to strongly urge the Planning Commission to request a written opinion from the City Attorney that states unequivocally that only properties within Market & Octavia Neighborhood Plan will be subject to the proposed planning and zoning amendments in the legislation before the Planning Commission and no properties outside the Market & Octavia Neighborhood Plan area, i. e., no properties in other neighborhoods throughout San Francisco will be subject now or any time in the future to the proposed planning and zoning amendments in the legislation before the Planning Commission for the Market & Octavia Neighborhood Plan area.

The resolution was presented to the Planning Commission at its Regular Meeting that was held on February 22, 2007 requesting that such a written opinion be provided to the Planning Commission no later than March 1, 2007. (Please see attached copy of resolution adopted on February 20, 2007 by the General Assembly of the Coalition for San Francisco Neighborhoods)

To date, the requested written opinion has not been provided by the City Attorney to the Planning Commission. Again, the Coalition for San Francisco Neighborhoods requests that the Planning Commission take no action on the proposed Market & Octavia Neighborhood Plan until it receives the requested written opinion from the City Attorney.

Yours truly,

Hiroshi Fukuda, 2nd Vice President

Barbary Coast Neighborhood Assn
Bayview/Hunters Point
Coordinating Council
Buena Vista Neighborhood Assn
Cathedral Hill Neighbors Assn
Cayuga Improvement Assn
Cole Valley Improvement Assn
Cow Hollow Assn
Diamond Heights Community Assn
Dolores Heights Improvement Club
East Mission Improvement Assn
Ewing Terrace Neighborhood Assn
Excelsior District Improvement Assn
Fair Oaks Community Coalition
Forest Knolls Neighborhood Assn
Francisco Heights Civic Assn
Glen Park Assn
Golden Gate Heights Nghbrd Assn
Greater West Portal Nghbrd Assn
Inner Sunset Action Committee
Jordan Park Improvement Assn
Laurel Heights Improvement Assn
Lincoln Park Homeowners Assn
Marina Civic Improvement &
Property Owners Assn
Miraloma Park Improvement Club
Low Mission Terrace Improvement Assn
North Beach Neighbors
North of Panhandle Nghbrd Assn
North Park Neighbors
Oceanview, Merced Heights,
Ingleside — Neighbors In Action
Outer Mission Residents Assn
Pacific Heights Residents Assn
Panhandle Residents Organization/
Stanyan-Fulton
Potrero Boosters Neighborhood Assn
Richmond Community Assn
Rincon Point Neighborhood Assn
Russian Hill Improvement Assn
Russian Hill Neighbors
Stop 55/Preserve Our Waterfront
Sunset Heights Assn of
Responsible People
Sunset-Parkside Education &
Action Committee
Telegraph Hill Dwellers
Twin Peaks Council & Open
Space Conservancy
Twin Peaks Improvement Assn
West Presidio Neighborhood Assn



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Treasurer
Jim Lew 771-5250
Members-at-Large
Babette Drefke
Joan Girardot
Tony Sacco

Resolution urging the Planning Commission to request the City Attorney to provide by March 1, 2007 a written opinion that all documents and legislation being considered by the Planning Commission regarding the Market & Octavia Neighborhood Plan apply exclusively to the properties located within the boundaries of the Market & Octavia Neighborhood area.

WHEREAS, the Planning Commission is considering the proposed Market & Octavia Neighborhood Plan (File No. 2003.0347EMTZ) and the 600 pages of documents including 300 pages of draft amendments to San Francisco's Planning and Zoning Codes; and

WHEREAS, the Coalition for San Francisco Neighborhoods and other neighborhood organizations throughout San Francisco have great concerns regarding the provisions of the legislation proposed by the planning staff could be applied to properties in neighborhoods outside the boundaries of the proposed Market & Octavia Neighborhood Plan area; and

WHEREAS, the Coalition for San Francisco Neighborhoods has requested the Planning Commission to ask the City Attorney to clearly respond to those concerns and to date, the City Attorney has not provided a written opinion addressing those concerns, now, therefore, be it

RESOLVED, The Coalition for San Francisco Neighborhoods strongly urges the Planning Commission to request the City Attorney to provide by Thursday, March 1, 2007 to the Commission in writing the opinion of the City Attorney that confirms with appropriate citations supporting the opinion that all the documents and all the planning and zoning code legislation being considered by the Planning Commission in connection with the proposed Market & Octavia Neighborhood Plan (File No. 2003.0347EMTZ) apply exclusively to the properties located within the boundaries of the Market & Octavia Neighborhood area and under no circumstances do any of the provisions in these documents and legislation pending before the Planning Commission affect or can be applied now or any time in the future to the properties in other neighborhoods of San Francisco outside the boundaries of the Market & Octavia Neighborhood Area and all such properties in other neighborhoods are excluded from the provisions of these documents and proposed legislation being considered by the Planning Commission.

Resolution adopted at the February 20, 2007 regular meeting of the General Assembly of the Coalition for San Francisco Neighborhoods.

Judith Berkowitz

Judith Berkowitz
President

- Barbary Coast Neighborhood Assn
- Bayview/Hunters Point
- Coordinating Council
- Buena Vista Neighborhood Assn
- Cathedral Hill Neighbors Assn
- Cayuga Improvement Assn
- Cole Valley Improvement Assn
- Cow Hollow Assn
- Diamond Heights Community Assn
- Dolores Heights Improvement Club
- East Mission Improvement Assn
- Ewing Terrace Neighborhood Assn
- Excelsior District Improvement Assn
- Fair Oaks Community Coalition
- Forest Knolls Neighborhood Assn
- Francisco Heights Civic Assn
- Glen Park Assn
- Golden Gate Heights Nghbrd Assn
- Greater West Portal Nghbrd Assn
- Inner Sunset Action Committee
- Jordan Park Improvement Assn
- Laurel Heights Improvement Assn
- Lincoln Park Homeowners Assn
- Marina Civic Improvement & Property Owners Assn
- Miraloma Park Improvement Club
- Low Mission Terrace Improvement Assn
- North Beach Neighbors
- North of Panhandle Nghbrd Assn
- North Park Neighbors
- Oceanview, Merced Heights, Ingleside — Neighbors In Action
- Outer Mission Residents Assn
- Pacific Heights Residents Assn
- Panhandle Residents Organization/ Stanyan-Fulton
- Potrero Boosters Neighborhood Assn
- Richmond Community Assn
- Rincon Point Neighborhood Assn
- Russian Hill Improvement Assn
- Russian Hill Neighbors
- Stop 55/Preserve Our Waterfront
- Sunset Heights Assn of Responsible People
- Sunset-Parkside Education & Action Committee
- Telegraph Hill Dwellers
- Twin Peaks Council & Open Space Conservancy
- Twin Peaks Improvement Assn
- West Presidio Neighborhood Assn



DENNIS J. HERRERA
City Attorney

SUSAN CLEVELAND-KNOWLES
Deputy City Attorney
DIRECT DIAL: (415) 554-6769
E-MAIL: susan.cleveland-
knowles@sfgov.org

MEMORANDUM

Exhibit I

CSFN FILING - 6/7/07

Page 1 of 2

TO: Dwight S. Alexander, President, Planning Commission
Christina R. Olague, Vice President, Planning Commission
Commissioner Michael J. Antonini
Commissioner M. Sue Lee
Commissioner William L. Lee
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya

cc: Dean Macris, Director of City Planning
Larry Badiner, Zoning Administrator

FROM: Susan Cleveland-Knowles *SK*
Kate H. Stacy *KHS*
Deputy City Attorneys

DATE: March 15, 2007

RE: Market and Octavia Area Plan: Adequacy of Notice for New Zoning Districts

You have asked for a written opinion to confirm oral advice from our office concerning whether a new zoning district created under the Market and Octavia Area Plan requires broader notice city wide or whether notice given to the Plan Area is sufficient.

Short Answer

The Zoning Administrator issued a letter of determination dated February 27, 2007 in response to this question. In that letter, the Zoning Administrator determined that if a new zoning district is created for the Market and Octavia Plan Area, notice need only be given for the Plan Area and not to a broader or citywide area. The City Attorney's Office reviewed that determination and finds that the determination is legally supportable.

Analysis

I. The Zoning Administrator is authorized to interpret the provisions of the Planning Code.

The Zoning Administrator is a position created by the San Francisco Charter. (Charter §4.105.) Under the San Francisco Planning Code, the Zoning Administrator has certain enumerated powers and duties, including the power to "adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code." (Plan. Code §307(a).) The Zoning Administrator must act to pursue the intent and objectives of the Code. (*Id.*)

The notice provisions in question are found in Section 306.3 of the Planning Code; thus the Zoning Administrator is the City official authorized to interpret those provisions of the Planning Code. A Zoning Administrator determination may be appealed to the Board of Appeals

Dwight S. Alexander,
President, Planning
Commission

2

March 15, 2007

EXHIBIT I
CSFN FILING - 4/7/07
Page 2 of 2

under the provisions described in Planning Code Section 308.2. Otherwise, the Zoning Administrator's determination is final.

II. The Zoning Administrator's letter of determination is supported by the text of the Planning Code, and consistent with the objectives of the Planning Code.

As requested by the Planning Commission, the Zoning Administrator consulted with the City Attorney's Office in making his original determination. The City Attorney's Office has again reviewed the determination in light of the Planning Commission's request for this written advice. This office finds that the Zoning Administrator's determination that citywide notice is not required to apply a new zoning district to a limited Plan Area is supported by the text of the Planning Code, is otherwise legally supportable, and that the opinion is consistent with the overall objectives of the Planning Code.

Specifically, Section 306.3 of the Planning Code sets out the notice requirements for hearings on actions related to amendments to the Planning Code and General Plan – both of which are at issue in the Market and Octavia Area Plan approvals. Section 306.3 requires mailed notice to "the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of such area . . ." (Sections 306.3(a)(2), 306.3(b)(2)(B).) This section specifically only requires notice to persons *within the area that is the subject of the action*. It is a supportable interpretation of this Code language that the area that is the "subject of the action" is the geographic area where the zoning district is actually being implemented at the time and not any possible area where the zoning district may one day be applied. In addition to mailed notice as discussed above, Section 306.3 requires newspaper notice in a newspaper of general circulation. (Section 306.3(a)(3), 306.3(b)(2)(A).) Thus, even though a new zoning district created under the Market and Octavia Area Plan – such as the Neighborhood Commercial Transit (NC-T) District or the Residential Transit Oriented (RTO) District – may one day be applied to another geographic area of the City, it is reasonable to conclude that it is not necessary to give notice city wide at this time due to the fact that the only action presently before the Commission is to apply these zoning districts to the Market and Octavia Plan Area.

This office also concurs with the Zoning Administrator that, under the San Francisco Planning Code, additional notice would be required to apply these newly created zoning districts to another geographic area of the City and that such a future action would be subject to additional environmental review as required under the California Environmental Quality Act (CEQA).

Please be advised that the Zoning Administrator's determination speaks only to the question of whether the notice provided was sufficient under the Planning Code. If the Planning Commission determines that broader notice is desirable, it may request the Zoning Administrator to provide additional notice.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

CERTIFIED COPY

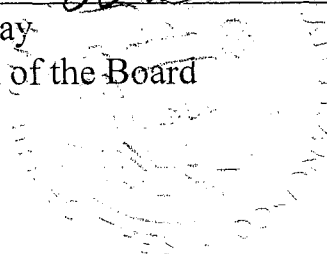
Files 070560, 070561, 070561, 070562, 070563
Appeal of Final EIR Certification
Market/ Octavia Area Plan

- A. Documents included in the Board packets for the May 22, 2007 Board meeting and placed in the June 12, 2007 Board meeting for the public hearing on the Appeal of Final EIR Certification for the Market/Octavia Area Plan Project
- B. Documents which were distributed to the Board members at the June 12, 2007 hearing submitted by Mary Miles, Representative for the Coalition for Adequate Review.

Dated June 14, 2007

Kay Gulbengay, Interim Clerk of the Board

Kay Gulbengay
Interim Clerk of the Board



Kay Gulbengay /BOS/SFGOV
06/14/2007 10:58 AM

To page364@earthlink.net
cc David Noyola/BOS/SFGOV@SFGOV, Aaron
Peskin/BOS/SFGOV@SFGOV
bcc
Subject RE: June 19, 2007 Appeal FEIR Market / Octavia Plan

Ms. Miles:

In response to your question regarding whether you will be allowed to speak at the June 19, 2007 continued hearing.

The Board had heard from each appellants for 21 minutes.

The Board was at the point of receiving testimony from individuals in support the appellants (3 minutes each) when the Board continued this matter.

Upon the hearing is resumed hearing on June 19, 2007, the Board will continue to hear testimony from individuals in support of the appellants for (3 mins).

When there are no speakers left in support of the appellants, the Planning Department will be allowed 21 mins. to review with the Board their recommendations.

Then any individual who is support of the Planning Departments recommendations may speak (3 mins. each).

At the conclusion of the that portion of the public hearing.

The appellants will then have three minutes for a rebuttal period.

As you know there are three appellants and this time may be divided between the three appellants as the appeals were consolidated.

In response to your inquiry as to what Supervisor Peskin had in his hands relating to the appeal during the hearing.

Those were the documents each Board member received in their packets a copy of which you are receiving in your certified copy request.

Each Board also received the 3 separate correspondences which hand delivered to the Clerk during the June 12, 2007 Board meeting.

Kay Gulbengay
Interim Clerk of the Board

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

"Mary Miles" <page364@earthlink.net>



"Mary Miles"
<page364@earthlink.net>
06/13/2007 06:52 PM

Please respond to
page364@earthlink.net

To "Kay Gulbengay" <Kay.Gulbengay@sfgov.org>
cc
Subject RE: June 19, 2007 Appeal FEIR Market / Octavia Plan

Mary Miles
Attorney at Law

I left message to pick up documents

11:05 6/14/07/KG

364 Page Street, No. 36
San Francisco, CA 94102
(415) 863-2310

Dear Ms. Gulbengay:

Please advise me by return e-mail of the answers to the following:


1. Will I receive any time to speak at the continued hearing (I received fewer than seven minutes at the June 12 hearing)? If so, how much time will I receive to speak?
2. Will any other appellants be allowed to speak at the continued hearing?
3. Mr. Peskin waved a large package of material around at the June 12 hearing, claiming it pertained to the Appeals hearing. What, exactly (please name each document), was in that packet? When may I view and receive a copy of that packet and any other materials distributed to the Board and/or other appellants?

Thank you.

Sincerely,
Mary Miles
and
Coalition for Adequate Review
Appellants

> [Original Message]
> From: Kay Gulbengay <Kay.Gulbengay@sfgov.org>
> To: <page364@earthlink.net>
> Cc: AnMarie Rodgers <AnMarie.Rodgers@sfgov.org>; Paul Maltzer
<Paul.Maltzer@sfgov.org>; Elaine Warren <Elaine.Warren@sfgov.org>
> Date: 6/13/2007 4:43:20 PM
> Subject: June 19, 2007 Appeal FEIR Market / Octavia Plan
>
>
> Ms. Miles:
> The public hearing which was continued from June 12, 2007 has been
> scheduled to begin at 3:00 pm rather than at 4:00 p.m.
>
> You had left the Chamber before I could inform you of the hearing time.
> I had the opportunity to inform the other appellants.
> Please inform anyone who may have been at the hearing in support of your
> appellant.
>
> Thanks
> Kay.
>
> Kay Gulbengay
> Interim Clerk of the Board
>
> Complete a Board of Supervisors Customer Satisfaction form by clicking the
> link below.
> http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
>

Kay Gulbengay /BOS/SFGOV
06/14/2007 10:56 AM

To page364@earthlink.net
cc
bcc
Subject June 19, 2007 Appeal FEIR Market / Octavia Plan 

Ms. Miles

I have certified copy of the documents contained in Files 070560, 070561, 070562, 070563:

- The documents from the Board's packet for the May 22, 2007 hearing.
NOTE: All the information the Board members received for the May 22, 2007 Board meeting. Documents are not duplicated when a matter is continued, but would have been placed in their June 12, 2007 packets by their staff.
- Copies of documents you presented at the hearing were handed to each Board member at the hearing.
- Copies of the Motions for Board's action

The information is available to be picked up in Room 244, Clerk of the Board 's Office anytime today . Pursuant to SF Administrative Code Section 67.28 Fees for Duplication There is a charge of 10 cent per page. There was a total of 371 pages and copies were duplexed so the total number of pages is 742.

The fee for duplicating is \$74.20.
Fee for 3 audio tapes 3.00
Total Cost \$77.20

Kay Gulbengay
Interim Clerk of the Board

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

"Mary Miles" <page364@earthlink.net>



"Mary Miles"
<page364@earthlink.net>
06/14/2007 06:22 AM

Please respond to
page364@earthlink.net

To "Kay Gulbengay" <Kay.Gulbengay@sfgov.org>
cc
Subject RE: June 19, 2007 Appeal FEIR Market / Octavia Plan

Ms. Gulbengay:

As a follow-up to my last e-mail, I received a voice mail from someone at the BOS office who did not leave a return number or contact but said his name was Mike Silva.

I have now asked approximately twenty-five times for the package of materials that is before the supervisors on the Market-Octavia Appeal.

I have requested and need a CERTIFIED hard copy of the packet before the

11:08

Board in these appeals. I have repeatedly been told to download the materials from your web site and have repeatedly explained to staff of the Board Clerk's office that I need a hard copy of those materials. Why has this simple request been met with repeated obstruction and time-consuming hassles? Please advise me of exactly when I may pick up a CERTIFIED copy of the packet and the cost.

I have also requested (from Ms. Espinoza, this date) an audiotape of the June 12, 2007, proceeding. Please advise me when I may pick up that tape(s) and the certified copy of the packet of materials before the Board in this proceeding.

Thank you.

Sincerely,
Mary Miles
(415) 863-2310

> [Original Message]
> From: Kay Gulbengay <Kay.Gulbengay@sfgov.org>
> To: <page364@earthlink.net>
> Cc: AnMarie Rodgers <AnMarie.Rodgers@sfgov.org>; Paul Maltzer
<Paul.Maltzer@sfgov.org>; Elaine Warren <Elaine.Warren@sfgov.org>
> Date: 6/13/2007 4:43:20 PM
> Subject: June 19, 2007 Appeal FEIR Market / Octavia Plan
>
>
> Ms. Miles:
> The public hearing which was continued from June 12, 2007 has been
> scheduled to begin at 3:00 pm rather than at 4:00 p.m.
>
> You had left the Chamber before I could inform you of the hearing time.
> I had the opportunity to inform the other appellants.
> Please inform anyone who may have been at the hearing in support of your
> appellant.
>
> Thanks
> Kay.
>
> Kay Gulbengay
> Interim Clerk of the Board
>
> Complete a Board of Supervisors Customer Satisfaction form by clicking the
> link below.
> http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
>



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2007 MAY 15 AM 10:02

MEMORANDUM

BY Sul

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


Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: May 15, 2007

To: President Aaron Peskin and Members of the Board of Supervisors
City Hall, Room 244

From: Paul Maltzer 

Subject: Appeal of the Final Environmental Impact Report for Market and Octavia Neighborhood Plan; Planning Department Case No. 2003.0347E

Hearing: Scheduled for May 22, 2007

This Memorandum responds to three appeal letters filed with respect to the Final Environmental Impact Report (FEIR) for the Market and Octavia Neighborhood Plan.

A Draft Environmental Impact Report (DEIR) for the Market and Octavia Neighborhood Plan was issued by the San Francisco Planning Department on June 25, 2005. A public hearing for receipt of comment on the DEIR was held on July 28, 2005 and the period for receipt of written public comment on the DEIR ended on August 23, 2005. The Draft Summary of Comments and Responses were published on September 26, 2006. The Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) and by a vote of 5 to 2 certified the FEIR on April 5, 2007. Copies of the DEIR, the Draft Summary of Comments and Responses document and the FEIR certification Motion by the Planning Commission, which together comprise the FEIR, are included in this Packet.

Subsequent to Planning Commission certification of the FEIR, three appeals of the FEIR were filed with the Clerk of the Board of Supervisors. One appeal was filed by F. Joseph Butler, on behalf of the San Francisco Preservation Consortium. One appeal was filed by Martin Hamilton, on behalf of New College of California. A third appeal letter, from Mary Miles and Coalition for Adequate Review was submitted to the Clerk of the Board, requesting a continuance of the appeal period; a minimum 90 day period between the receipt of an appeal and a Board hearing on the appeal, that the EIR be returned to the lead agency until brought into compliance with CEQA and recirculated, and other appropriate remedies.

All three letters filed with the Clerk of the Board are included in this Packet. This memo is in response to issues raised in the appeal to the Board of Supervisors by the appellants

Response to Issues Raised on Appeal

Appeal letter from F. Joseph Butler

Summary of Concerns

The appeal states that the EIR's discussion of historic resource impacts occurred without the benefit of a comprehensive up-to-date historic resources inventory of the many historical resources and potential historic districts in the Plan area. Without such an inventory and without mitigation measures, the EIR conclusions of no significant impact on historic resources are not supported by substantial evidence. That EIR inadequacy cannot be cured by "extra scrutiny". The EIR is inadequate and contains insufficient information to reach conclusions of no adverse impact to historical resources.

Response to Concerns

The appellant is correct in the assertion that a comprehensive historic resources inventory of the entire Plan area was not included in the EIR. However, such an inventory is not required in order for the EIR to have adequately and accurately assessed the potential impacts of the proposed Plan.

The impact of the Market & Octavia Plan on architectural historic resources was discussed in the DEIR at pp 4-158 through 4-174 and some additional information was provided through the Comments and Responses at pp 3-83 through 3-86; 3-328; 3-336 through 3-338; 5-41 through 5-42; 6-2; and 6-8 to 6-9. The EIR provides more than adequate information and analysis of the existing setting, as well as the Plan's potential for impact, to support the EIR conclusions regarding no adverse impact on historic resources.

The EIR specifically identifies all existing established historic resources and districts in the area potentially affected by the project, including: City Landmark structures, Structures of Merit, National Register and State Historical Landmarks in the project area; the Civic Center, Hayes Valley and Alamo Square Historic Districts; structures in *Here Today*, the San Francisco Planning Department Architectural Survey of 1976, San Francisco Architectural Heritage Survey of 1979, Unreinforced Masonry Building Survey of 1990, Hayes Valley Survey of

1995/96, Central Freeway Survey, 1997, Inner Mission North Cultural Resource Survey, 2002, and Freeway Parcel Reconnaissance Survey, 2004.

In summary, eight architectural surveys have been conducted in the project area between 1970 and 2004 that cover about ¼ to 1/3 of the project area. There is one historic district within the Plan area and two along the Plan area border. The Hayes Valley California Register Historic District covers portions of the Plan area. Civic Center National Historic Landmark, California Register and San Francisco Historic District and Alamo Square San Francisco Historic District are identified at the border or near the Plan area. There are 23 individual resources under Article 11 of the Planning Code within the Plan area, with 8 individual resources rated as Significant within Category I, II or III. There are 10 individual City Landmarks listed in Article 10 of the Planning Code in the project area, and two adjacent to the project area. There are 5 National Register listed resources and 3 California Register listed resources in the project area as well. These resources are all identified and discussed in the EIR.

The Market/Octavia EIR is, for the most part, a Program EIR, that is to say, an EIR which analyzes impacts of a large area-wide rezoning program, rather than a specific development project. Except for certain limited development on the vacant Central Freeway parcels (which were the subjects of the Freeway Parcel Reconnaissance Survey, 2004 as noted above), the EIR is a programmatic EIR and assumes that any future specific development proposals will each be subject to their own CEQA analyses and tier off the analysis in the programmatic EIR. This method is supported by the State CEQA Guidelines Section 15152(c) which state that where a lead agency is using tiering in connection with an area plan, "the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand." Thus, State law recognizes that a comprehensive historic resource survey of every site within the Plan area is not necessary for a Program EIR, which typically looks at broader program level impacts and defers site specific impact analysis to subsequent CEQA document which tier off of the Program EIR.

The Plan, as analyzed at the programmatic level makes clear that: (a) it is not the intent of the plan to allow demolition or alteration of historic resources so as to impact them and (b) the Department will prepare subsequent CEQA documents on specific development proposals when submitted and, as part of that analysis make certain that historic resources are identified so that projects are appropriately reviewed, considered, and approved if consistent with the plan

policies. The case-by-case review of subsequent specific projects, when proposed, is consistent with CEQA and the intended use of Program EIRs, i.e., to provide broader based impact analysis of the foreseeable program effects, followed by more specific CEQA documentation of subsequent projects.

To aid in this analysis, the Department contracted for a comprehensive historic resource survey for the plan area in June of 2006. This survey is nearly complete, with full draft results expected by July 2007. The Plan calls for the completion of said survey and the incorporation of the survey results into the Plan. This would assist in determining not only impacts to individual buildings, but whether there were unidentified potential historic districts and if so, the buildings that contribute to those districts.

With the exception of the development of the Central Freeway Parcels, the Plan does not propose or endorse any specific project on any specific lot. No specific development proposals are included in the Plan and the removal of historic structures is not proposed or reasonably foreseen at this time. In general, the Plan reduces heights in much of the Plan area, reducing risks to potential historic resources. Moreover, recent amendments to the Plan further reduce proposed heights on Market, east of Church Street from a proposed height of 65 feet to 55 feet – only five feet greater than the current zoning – a height difference that would not permit an additional floor of occupancy beyond what is presently allowed. As such, on the whole the Plan is not expected to substantially increase pressure for demolition or major alteration of identified or potential historic resources in the Plan area.

Furthermore, specific policies in the Market and Octavia Neighborhood Plan call for the protection and preservation of historic resources. Hence, if the Plan is adopted, any potential development that could adversely affect an historic resource would be contrary to the Plan's policies. The Plan's policies emphasize the preservation of landmarks and other buildings of historic value. The urban design guidelines included in the Plan would lead to heightened review of future project proposals with a goal of integrating change into the area's existing historic character and urban fabric. While the greater densities allowable under the plan in certain areas could create potential development pressure on historic resources, the Plan contains specific policies to protect historic resources. Therefore, the Department believes that there is no evidence that the Plan would result in the loss of an historic resource. A proposal that could cause the loss of an historic resource would require thorough investigation, and would not be consistent with Plan policy, if the Plan were adopted.

Moreover, existing Department permit and CEQA review procedures make sure that any impact to potential historic resource is investigated and thoroughly reviewed as required by CEQA prior to a decision on the permit. These procedures require that when a permit to demolish or substantially alter any building over 50 years of age is filed, the project must undergo an historic resource evaluation to determine whether there is a potential historic resource on the site and whether it would be adversely impacted. A proposal to alter or demolish any such building is reviewed by historic preservation technical specialists staff of the Planning Department to ensure that potential impacts to historic resources and/or districts are fully analyzed and disclosed through the environmental review process.

As discussed above, subsequent to publication of the Draft EIR, the Planning Department initiated a comprehensive historic resource survey of the Plan area to identify any new potential historic resources and districts. The Plan, if adopted, would prioritize the timely completion of the historic resource survey, protection of historic resources in the Plan area, and require full integration of the survey results into the Plan. The anticipated future incorporation of this survey into the Plan is not evidence that the Plan is likely to have an adverse impact on historic resources. On the contrary, the Department believes that this effort, together with the Plan proposals and policies described above, is further evidence that the Plan would not adversely impact historic resources. New stringent interim review controls have been included for proposed development to further ensure protection of potential historic resources.

There is precedent for adopting area plans by the Planning Commission without a site by site survey. The most recent of those plans is the Bayview Hunters Point EIR. The EIR for this area plan was certified without a historic survey under similar circumstances. Similarly, the Rincon Hill Plan EIR was certified and that Plan adopted without a comprehensive site by site survey for historic resources. While there has been heightened concern regarding protection of historic resources throughout the City in recent years, and while the Planning Department intends to incorporate historic resource surveys into future planning efforts earlier in the process, CEQA does not require a comprehensive historic resource survey of an entire plan area in order for a Program EIR to be completed and certified.

In conclusion, the Department does not believe that the results of the historic resource survey are necessary to evaluate the programmatic impacts of the Plan on existing or potential historic resources. The Department believes that the evidence in the record indicates that adoption of the Plan would tend to advance the cause of protection of presently unidentified potential historic resources,

rather than have a potential adverse impact. Hence, there has been no deferral of the identification of potential adverse impacts of the plan. Rather, the comprehensive historic resource survey called for in the Plan will be most useful at such time as specific projects are proposed and project-level environmental review is conducted, in order to further ensure adherence to Plan policies.

Appeal letter from Martin Hamilton

Summary of Concerns

The appeal states that the proposed UC Extension/A F Evans/openhouse 55 Laguna Mixed Use project will result in and contribute to cumulative significant impacts to public, historical, open space, education and recreation resources within the Plan area. The Market and Octavia Neighborhood Plan EIR is inadequate and contains insufficient information to reach correct conclusions regarding the Plan impacts on these resources, and "pipeline" impacts on the Plan. Only cumulative transportation impacts of the 55 Laguna project were included in the Plan EIR.

The public review process for the 55 Laguna project is not adequate. The City may have overlooked issues regarding ownership of Waller Street within the 55 Laguna project.

The Market and Octavia EIR should contain mitigation measures in order to: convene a Citizens Advisory Committee to determine the best use of the 55 Laguna site and make recommendations regarding zoning; conduct cumulative analysis of the impacts of the 55 Laguna project on the Plan; incorporate all feasible mitigation measures pertaining to historic resources within the UC Berkeley Long Range Development Plan for the Main Campus in Berkeley as applicable to 55 Laguna; incorporate mitigation measures that State Historic Preservation Officer endorses for 55 Laguna project; authorize Transferable Development Rights for 55 Laguna site.

Response to Concerns

The Department's summary response to these concerns is that the appellant is primarily concerned with the potential environmental impacts of the 55 Laguna project, as presently proposed for development upon that specific site. Although the 55 Laguna site is located within the overall geographic boundaries of the Market and Octavia Plan area, the Market and Octavia Plan does not include any

recommendations for land use changes on that site as a part of the Market and Octavia Plan.

While the Department has received and is analyzing a proposal to develop the 55 Laguna site, that proposal is not pursuant to or a part of the Market and Octavia Plan. Similarly, the potential impacts of the 55 Laguna project on its own site and surrounding are not impacts of the Market and Octavia Plan, but rather impacts of the 55 Laguna project. In order for there to be cumulative impacts of the Market and Octavia Plan in combination with the 55 Laguna site development, the Market and Octavia Plan would need to have potential adverse environmental impacts which contribute to and accumulate with impacts from the 55 Laguna project.

The Planning Department is conducting CEQA review of the proposed 55 Laguna project, and a Draft EIR for that project was recently published. The potential impacts of the 55 Laguna project on its site and surroundings are properly addressed in the EIR for that project. To the extent that the 55 Laguna project does have potential environmental impacts that could affect the broader project area (e.g., transportation impacts) that cumulative impact analysis is included within the Market and Octavia EIR.

The appellant expresses concerns about potential cumulative impacts with respect to public, historical, open space, education and recreation resources. With respect to public, open space and recreational resources, the Market and Octavia EIR addresses these issues at pp 4-317 through 4-322 and ultimately concludes that the proposed Plan, in part because of the proposed public street and open space improvements, would result in a net positive benefit to the project area with respect to these resources. Hence, regardless of any potential impacts of the 55 Laguna project with respect to these issues, the Market and Octavia Plan would not contribute to any potential adverse impact with respect to these resources and there would be no cumulative adverse impact to those resources associated with the Market and Octavia Plan.

Similarly, with respect to potential impacts to historic resources, the Department believes that the Market and Octavia Plan, if adopted, would benefit historic resources within the Plan area. As such, regardless of potential impacts of the 55 Laguna project with respect to historic resources on that specific site, there would be no contribution from the Market and Octavia Plan to cumulative impacts. Any such impacts would be from the 55 Laguna project. The 55 Laguna Draft EIR, published January 27, 2007, did find potential significant impacts to historic resources on the 55 Laguna site, but found no potential cumulative impacts to

historic resources from the 55 Laguna project in combination with the proposed Market and Octavia Plan.

As the Department did not identify any cumulative environmental impacts from the Plan in combination with 55 Laguna, there was no need for Mitigation Measures addressing cumulative impacts. The Mitigation Measures listed by the appellant are more appropriately directed at the 55 Laguna project, and can be considered by the City in the EIR for 55 Laguna, as appropriate.

Similarly, concerns about the public review process for 55 Laguna, and issues of ownership of Waller Street within the 55 Laguna site, do not call into question the adequacy or accuracy of the EIR for Market and Octavia, as the Market and Octavia Plan does not include land use recommendations or specific proposals for development of the 55 Laguna site.

Appeal letter from Mary Miles

Summary of Concerns

The appellant appeals all motions, resolutions, and/or other actions by the San Francisco Planning Commission on April 5, 2007 on the Market and Octavia Better Neighborhoods Plan and the Final EIR. The Planning Department has not made available to the public accurate, certified copies of the legislation, motions, resolutions, etc., and without that information the public has been denied the right to informed participation in the appeal of such actions. The appellant requests an extension of time for the filing of, and for any scheduled hearing on the EIR, and also requests that the EIR be overturned and recirculated.

Response to Concerns

The environmental review process for this project began in 2003. The Draft EIR for the project, which described the Plan and its potential environmental impact, was published in June of 2005. The public comment period on the EIR extended for approximately two months, into August of 2005. The Summary of Comments and Responses document, which again, together with the Draft EIR, responded to comments received and described the proposed Plan, including revisions to the Plan, together with its potential environmental impact, was published and made available to the public, including the appellant, in September of 2006. The Planning Commission subsequently held a series of public workshops over the

ensuing six months, at which hearings the Plan and all revisions to the Plan were fully described and presented to the Planning Commission and the public.

Contrary to appellant's assertion, the Department believes that the public has not been denied an opportunity to be informed and participate in the process for the project and the EIR. The EIR and the Plan documents prepared and distributed by the Department have fully described the Plan, and the EIR has further summarized the Plan description and analyzed and disclosed the anticipated environmental impacts from the Plan. The appellant has submitted no information or evidence that the EIR was inadequate or inaccurate in terms of the information and analysis presented.

The appellant's contention that the EIR needs to be recirculated due to revisions to the Plan is addressed in the EIR, in the Draft Summary of Comments and Responses, at pp. 6-1 to 6-16. In general, CEQA requires recirculation of an EIR when significant new information is added to the EIR subsequent to the Draft EIR. New "significant information" is generally understood to mean new significant impacts, a substantial increase in severity of significant impacts, rejection of new feasible alternatives or mitigation measures, or new information added to a Draft EIR that was fundamentally inadequate.

It has always been the assumption of the Department that the Plan would undergo some revision as it moved from Draft to Final adoption. That is one of the reasons that a Program EIR looks more broadly at the potential large scale impacts of a broad planning program. As mentioned above, the revisions to the Market and Octavia Plan have been presented to the Planning Commission and the public over many months through a public process. The types of revisions that have been proposed with respect to the Plan are explained in the EIR, and fall within three broad categories: revisions with potential physical impacts; new policies with no physical change or activities exempt under CEQA; and new studies. The EIR, at the pages identified above, analyzes each of these types of revisions and concludes either that the potential change in impacts falls within the scope of impacts already identified within the EIR, or that there are no new potential impacts from the Plan revisions. Revisions to the Plan subsequent to publication of the Comments and Responses document continue to fit within these three categories. None of these changes have required the addition of significant new information to the EIR. As such, recirculation of the EIR is not required.

Conclusion

For all of the reasons provided in the attached appeal responses, the Department believes that the Final EIR complies with the requirements of CEQA and the CEQA Guidelines, provides an adequate, accurate, and objective analysis of the potential impacts of the proposed project, and that the Comments and Responses contains no significant revisions to the DEIR. Therefore, the Planning Department respectfully recommends that the Board uphold the Final EIR.

If you have questions related to this appeal, please call me at 575-9038. Thank you for your time and attention to this matter.

Exhibits

1. Appeal letters to Board of Supervisors
2. Final EIR (Draft EIR and Comments & Responses documents)

File #070560



"Stephen M. Williams"
<smw@stevewilliamsllaw.com>

05/18/2007 02:49 PM

To "Aaron Peskin" <Aaron.Peskin@sfgov.org>, <board.of.supervisors@sfgov.org>, "Bevan Dufty" <Bevan_Dufty@ci.sf.ca.us>, "Chris Daly" "Joe BUTLER" <fjosephbutler@hotmail.com>, "Paul Maltzer" <Paul.Maltzer@sfgov.org>, <cynthia.servetnick@gmail.com>, "mark paez"
cc
bcc
Subject Market Octavia Plan EIR Appeal --Hearing Date May 22, 2007---Special Order 4:00pm

Dear President Peskin and Members of the Board:

Attached is the letter brief on behalf of the Preservation Consortium, its President F. Joseph Butler and concerned citizen and historic consultant Gigi Platt. I was recently retained by this group to represent them at the Appeal of the certified EIR for the Market Octavia Plan when their counsel, Susan Brandt-Hawley became unavailable.

We respectfully request your support for the appeal of the certification of this EIR.

Very Truly Yours,

Steve Williams

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115
Phone: (415) 292-3656
Fax: (415) 776-8047



Market Octavia CEQA Appeal May 17 2007.pdf



LAW OFFICES OF
STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamsllaw.com

May 17, 2007

President Aaron Peskin and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Re: Appeal of the Planning Commission's Certification of the Market and
Octavia Neighborhood Plan Final EIR, CEQA Findings, and Mitigation
Monitoring and Reporting Program (Planning Department Case No. 2003.0347E)
Hearing Date: May 22, 2007—Special Order 4:00pm

Dear President Peskin and Members of the Board:

INTRODUCTION

On behalf of the San Francisco Preservation Consortium, composed of City Neighborhood, historic preservation organizations and concerned individuals, I hereby submit this initial appellant's letter-brief for the appeal of the Market and Octavia Neighborhood Plan (Plan) Final EIR, CEQA Findings and Mitigation Monitoring and Reporting Program.

In general, our appeal is based on the grounds that, lacking a completed Historic Resources Survey of the Market and Octavia Neighborhoods, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding the Plan's impact and potential impact on historical resources. The Plan would relax existing development standards creating new incentives to development thereby threatening known and potential historic resources in historically sensitive neighborhoods. A deferral in obtaining complete information on these impacts and potential impacts (as favored by the Department) prevents adequate identification of the significant effects that the approval of the Market Octavia Plan will have.

THE SURVEY MUST BE COMPLETED BEFORE CERTIFICATION

Initially it should be noted that the survey of historic resources in the area covered by the Market-Octavia Plan was only begun at the instance of the preservation community. The Department's initial broad brush analysis was that the sweeping changes envisioned by the Plan would have no significant impacts and that no mitigation measures were necessary, that the City's existing protections for historic resources would be sufficient. Not only was this position wrong as a matter of law, even to the casual observer, it was obvious from the beginning that it was reasonable to believe that the Market-Octavia Plan *may* lead to some adverse impacts. The Department is continuing its "approve now, receive information later" policy, which is directly contrary to CEQA and the protections it provides.

The Market and Octavia Neighborhood Historic Resources Survey (Survey), which is currently being prepared by Page & Turnbull, is not a comprehensive evaluation of potentially eligible properties within the Plan area neighborhoods. The Plan area is comprised of several fully developed neighborhoods that are characterized by potential resources that are predominantly 50 to over 100 years of age and represent a variety of important architectural styles from the late 19th and early 20th century. These neighborhoods also exhibit a consistent development pattern including height, scale, bulk, massing, rhythm, architectural detail and use of materials that creates cohesive groupings of buildings, districts and neighborhoods.

Although the Survey is not complete, the draft data indicates numerous potential historic resources and potential historic districts will not be evaluated. Therefore, the Survey does not meet accepted professional standards. By design, the Survey is intended to prioritize the evaluation of properties that are directly impacted by the proposed Plan policies. Therefore, the Survey does not evaluate numerous important potential historic resources based on history, age and architectural quality.

The Department's new position, and one that was accepted by the Planning Commission, is an acknowledgment that the survey is incomplete, but promises have been made and provisions in the motion from the Planning Commission create "increased scrutiny areas" which are to be created and, it is promised that the survey, once completed, will also be incorporated into the Plan. This is inadequate as a matter of law. The full and complete analysis of the impacts of the Plan can not be deferred or separated from approval and certification of the final EIR. In good faith, the Board can not be expected to accept future promises or assurances, in order to comply with law the EIR must adequately, completely and fully disclose all potential impacts to the historic resources in the area covered by the Plan.

More specifically, the CEQA analysis is inadequate because it fails to include a comprehensive up-to-date historic resources survey of the properties in the Plan area. Sierra Club v. State Board of Forestry (1994) 7 Cal.4th 1215, held that the Forest Practice Act and CEQA were violated because of a failure to collect adequate information regarding old-growth-dependent species. Said failure to proceed in the manner required by law precluded adequate environmental analysis of the impacts of timber harvesting.

A parallel scenario involving water resources was addressed in Cadiz Land Company v. County of San Bernardino (2000) 83 Cal.App.4th 74, where the Court of Appeal found that it was not possible to assess water supply impacts without full knowledge of the underlying water resources that would be affected. The court concluded that the very purpose of CEQA is to fully inform Public Officials and the public *before* the project is accepted or certified. The environment and informed self-government demands that all of the information be reviewed. Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392.

In this regard the court stated:

"Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self government." (Laurel Heights Improvement Assn. v. Regents of University of California, supra, 47 Cal.3d 376, 392; Citizens of Goleta Valley v. Board of Supervisors, supra, 52 Cal.3d at p. 564.)

The Department is urging action on the Board of Supervisors which is directly contrary to the law and directly contrary to the protections guaranteed by the EIR process. It is urging the Board to adopt and certify the EIR before all information is available and before the survey is complete.

LABELING MARKET/OCTAVIA A "PROGRAM" EIR OR "TIERED" DOES NOT RELIEVE THE DEPARTMENT OF THE OBLIGATION TO IDENTIFY IMPACTS OF THE REZONING SO AS TO ALLOW AN INFORMED DECISION

The Department now excuses the failure to provide a complete assessment of impacts on historic resources by claiming the Market-Octavia Plan is "for the most part" a Program EIR which is somehow excused from identifying future impacts. This is not a correct statement of the law. Even under "program" EIR's, the lead agency has an obligation to anticipate, identify and address the impacts which are reasonably foreseeable. The agency can not simply put off or defer discussion of obvious and easily anticipated impacts.

In a leading case dealing with the issue of what kind of impacts must be included, Stanislaus Natural Heritage Project, Sierra Club V. County of Stanislaus (1996) 48 Cal.App. 4th 182, the court held that invoking the concepts of "program" and "tiering" (such as Planning is doing here) is not sufficient to avoid fully informing the decision makers and the public of all reasonably foreseeable impacts.

In 1993 the County of Stanislaus certified an EIR for a proposed specific plan for a 29,500-acre resort community including 5,000 residences. Suit was brought contending, among other things, that the EIR was inadequate due to its failure to adequately discuss the environmental effects of supplying water to the project. The analysis of water covered the supply through the first 5 years of the project, but deferred further analysis of the supply of water to future phases of development. The county and other respondents contended that "there is no analysis of the potential impacts of the eventual long-term supply" relying upon the tiering provisions of CEQA. Tiering allows for a more specific EIR incorporating by reference the discussion in prior environmental documents allowing for concentration on the environmental effects not analyzed as significant effects in the prior report.

President Aaron Peskin and Supervisors

Page 4 of 6

May 17, 2007

The trial court denied the petition ruling in favor of the county and other respondents. The Court of Appeal reversed the decision because the approval of the project did not follow the fundamental purpose of CEQA being to inform the public and decision makers of the environmental consequences of a project. An EIR must address the impact of supplying water in that the County must "attempt in good faith to fulfill its obligation under CEQA to provide sufficient meaningful information regarding the types of activity and environmental effects that are reasonably foreseeable (Laurel Heights, *supra*, 47 Cal.ed at p. 399.).

In this instance, the Market-Octavia plan dramatically rezones a large part of our City. The neighborhoods to be rezoned are some of the oldest in the City and contain dozens if not hundreds of historic resources and potential historic resources. The plan acknowledges that the rezoning, which increases height and density and relaxes parking requirements, will result in "development pressures" on these newly rezoned neighborhoods. However, the EIR does not identify specifically any of these anticipated impacts. The Board has no sufficient or meaningful information in front of it which would allow it to make an informed and intelligent decision regarding the impacts which WILL occur as a result of the Plan's passage.

A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process. Neither the Department or this Board (or the public) can know with any certainty what the impacts of the rezoning will be on the multitude of historic resources at risk. The Department is in essence saying, "Trust us" or "we will figure it out later", but that is not the way that CEQA is supposed to work. The Plan should be informed and shaped by the presence of the resources and their presence should directly affect the Plan *before* it is adopted and certified.

No member of the Board can say, "I voted to certify the EIR for the Market-Octavia Plan because I know what the impacts on the historic resources will be." The Public doesn't know, the Department doesn't know, and we will demonstrate at the hearing that specific, register eligible historic resources have been over-looked and are directly and dramatically impacted by this massive rezoning of the Market Octavia Plan.

We are not asking for perfection, we are asking that information necessary for an informed decision be provided before the decision is made. It is possible that once assessed, the Plan as it currently is devised would be unacceptable. The informational purpose of CEQA is crucial to informed decision making. While CEQA does not guarantee that these decisions will always be those which favor environmental considerations, CEQA does, however, guarantee or at least attempt to assure that the environmental consequences of a government decision on whether to approve a project will be considered *before, not after*, that decision is made.

INTERIM SAFEGUARDS DO NOT SATISFY CEQA REQUIREMENTS

The EIR lacks an analysis of the interim "extra scrutiny" measures on the potential historic resources as proposed in the Plan Implementation Resolutions in lieu of the

Survey being completed. An analysis of the Plan policies and their impact on the potential historic properties requires that an EIR be adequate, complete, and a good faith effort at full disclosure per Guideline 15151. Further, the EIR needs to have sufficient analysis to provide decision makers with information to make a decision that intelligently takes account of all known or potential environmental consequences and evaluates what is reasonably feasible.

Further, the Department fails to make clear to the Board that the "extra scrutiny" measures do not apply to large areas of the Plan, do not apply at all to Hayes Valley or to the SOMA west area of the Plan, which included some of the oldest and most valuable historic resources in the entire Plan area. The reconnaissance approach used in the Survey effort has the potential to overlook potential historic resources and districts by focusing the evaluations on "threatened" property types. Again, this is an environmental setting problem per Guideline 15151.

The lack of a comprehensive survey will require historic resource evaluations on a case-by-case basis for all properties not evaluated to determine whether or not the property is a resource and whether the Secretary Standards apply. This approach "piece-meals" the process and fails to address the cumulative impact of development projects on the neighborhoods per Guideline 15151.

The research design and methodology utilized in the survey in process does not meet professional standards and has had no independent peer review. The Survey does not follow the methodology or review process utilized by the Planning Department in the preparation of the Central Waterfront and Inner Mission North historic resource surveys and would set a dangerous precedent for other area plan projects by allowing neighborhood rezoning to occur in advance of the analysis of potential resources. Previous Planning Department historic resources surveys were conducted with oversight from the Office of Historic Preservation and met National Park Service Technical Standards. Similarly, Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 111 Cal.2d 598, disallowed reliance on environmental analysis that relied on inadequate technical methodology.

There is no certainty that the City will complete the current survey process, adopt the survey findings and incorporate the information into the area plan. The lack of comprehensive survey shifts the burden of monitoring to the neighborhood, creates a reactive process rather than proactively planning for the treatment of historic resources, and leaves open the potential for development decisions to be made about properties without the benefit of knowing whether they are historic resources. To date, the City has provided the public with no documentation of the survey results, context statement, or recordation forms.

Finally, the EIR "no project alternative" acknowledges that the proposed plan policies have the potential to create impacts on historic resources yet said impacts are not

President Aaron Peskin and Supervisors
Page 6 of 6
May 17, 2007

quantified and no mitigation is proposed. The EIR Mitigation Monitoring and Reporting Program (MMRP) principally addresses archeological v. architectural resources.

CONCLUSION

The Department is presenting an EIR to the Board which it acknowledges is incomplete. A request for certification on such a document is directly contrary to CEQA. "The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." (CEQA Guidelines, 15151.)

The ultimate decision of whether to approve a project whether that decision is right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA. San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus(1996) 27 Cal.App.4th at pp. 721-722, quoting Santiago County Water Dist. v. County of Orange (1981) 118 Cal.App.3d 818, 829 [173 Cal.Rptr. 602].)

If the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete or misleading, the EIR does not comply with CEQA. Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the EIR adequately investigated and discussed the environmental impacts of the development project. We urge the Board to return the EIR to the Department for further review until an adopted, comprehensive survey of the historic resources in the affected areas is completed.

VERY TRULY YOURS,

STEPHEN M. WILLIAMS

Legal Counsel to the San Francisco Preservation Consortium

cc: San Francisco Planning Commission
Landmarks Preservation Advisory Board
Dean Macris, Planning Director
Paul Maltzer, Environmental Review Officer
Dennis Herrera, City Attorney
San Francisco Historic Preservation Fund
Mayor's Office of Economic and Workforce Development
San Francisco Architectural Heritage
San Francisco Preservation Consortium
Duboce Triangle Neighborhood Association
Mission Dolores Neighborhood Association
Hayes Valley Neighborhood Association
San Francisco Victorian Alliance
Friends of 1800
Milford Wayne Donaldson, State Pres Off Nat. Trust for Historic Preservation



"Stephen M. Williams"
<smw@stevewilliamsllaw.com
>

05/21/2007 02:49 PM

"Aaron Peskin" <Aaron.Peskin@sfgov.org>,
To <board.of.supervisors@sfgov.org>, "Bevan Dufty"
<Bevan_Dufty@ci.sf.ca.us>, "Chris Daly"
"Joe BUTLER" <fjosephbutler@hotmail.com>, "Mark Paez"
cc <mark_paez@yahoo.com>, "Cynthia Servetnick"
<cynthia.servetnick@gmail.com>,

bcc

Subject

Dear President Peskin and Members of the Board:

Attached is our letter joining in the request for a continuance from Mary Miles and the Coalition for Adequate Review.

We hope the Board will look favorably on this request.

Very Truly Yours,

Steve Williams

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115
Phone: (415) 292-3656
Fax: (415) 776-8047



Joinder in Request for Continuance --Market Octavia Appeal Hearing Date May 22, 2007.pdf



LAW OFFICES OF
STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamsllaw.com

VIA FACSIMILE/ E-Mail

May 21, 2007

Aaron Peskin, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall-Room 244
San Francisco, CA 94102-4089

RE: **JOINDER IN REQUEST FOR CONTINUANCE -**
Market/Octavia Neighborhood Plan---Appeal of Final EIR Certification
Hearing Date: May 22, 2007—Special Order--4:00 p.m.
Items 25-28 on Board's Agenda

Dear President Peskin and Members of the Board:

As you may recall, this office was retained very recently to represent the Preservation Consortium in the above-noted appeal. We have been requested by one of the other appellants in this case, Mary Miles representing the Coalition for Adequate Review to support their request for a continuance. We hereby join in the Coalition's request for a continuance.

A continuance will provide additional time to review the mountain of materials generated in this case and for a possible "settlement" talks regarding possible mitigations of the Plan and its impacts on historic resources. Additionally, one of our principals, Gigi Platt is out of town on urgent family business this week and a brief continuance would provide an opportunity for her to return and testify at the appeal.

Thank you for your anticipated assistance and understanding

VERY TRULY YOURS,

STEPHEN M. WILLIAMS

CC: Clients
Clerk of the Board
Mary Miles, Esq.

EXHIBIT 1

APPEAL LETTERS

MARKET AND OCTAVIA EIR

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
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BY gsm

25 April 2007

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2007 APR 25 PM 2:17

President Aaron Peskin and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Re: Appeal of the Planning Commission's Certification of the Market and Octavia Neighborhood Plan Final EIR and Findings to the Board of Supervisors

Dear President Aaron Peskin and Supervisors:

On behalf of the San Francisco Preservation Consortium, we hereby submit this appeal of the Planning Commission's certification of the Market and Octavia Neighborhood Plan Final EIR and Findings.

The EIR's discussion of resource impacts occurred without the benefit of a comprehensive up-to-date historic resources inventory of the many historical resources and potential historic districts in the Plan area.

Without such a survey, the EIR's conclusions that no mitigation measures are required to protect historical resources and that the Plan will have no significant impacts on such resources are not supported by substantial evidence.

The EIR's inadequacy cannot be cured by interim policies and procedures to allow "extra scrutiny" for projects affecting vintage resources, for many reasons, including the fact that interim measures simply will not meet CEQA's thoughtful and effective mandates.

Lacking a completed Historic Resources Inventory of the Market and Octavia Neighborhood Plan Area, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding historical resources.

Sincerely,

F. Joseph Butler, AIA

F. Joseph Butler, AIA, Chair
San Francisco Preservation Consortium

cc: San Francisco Planning Commission
Landmarks Preservation Advisory Board
Dean Macris, Planning Director
Paul Maltzer, Environmental Review Officer Dennis Herrera, City Attorney San Francisco Historic Preservation Fund Mayor's Office of Economic and Workforce Development San Francisco Architectural Heritage San Francisco Preservation Consortium Duboce Triangle Neighborhood Association Mission Dolores Neighborhood Association Hayes Valley Neighborhood Association San Francisco Victorian Alliance Friends of 1800 Milford Wayne Donaldson, State Historic Preservation Officer National Trust for Historic Preservation, Western Regional Office

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17406

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED MARKET AND OCTAVIA PLAN, AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND ZONING MAPS, AMEDENMENTS TO THE SAN FRANCISCO GENERAL PLAN, ADOPTION OF URBAN DESIGN GUIDELINES, AND AMENDMENTS TO THE WESTRN ADDITION A-2 REDEVELOPMENT PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2003.0347E – Market and Octavia Plan (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Citywide Group of the Department filed for environmental evaluation on 3/26, 2003 and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

b. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on January 24, 2004.

c. On June 25, 2005, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

d. On June 25, 2005, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

e. Notices of availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

2) The Commission held a duly advertised public hearing on the DEIR on July 28, 2005 at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on August 23, 2005.

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on 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, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Plan. This material was presented in a Comments and Responses document, published on September 26, 2006, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.

4) A Final Environmental Impact Report has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law ("FEIR").

5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.

6) On April 5, 2007, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

7) The Planning Commission hereby does find that the FEIR concerning Case File No. 2003.0347E – Market and Octavia Neighborhood Plan reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Final EIR document which includes the Comments and Responses contains no significant new information to the DEIR. In addition, since publication of the DEIR there has been no significant new information that would require recirculation of the document pursuant to CEQA Guideline Section 15088.5; and the Planning Commission hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

8) The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

a. A potentially significant adverse shadow effect on the environment on *the War Memorial Open Space* from Development on Franklin Street and *United Nations Plaza* from towers at the Market Street and Van Ness Avenue intersection.

b. A significant adverse traffic effect on the environment to the following intersections under the year 20205 with Plan conditions: (1) Hayes Street and Van Ness Avenue, (2) Laguna /Market/ Hermann/Guerrero Streets, (3) Market/Sanchez/Fifteenth Streets, (4) Market/Church/ Fourteenth Streets, (5) Mission/Otis/South Van Ness; (6) Hayes/Gough Streets; and (7) Hayes/Franklin Streets.

c. A significant adverse transit effect on the environment as a result of increase in delays at Hayes Street intersections at Van Ness Avenue, Franklin Street, and Gough Street. Degradation to transit service would occur as a result of increase in delays at the intersections above.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee and William Lee

NOES: Moore and Olague

ABSENT: none

EXCUSED: Sugaya

ACTION: Certification of EIR

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17407

ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE MARKET AND OCTAVIA AREA PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESTERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

Whereas, the Planning Department has undertaken a planning and environmental review process for the proposed Market and Octavia Area Plan and provided for appropriate public hearings before the Planning Commission.

Whereas, the Planning Department is seeking to encourage the protection of existing neighborhood character and ensure a mix of housing opportunities, including mid-rise and high-rise residential development at certain intersections, with clear standards and land use controls that together will ensure a safe and attractive neighborhood environment, promote use of a variety of travel modes and develop a system of public improvements in the Market and Octavia Plan Area.

Whereas, the Planning Department facilitated a public planning process, which refined a series of proposals for land use, height, bulk, building design, parking and loading, open space, rear yards, public improvements, and other controls for the Market and Octavia Area. The resulting Market and Octavia Area Plan is a comprehensive proposal for the area, including new Planning Code controls and public improvements funding.

Whereas, the Market and Octavia Area Plan proposes three new zoning districts in the area of San Francisco generally located to the West of the City's Downtown Area and includes portions of Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market Neighborhoods of San Francisco. While residential areas stay residential under the new Residential Transit Oriented (RTO) designation, and neighborhood shopping streets remain under the designation of Neighborhood Commercial Transit (NCT) Districts, a new

residential neighborhood is created under a new special use district called the Van Ness and Market Downtown Residential Special Use District.

Whereas, the actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the Market and Octavia Area Plan and various implementation actions ("Project"), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed Market and Octavia Area Plan, and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

Whereas, the Planning Department on June 25, 2005, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* ("CEQA"), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a public hearing on the DEIR on July 28, 2005.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on September 26, 2006, which together with the DEIR and additional information that became available, constitute the Final Environmental Impact Report ("FEIR")

Whereas, the Planning Commission, on April 5, 2007, by Motion No. 17406, 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 complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17406, found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission certified the FEIR as adequate, accurate, and objective, and reflecting the independent judgment of the Planning Commission in Motion No. 17406.

AND BE IT FURTHER RESOLVED, that the Planning Commission has reviewed and considered the FEIR and hereby adopts the Project Findings attached hereto as Attachment A including a

CITY PLANNING COMMISSION

File No: 2003.0347E
Market & Octavia Area Plan
Motion No.
Page 3 of 3

statement of overriding considerations, and including as Exhibit 1 the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee, William Lee and Sugaya

NOES: Moore and Olague

ABSENT: none

ACTION: Approval of CEQA Findings

ATTACHMENT A

MARKET AND OCTAVIA AREA PLAN

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

In determining to approve the proposed Market and Octavia Area Plan and related approval actions (the "Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives 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, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the proposed Project, the environmental review process for the project, the Planning Commission 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;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels;

Section V discusses why a subsequent or supplemental EIR is not required;

Section VI evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support the rejection of the alternatives and access options analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the Planning Commission's actions and its rejection of the Alternatives not incorporated into the Project.

Attached to these findings as Exhibit 1 is the Mitigation Monitoring and Reporting Program for the mitigation measures that have been proposed for adoption. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in the Final EIR that is required to

reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

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

a. Project Description

The Draft EIR analyzed three separate actions: (1) the Market and Octavia Area Plan, published by the San Francisco Planning Department ("Project Sponsor") in December 2002 and as revised September 7, 2006 (the "Plan"); (2) redevelopment of 22 vacant Central Freeway parcels created as a result of the removal of the elevated Central Freeway; and (3) a limited number of near-term public street and open space improvements in the Project Area. At this time, the Planning Commission and Board of Supervisors will only consider the adoption of the Market and Octavia Area Plan and associated implementation actions.

The Plan – which is more extensively described in the Market and Octavia Neighborhood Plan and in the FEIR – is a means for implementing an innovative set of land use controls, urban design guidelines, and public space and transportation system improvements to create a dense, vibrant and transit-oriented neighborhood. The controls encourage new housing and enhance the urban environment in a variety of ways.

On November 16, 2006 in a letter to the Office of Major Environmental Analysis, the project sponsor, the Department, found feasible and recommended as part of the Project mitigation measures 5.7.A, 5.7.B, and 5.7.G of the DEIR. These measures would remove the proposal to make Hayes Street two-ways between Gough Street and Van Ness Avenue. In certifying the EIR and approving the Project, the Planning Commission disagreed with Department staff and found the mitigation measures 5.7.A, 5.7.B, and 5.7.G infeasible for the reasons set forth in Section III. The Commission voted to maintain the proposal to make Hayes Street two-ways between Gough Street and Van Ness as part of the Project.

b. Environmental Review

The Planning Department determined that an Environmental Impact Report ("EIR") was required for the Project. The Planning Department published the Draft EIR and provided public notice of the availability of the Draft EIR for public review and comment on June 25, 2005.

On January 24, 2004, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse. Notices of Availability ("NOA") for the Draft EIR of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

The Planning Commission held a duly noticed public hearing on the Draft EIR on July 28, 2005. At this hearing, opportunity for public comment was given, and public comment was received on the Draft EIR. The Planning Department accepted public comments on the Draft EIR from June 25, 2005 to August 23, 2005.

On May 22, 2006, in response to community input, the Project Sponsor published a document entitled *Proposed Revisions to The Market and Octavia Neighborhood Plan* ("Proposed

Revisions"). On May 23, 2006, the Project Sponsor hosted a community meeting to receive public comment on the *Proposed Revisions*. In response to community input, the Planning Department further revised the *Proposed Revisions* document and finalized it on September 7, 2006.

The Planning Department prepared responses to comments on environmental issues received at the public hearing and in writing, prepared revisions to the text of the Draft EIR in response to comments received or based on additional information that became available during the public comment review period, analyzed the *Proposed Revisions*, and corrected errors in the Draft EIR. This material was presented in the "Comments and Responses" published on September 26, 2006, was distributed to the Planning Commission and to all parties who commented on the Draft EIR, and was available to others upon request at the Planning Department's office. Since the publication of the *Proposed Revisions*, the Planning Commission has held extensive public hearings on the Plan. During the course of these hearings and in response to public comment, the Planning Commission has directed staff to make several revisions to the Plan as described in various staff reports on file with the Planning Commission ("Additional Revisions"). In certifying the EIR, the Planning Commission found that none of the information added after the publication of the DEIR, including the *Proposed Revisions*, the environmental analysis of the *Proposed Revisions*, and the Additional Revisions triggered the need for recirculation of the EIR. Nor does the adoption of the Plan with the *Proposed Revisions* and the Additional Revisions trigger the need for a supplemental or subsequent EIR as discussed in Section V. A Final EIR has been prepared by the Planning Department consisting of the Draft EIR, all comments received during the review process, and the Comments and Responses. The Draft EIR, the Comments and Responses, and all appendices thereto comprise the "EIR" referenced in these findings.

c. Planning Commission Actions

The Planning Commission will take the following actions and approvals to implement the Project.

- Certify the Final EIR.
- Adopt CEQA findings and a Mitigation Monitoring and Reporting Program.
- Determine consistency of the Market and Octavia Neighborhood Plan with the General Plan and Planning Code Section 101.1 Priority Policies, and recommend adoption to the Board of Supervisors.
- Approve adoption of amendments to the General Plan constituting the Market and Octavia Area Plan, pending approval by the Board of Supervisors.
- Approve and recommend to the Board of Supervisors related amendments to the San Francisco Planning Code and Zoning Maps.

d. Location of Records

The record upon which all findings and determinations related to the Project are based includes the following:

- The Plan and the *Proposed Revisions*.
- The EIR, and all documents referenced in or relied upon by the EIR.

- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR.
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and sub consultants who prepared the EIR, or incorporated into reports presented to the Planning Commission.
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- All applications, letters, testimony and presentations presented to the City by the project sponsor and its consultants in connection with the Project.
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.
- For documentary and information purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- The MMRP.
- All other documents comprising the record pursuant to Public Resources Code Section 2116.76(e)

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1660 Mission Street, San Francisco. Linda Avery, Commission Secretary, is the custodian of these documents and materials.

II. Impacts Found Not To Be Significant and Thus Requiring No Mitigation

Based on substantial evidence in the whole record of this proceeding, the City finds that the implementation of the Plan will not result any significant impacts in the following areas: Land Use and Zoning; Population, Housing, and Employment; Urban Design and Visual Quality; Noise; Public Facilities, Services, and Utilities; Hydrology; and Growth Inducement. Each of these topics is analyzed and discussed in detail including, but not limited to, in the EIR at Chapters 4.2, 4.3, 4.4, 4.9, 4.12, 4.13, and 4.14.

III. Findings of Potentially Significant Impacts That Can Be Avoided Or Reduced To A Less Than Significant Level

Finding: The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The findings in this Section III and in Section IV concern mitigation measures set forth in the FEIR. These findings discuss mitigation measures as proposed in the FEIR and recommended for adoption by the Board of Supervisors, which can be implemented by City agencies or departments. Except for minor revisions made to the language of mitigation measures to reflect the fact that the project sponsor is now recommending implementation of measures 5.7.A, 5.7.B, and 5.7.G of the DEIR as shown below, the mitigation measures proposed for adoption in this section are the same as the mitigation measures identified in the FEIR.

As explained previously, Exhibit 1, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Chapter V of the EIR that is required to reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

The Planning Commission finds that, based on the record before it, the mitigation measures proposed for adoption in the FEIR are feasible, with the exception of Mitigation Measures 5.7A, 5.7.B, and 5.7G, and the possible exception of Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H, as explained further below, and that they can and should be carried out by the identified agencies at the designated time.

This Planning Commission finds Mitigation Measures 5.7.A, 5.7.B, and 5.7.G infeasible for the following specific economic, legal, social, technological and other reasons. During the course of public hearings and staff presentations on the Plan, the Planning Commission has heard significant public testimony supporting these findings of infeasibility.

The Market and Octavia Plan proposed to convert Hayes Street between Franklin and Laguna to a two way street (the "original project"). The original project was proposed to address the inhospitable pedestrian environment. The proposed mitigation measures 5.7.A, 5.7.B, and 5.7.G maintain the one-way street, leaving unresolved the negative social and economic environment created by the existing conditions. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell, creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; and reducing the tendency for residents to walk for their daily needs.

Specifically, the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for economic reasons due to the negative impacts on the local economic environment. The mitigation measures constrain pedestrian behavior, especially limiting pedestrian comfort with crossing at key intersections. These conditions have a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. An awkward and unsafe pedestrian environment constrains the natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities and unacceptably damages the economic vitality of neighborhood commercial establishments.

In addition the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for social reasons. They create an unhealthy pedestrian environment, which discourages residents and visitors from walking for most trips and increase the likelihood of jay walking and pedestrian-car collisions. Further, the inability to walk to key destinations reduces an individual's ability to form important social networks that create a sense of safety and community in a neighborhood.

The Planning Commission finds that the existing conditions result in negative social and economic circumstances rendering the mitigation measures infeasible. The Planning

Commission acknowledges that because these measures are infeasible and will not be adopted and implemented at this time, the Project will result in significant unavoidable impacts as discussed below and in the EIR.

This Planning Commission urges other agencies to adopt and implement the remaining applicable mitigation measures set forth in the FEIR that are within the jurisdiction and responsibility of such entities. The Planning Commission acknowledges that if such measures are not adopted and implemented, or if Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H are infeasible, the Project may result in additional significant unavoidable impacts.

For all of these reasons, and as discussed in Section VI, the Planning Commission is adopting a Statement of Overriding Considerations as set forth in Section VII.

All mitigation measures identified in the FEIR that will reduce or avoid significant adverse environmental impacts, except Mitigation Measures 5.7.A, 5.7.B, and 5.7.G, are proposed for adoption and are set forth in Exhibit 1, in the Mitigation Monitoring and Reporting Program. None of the mitigation measures set forth in the FEIR that are needed to reduce or avoid significant adverse environmental impacts are rejected.

A. Wind

1. Impact – Wind

a) Potentially Significant Impact

The Plan would result in a potentially significant wind impact due to the potential for development of major buildings in the Project Area, particularly those allowed up to 400 feet around the Market Street and Van Ness Avenue Intersection.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures:

Buildings in Excess of 85 feet in Height

To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:

- Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter offered by existing upwind structures as much as possible. Avoid continuous western building faces.
- Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of setbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building.

- Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface.

Avoid narrow gaps between buildings, which may accelerate westerly winds.

- Avoid “breezeways” or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels.

All New Construction

The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:

- New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.
- An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.
- The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.
- Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year.
- For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.

B. Historical Resources

1. Impact – Archaeological: Soils Disturbing Activities in Archaeological Documented Properties

a) Potentially Significant Impact

The proposed higher residential densities, elimination of residential density limits, and increased subsurface excavation associated with infill development on several blocks within the Project Area could have a potentially significant adverse impact on archaeological documented resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures, which shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.

Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:

1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;
2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;
3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources;
4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;
5. Impacts of Proposed Project;
6. Potential Soils Hazards: Update discussion for proposed project;
7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:
 - A. Proposed archaeological testing strategies and their justification
 - B. Expected archaeological resources
 - C. For historic archaeological resources
 1. Historic address or other location identification
 2. Archaeological property type
 - D. For all archaeological resources
 1. Estimate depth below the surface
 2. Expected integrity

3. Preliminary assessment of eligibility to the CRHR
- E. ETP Map
 1. Location of expected archaeological resources
 2. Location of expected project sub-grade impacts
 3. Areas of prior soils disturbance
 4. Archaeological testing locations by type of testing
 5. Base map: 1886/7 Sanborn Fire Insurance Company map.

2. Impact – Archaeological: General Soils Disturbing Activities

a) Potentially Significant Impact

Construction activities on those properties that have no Archeological Assessment Report or for minor soils disturbance in the Mission Dolores Archaeological District could significantly impact archaeological resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

The mitigation measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archaeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).

For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:

The historical uses of the project site based on any previous archaeological documentation and Sanborn maps;

Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR);

If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;

Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;

Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.

Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.

3. Impact – Archaeological: Soils Disturbing Activities in Public Street and Open Space Improvements

a) Potentially Significant Impact

Public street and open space improvements could have a potentially significant impact on archaeological resources as a result of soil disturbances in excess of four feet.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure, which shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Monitoring Program (AMP)

The archaeological monitoring program shall, at a minimum, include the following provisions:

- a) The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with

the project archaeologist, shall determine what project activities shall be archaeologically monitored.

- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.

If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or
- An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact *analysis* procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive

two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

4. Impact – Archaeological: Soils Disturbing Activities in the Mission Dolores Archaeological District

a) Potentially Significant Impact

The increase in residential densities and subsurface basements would increase the potential for soil disturbances, which could adversely affect archaeological resources within the Mission Dolores Archaeological District.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Testing Program

The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or
- A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program

If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;

- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archaeological Data Recovery Program

The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.

- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation

forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.

C. Air Quality

1. Impact – Air Quality: Particulate Emissions During Construction

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term PM₁₀ and PM₂₅ emissions.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures will reduce the level of dust created by construction and thus minimize the impacts on human health.

These measures include:

- Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

2. Impact – Air Quality: Short-Term Exhaust Emissions

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term emissions related to the operation of fossil fuel burning equipment.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure.

To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area, which would reduce impacts to a less than significant level.

- Confine idle time of combustion engine construction equipment at construction sites to five minutes.
- Maintain and properly tune construction equipment in accordance to manufacturer's specifications.
- Use alternative fueled or electrical construction equipment at the project site when feasible.
- Use the minimum practical engine size for construction equipment.
- Equip gasoline-powered construction equipment with catalytic converters when feasible.

D. Hazardous Materials

1. Impact – Hazardous Materials: Construction Activities

a) Potentially Significant Impact

The proposed development would increase the potential for demolition and renovation activities within the Project Area. To the extent that the Plan would encourage new construction, temporary impacts or risks would occur during the demolition phase of development induced by the Plan or project development.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:

- Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends.
- Storage stockpiles shall be minimized, where practical, and properly labeled and secured.
- Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions.
- Activities shall be conducted so as not to track contaminants beyond the regulated area.
- Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate.
- Containments and regulated areas shall be properly maintained.

E. Geology, Soils, Seismicity

1. Impact – Soils: Construction Activities

a) Potentially Significant Impact

Soil exposed during construction may be subject to erosion, which could potentially create a significant environmental impact.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level temporary construction related impacts would be mitigated to a less than significant level through the implementation of Best Management Practices (BMP) erosion control features, which shall be developed with the following objectives and basic strategy:

- Protect disturbed areas through minimization and duration of exposure.
- Control surface runoff and maintain low runoff velocities.
- Trap sediment on-site.
- Minimize length and steepness of slopes.

F. Transportation

1. Impact – Traffic: Hayes and Gough Streets Intersection

a) Potentially Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

2. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Potentially Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound

travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

3. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Potentially Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

IV. Significant Impacts That Cannot Be Avoided Or Reduced To A Less Than Significant Level

Finding: Based on substantial evidence in the whole record of these proceedings, the City finds that, where feasible, changes or alterations have been required, or incorporated into, the Plan to reduce the significant environmental impacts listed below as identified in the FEIR. The City determines that the following significant impacts on the environment, as reflected in the FEIR,

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 City 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.

A. Shadow

1. Impact – Shadow: War Memorial Open Space

a) Significant Impact

Development on Franklin Street could cast mid-afternoon shadows year round on the War Memorial Open space that could result in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation measures, the potentially significant impact listed above may not be reduced or avoided.

2. Impact – Shadow: United Nations Plaza

a) Significant Impact

Incremental shading on United Nations Plaza from towers at the Market Street and Van Ness Avenue intersection would occur in later winter afternoons resulting in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation

measures, the potentially significant impact listed above may not be reduced or avoided.

B. Transportation

1. Impact – Traffic: Laguna/Market/Hermann/Guerrero Streets Intersection

a) Significant Impact

Laguna/Market/Hermann/Guerrero Streets intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

2. Impact – Traffic: Market/Sanchez/Fifteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fifteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the Market/Sanchez/Fifteenth Streets intersection to allow more time for impacted movements may improve conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D. Impacts could be mitigated to a less than significant level if the right-turn pocket was implemented in conjunction

with the signal retiming. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

3. Impact – Traffic: Market/Church/Fourteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fourteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Market/Church/ Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

4. Impact – Traffic: Mission Street/Otis Street/South Van Ness Avenue Intersection

a) Significant Impact

Mission Street/Otis Street/South Van Ness Avenue intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.

It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions. As the

feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

5. Impact – Traffic: Hayes Street/Van Ness Avenue Intersection

a) Significant Impact

Hayes/Van Ness Avenue intersection (LOS F) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).

To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.

The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions. The mitigation measure of reestablishing the westbound travel lane (eliminating the Project's proposed changes to Hayes Street as described below) would substantially reduce, but would not eliminate the significant and unavoidable impact.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

6. Impact – Traffic: Hayes and Gough Streets Intersection

a) Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

7. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

8. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

V. Neither Recirculation Nor a Subsequent or Supplemental EIR Is Required

1. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that it contains additions, clarifications, and modifications, including a description and analysis of the Project, *Proposed Revisions*, and *Additional Revisions*. The Planning Commission has reviewed and considered the FEIR and all of this information. In certifying the FEIR, the Planning Commission found that the FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the DEIR does not involve a new significant environmental impact, a substantial increase in the severity of a significant environmental impact, or a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Project and that the Project Sponsor declines to adopt. No information indicates that the DEIR was inadequate or conclusory.

2. The Project as it now stands fall within the range of impacts and the range of alternatives studied in the DEIR.

3. The Planning Commission finds that (1) modifications incorporated into the Project and reflected in the Actions will not require important revisions to the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of

previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the Project or the Actions are undertaken which would require major revisions to the FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and (3) no new information of substantial importance to the Project or the Actions has become available which would indicate (a) the Project or the Actions will have significant effect not discussed in the FEIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIR would substantially reduce one or more significant effects on the environment.

VI. Evaluation Of Project Alternatives

This Section describes the Project as well as the Project Alternatives and the reasons for rejecting the Alternative. This Article also outlines the Project's purposes and provides a context for understanding the reasons for selecting or rejecting alternatives, and describes the Project alternative components analyzed in the FEIR.

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of the Project.

A. Reasons for Selection of the Project

As discussed above in Section I, the Project is based on the Project Description analyzed in the FEIR, with the *Project Revisions* finalized in September 2006. In addition to the proposed Project, the FEIR analyzed two Alternatives:

- No Project Alternative – Existing Controls
- Reduced Height/Reduced Density Alternative

These Alternatives are discussed in greater detail in Section 7 of the EIR.

In approving the Project, the Planning Commission has carefully considered the attributes and the environmental effects of the Project and the Alternatives discussed in the FEIR. This consideration, along with reports from City staff and public testimony has resulted in the Project. The Project achieves the objectives as set forth in the FEIR as follows:

The Project is selected because it will promote the greatest achievement of all of the following objectives, which would not be achieved by either the No Project Alternative or the Reduced Height/Reduced Density Alternative.

- Create a dense, vibrant and transit-oriented neighborhood that capitalizes on all of the unique characteristics and development opportunities of the Project Area.

The Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR. The Project creates opportunity to provide more housing in the place where it can best be accommodated, in areas with significant infrastructure investment. The Project seeks to establish a residential intensity that supports the transit uses in the area. When providing more housing, it is often not the accommodation of the people that strains a neighborhood, oftentimes it is the accommodation of the car trips. The Project's controls ensure that some portion of new housing is developed for households that rely on walking, transit and carshare to meet their daily needs. The Project also combines the housing ideas with streetscape and transit improvements that would encourage walking, improve transit and help to return balance to the city streets. In this way the Project gracefully accomplishes the City's goals for housing production to satisfy need.

- Strengthen the community's supply of housing by increasing well-designed infill housing.

While the Market & Octavia Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR, it does so in a very focused manner. The Project does not non-discriminately raise heights. Rather, in roughly 59% of the parcels there is no change in height, roughly 33% of the parcels show a decrease in height by more than 10 feet. Only about 8% of the parcels would see an increase in height and of the total Project area only 3% of the parcels would see an increase of more than 10 feet. The Project is increasing housing supply but in large part it is doing so within the scale of the existing neighborhood fabric. Infill housing would further controlled by the design principles described in the Project that control building aspects such as massing and articulation, activation of the ground floor, curb cuts, alley frontages and supporting open space for residential units.

- Strengthen the economic base of the Project Area and the community by increasing neighborhood-serving retail and service businesses throughout the Project Area.

The Project would transition a large part of the SoMa West area from C-M (Heavy Commercial) to a Neighborhood Commercial Transit (NCT-3) district. C-M districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts with an emphasis on wholesaling, business services, and some light manufacturing and processing. The new NCT district in this area would increase the amount of land for neighborhood-serving retail and businesses. Also, in SoMa West, the remaining land would be rezoned from C3-G (Downtown General Commercial) to C3-G with a special use district overlay called Van Ness and Market Downtown Residential SUD. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence, thereby increasing the purchasing power of the neighborhood. Similarly, but to a lesser scale, the remainder of the Project Area will benefit from a larger consumer base as density increases. Outside of the SoMa West Area, existing neighborhood commercial districts will in large part remain and not expand in scope.

The Project would, by making Hayes Street two-way, enhance the neighborhood commercial vitality of Hayes Valley. Maintaining Hayes Street as one-way limits pedestrian comfort with crossing at key intersections and thus has a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. By slowing traffic and improving the pedestrian environment, the Project improves the

natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities.

- Focus design attention especially on the development need and opportunities in two subareas: (1) reintegrating the vacant Central Freeway parcels into the neighborhood and (2) creating a high-density new neighborhood around South Van Ness Avenue, Market Street and Mission Street that takes advantage of that area's high height potential and elegantly designed residential towers.

The Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Increase the mix of land uses and the density required to create a successful vibrant transit-oriented neighborhood reflecting the unique character of the Project Area.

Similar to the discussion in the above objective, the Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Revise the height districts throughout the Project Area to sculpt an urban form that maximizes housing opportunities mediated by building type, street-level livability, views, and skyline effects.

The new height districts maintain the carefully sculpted heights near the Civic Center to preserve views towards City Hall. The new heights punctuate the new residential neighborhood with 400' towers at the Market and Van Ness intersection. These towers would mark the City's premier intersection of Van Ness Avenue and Market Street and visually mark the edge of downtown with residential towers that are taller yet approximately 50% less bulky than the neighboring office towers. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate. The focal point of towers at Market and Van Ness intersection, would be supported by buildings that are 120-feet, the same height as the tower podiums. 120-feet is the established podium height for most of Market Street as it represents a fundamental urban design principal that streets can comfortably hold buildings as high as the streets are wide. From the Market and Van Ness intersection heights generally taper down both along Market Street and towards the West as intensity of street use lessens. Heights are lowered in front of the Mint to preserve views to the Mint. Key intersections are marked with height that tapers in mid-block. Along east-west alleys, additional controls are placed based upon street width and sun angle to ensure light reaches the sidewalk.

- Improve the area's public streets and open spaces necessary for a vibrant transit oriented neighborhood, including incorporating traffic calming strategies, street tree planning, new park creation, and streetscape improvements.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for "living streets" as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability. The Project's ideas for traffic-calming include corner bulb-outs and reduced distance for pedestrian crossings.

- Improve the operation and convenience of all transportation modes required for a vibrant transit-oriented place, with a focus on transit, bicycle, and pedestrian movement.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City's downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

- Within the controls required to create a vibrant and transit oriented neighborhood, provide flexibility in the development of the Project Area so that development can respond to market conditions over time.

The Project will enable the creation of new housing units in the Market and Octavia Neighborhood with a level of flexibility in both density controls and in parking controls. Instead of specific parking requirements, the Project sets parking caps and allows for parking provision anywhere from zero spaces per unit up to the parking caps. Further, unbundling parking from housing allows residents to pay separately for costly parking spaces and housing and allows residents to choose whether to pay for parking or not. Like the parking controls, the new density controls provide flexibility in that they no longer regulate density as a factor of lot square but instead only control the form of the building. This will allow for creativity in housing unit types within the form and scale of established neighborhoods.

- Undertake the public improvements proposed in the Plan in a manner that makes them affordable to the City by using innovatively the full range of public financing tools to support the City in meeting its share of the planning and development responsibility for the quality and character of the public realm.

The Project identifies community improvements necessary to accommodate projected growth of residential and commercial development in the Project Area while maintaining and improving community character. The Project, through the Market and Octavia Community Improvements Program Document (dated September 18, 2006) ("Program Document"), incorporated herein by reference, also identifies a number of potential revenue sources to fund community improvements. They include:

- Use of Public agency grants (Federal and State Funding as well as General Fund monies);
- Establishing Community benefit districts, parking benefit districts and other assessment districts and utilizing the funds generated to mitigate development impact;
- Establishing parking and/or curb cut impact fees to mitigate specific impacts generated by the components of a project;

- Sale of Development Credits; and
- Establishing a Development Impact Fee to mitigate the impacts generated by development and utilize the revenue to fund the necessary community improvements.

B. Alternatives Rejected and Reasons for Rejection

The Planning Commission rejects the Alternatives set forth in the FEIR and listed below because the Planning 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 in Section VII below under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives.

The No Project Alternative

The No Project Alternative assumes that the Planning Department would not adopt and implement the Project. Development within the Project Area would take place under the existing zoning regulations and the regulations of the *Western Addition A-2 Redevelopment Plan*, which apply to an area in the northern portion of the Project Area, and would remain in place through 2009.

The No Project Alternative would not be desirable nor meet the Project objectives for the following reasons.

Housing:

- The No Project Alternative would retain the existing one-to-one parking requirements. These requirements have adverse impacts on the City's supply of housing and make housing more expensive. The requirement to couple housing with parking provides less space per site to devote to much-needed housing. Moreover, providing parking with every housing unit increases the cost to construct and provide housing thus making housing less affordable. As detailed in the Housing Element of the General Plan, affordable housing is in great demand in the City and housing for those at all levels of the economic spectrum is much needed.
- Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to the Market & Octavia area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Infill Development:

Under the No Project Alternative, current zoning controls would remain in effect. Current zoning controls permit infill development in existing neighborhoods that is out of character with

the existing housing stock. Existing controls permit much larger and bulkier development than the controls proposed under the Project. The Planning Commission finds that well-designed infill development is a desirable outcome for the City.

Neighborhood-Serving Retail

Under the No Project Alternative, current zoning, especially in the SOMA West Neighborhood (CM and C3-G) does not promote neighborhood-serving retail and service establishments. During the community process, the community identified neighborhood-serving uses as a priority for the neighborhood.

Central Freeway Parcels:

Most of the Central Freeway parcels are currently vacant parcels, many of which are zoned P (Public). Under the No Project Alternative, given their small and unusual size, some of the lots are difficult if not impossible to develop under current zoning. Leaving these lots – which are centrally located in the community – vacant is not a desirable outcome for the City or for members of the community.

High Density Residential Development:

- Under the No Project Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. If development were to occur under these controls, it would be at a similar bulk as existing buildings so would be undifferentiated and would not mark these important intersections.
- Under the No Project Alternative, the current zoning for the area around South Van Ness Avenue, Market Street, and Mission Street generally does not permit residential development. Thus, the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit -- increasing traffic, air pollution, and resulting in a less friendly environment for other modes of travel.
- Under the No Project Alternative, while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Public Streets and Open Spaces:

Under the No Project Alternative, the existing controls provide for no special transit or street improvement strategies. There is no strategy to provide a buffer between the street and current uses. The community emphasized the need to improve the existing character of the streets and to

create transit and street improvement strategies and this need is not met by the No Project Alternative.

Transit Orientation:

Under the No Project Alternative, the existing controls provide for no special emphasis on alternative means of transportation. The current controls and existing situation are geared primarily toward transportation by automobile. This situation is contrary to the City's Transit First Policy.

Flexibility of Land Use Controls:

Under the No Project Alternative, the existing controls provide little flexibility in many of the requirements. For example, generally for each unit in the Project Area parking must be provided at one parking space per one unit—no more and no less. This lack of flexibility does not allow the City and Project Sponsors to account for the current market or current trends. In addition, the current method of establishing density is rigid in that it sets absolute unit caps based upon lot area. This again, restricts the City and Project Sponsors from designing denser or more architecturally interesting projects. The Project has a unit mix requirement to ensure that some larger units get built, but otherwise the density of developments can be flexible within the prescribed building envelope.

Community Infrastructure Improvement:

Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop from approximately \$59,000,000 to approximately \$15,000,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

Reduced Height/Reduced Density Alternative

The Reduced Height/Reduced Density Alternative focuses on reducing the significant transportation and shadow impacts that would occur with the implementation of the Project. The Reduced Height/Reduced Density Alternative proposed would have differed from the proposed project in two areas:

- Hayes Street, which is recommended for conversion to two-way operation between Van Ness Avenue and Octavia Boulevard in the Project, would remain as a one-way street with the current operations.
- Height increases proposed under the Project would be reduced in the area around the Market Street/Van Ness Avenue/South Van Ness Avenue intersection under the Reduced Height/Reduced Density Alternative.

All other policies and recommendations in the Reduced Height/Reduced Density Alternative would remain the same as those of the proposed project.

The Reduced Height/Reduced Density Alternative would not be desirable nor meet the Project objectives for the following reasons:

High Density Residential Development:

Under the Reduced Height/Reduced Density Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Housing and Development in Transit Corridors:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Community Infrastructure Improvement:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop approximately \$2,150,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

C. Environmentally Superior Alternative

The Reduced Height/Reduced Density Alternative is the Environmentally Superior Alternative because it would result in less development in the Market and Octavia Area and fewer potentially significant effects on shadows. Originally, the Reduced Height/Reduced Density Alternative was also expected to result in fewer impacts on transportation, but with the agreement of the Project Sponsor to retain Hayes Street as a one-way street with the current operations, the transit impacts that were improved by this aspect of the Reduced Height/Reduced Density will be reduced in the Project as well. However, for the reasons stated above, this alternative is rejected as infeasible.

VII. Statement Of Overriding Considerations

Pursuant to CEQA section 21081 and CEQA Guideline 15093, the City hereby finds, after consideration of the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. The specific reasons for this finding, based on substantial evidence in the record, constitute the following "Statement of Overriding Considerations."

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specially finds, 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. Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

1. The Project will implement and fulfill the policies and objectives of the General Plan including, but not limited to, the following:

The Market and Octavia planning process built on existing General Plan policies. Analysis of applicable General Plan Objectives and Policies has determined that the proposed action is, on balance, consistent with the General Plan. The proposed actions offer a compelling

articulation and implementation of many of the concepts outlined in the General Plan, especially the Air Quality, Urban Design, Transportation Element, Commerce and Industry, Recreation and Open Space, and Arts Elements. Below are key policies and objectives that support the proposed actions.

NOTE: General Plan Elements are in **CAPITAL BOLD LETTERS**

General Plan Objectives are in **CAPITAL LETTERS**

General Plan Policies are in Arial italics font

AIR QUALITY ELEMENT

OBJECTIVE 2: REDUCE MOBILE SOURCES OF AIR POLLUTION THROUGH IMPLEMENTATION OF THE TRANSPORTATION ELEMENT OF THE GENERAL PLAN

reducing congestion on roadways;

giving priority to public transit, as mandated by the "Transit First" policy;

encouraging the use of modes of travel other than single occupant vehicles such as transit, carpooling, walking, and bicycling;

managing the supply of parking in the downtown area.

promoting coordination between land use and transportation to improve air quality;

This Objective is satisfied in that the Project seeks to coordinate land use and transportation by encouraging housing in the Project area that is rich in transit infrastructure and support. It encourages development of new housing while maintaining the scale of the existing neighborhood, and encourages establishing a high-density residential neighborhood in SoMa West, near Van Ness, Market, and Mission Streets.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City's downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

POLICY 3.2 Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

This Policy is satisfied in that the Project will encourage the development of new housing, neighborhood services, open space and sustainable transportation in the Market and Octavia neighborhood generally including the intersections of Market and Church Streets, Market Street and Van Ness Avenue, and the new Octavia Boulevard and parcels within walking distance of these areas. The Project will ensure that new development regenerates the neighborhood fabric where the Central Freeway once stood and transforms the SoMa West area into a full-service neighborhood. The Project supports the General Plan's vision of building where growth can be

accommodated by transit and services, encouraging public transit use over travel by private automobile, and expanding housing opportunities adjacent to the downtown area.

POLICY 3.6 Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

This Policy is met in that the Project establishes a monitoring program that will provide feedback on the Project's impacts and allow for corrections and revisions if necessary. In order to track implementation, the Planning Department will monitor key indicators. The Project's performance will be tracked relative to benchmarks informed by existing neighborhood conditions and professional standards. If monitoring surveys indicate an imbalance in growth and relevant infrastructure and support, the Planning Department may recommend policy changes to balance development with infrastructure. Appropriate responses may include temporary or permanent alterations to Market and Octavia Neighborhood Plan policies, or heightened prioritization of plan area improvements.

URBAN DESIGN ELEMENT

POLICY 1.6 Make centers of activity more prominent through design of street features and by other means.

This Policy is satisfied in that significant change is envisioned for the "SoMa West" area, which lies between Market Street, South Van Ness Avenue, Mission Street and the Central Freeway. For more than three decades the city's General Plan has proposed that this area become a mixed-use residential neighborhood adjacent to the downtown. The Project carries this policy forward by encouraging relatively high-density mixed-use residential development in the SoMa West area. Element 7, "A New Neighborhood in SoMa West," proposes an bold program of capital improvement to create a public realm of streets and open spaces appropriate for the evolution of the public life of the area, and to serve as the catalyst for the development of a new mixed-use residential neighborhood.

In addition to these changes to the streets, the Project seeks to reinforce the hierarchy of the City's built form by concentrating height and bulk where core transit services converge. The Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) will encourage the development of a transit-oriented, high-density, mixed-use neighborhood around the intersection of Van Ness Avenue and Market Street, adjacent to downtown. This district will still have the area's most intensive commercial uses, including offices, but balances those with a new residential presence. Residential towers will be permitted along the Market / Mission Street corridor, provided they meet urban design standards. Residential towers, if built, would be clustered around the intersection of Market Street and Van Ness Avenue, with heights ranging from 160 – 400 feet.

TRANSPORTATION ELEMENT

Policy 1.1 Involve citizens in planning and developing transportation facilities and services, and in further defining objectives and policies as they relate to district plans and specific projects.

This policy is satisfied in that, starting in 2000, the Planning Department initiated a public planning process, the Better Neighborhoods Program, which developed a series of policies and proposals including those for land use, height, bulk, building design, density, transportation, and parking in the Market and Octavia area. As a part of this program, the Department has held numerous public meetings, and has briefed the Planning Commission and other public bodies and neighborhood organizations. A partial list of these public meetings can be found in the EIR and can be found on the Planning Departments website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/I_ExSum_A-1_A-2.pdf and are incorporated herein by reference.

OBJECTIVE 23: IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

OBJECTIVE 26: CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.

These Objectives are satisfied in that the Project states that the streets in the Project area afford the greatest opportunity to create new public parks and plazas. That is why streets are included in the discussion of public open spaces. For this reason, the Project takes advantage of opportunities within public right-of-ways. Most noteworthy, Octavia Boulevard itself is conceived in part as a linear open space, as with all great boulevards, that will draw walkers, sitters, and cyclists. In addition, modest but gracious public open spaces are designated within former street right-of-ways that are availed through major infrastructure changes, along with a series of smaller open spaces, for the most part occurring within widened sidewalks areas.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for "living streets," as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project also calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability.

Finally, the Project asserts that the pedestrian friendliness of the street can be improved through architectural design and siting for new construction. Specifically, the design and use of a building's ground floor has a direct influence on the pedestrian experience. Ground floor uses in the area are devoted to retail, service, and public uses in mixed-use buildings and to residential units and lobbies in apartment buildings. These uses provide an active and visually interesting edge to the public life of the street, which is especially important on neighborhood commercial streets. Parking, which has become a common street-facing use in more recent buildings, dilutes the visual interest and vitality of the street. This Project maintains a strong presumption against permitting surface-level parking as a street-facing use; rather, it encourages retail, residential, and other active uses facing the street.

2. The Project will further the City's housing goals as established in the Housing Element of the General Plan and elsewhere. While not directly part of the current approvals, the Project will facilitate the development of the Central Freeway parcels. As discussed in the EIR and in the

plan, the development of these 22 parcels by the Redevelopment Agency is expected to produce 450 units of affordable units, with the majority (405 units) provided as affordable rental units. In addition, the remaining market rate parcels would have a 15 percent inclusionary housing obligation as proposed by the City for all Central Freeway parcels. Thus, the total proportion of development on the Central Freeway parcels would result in 50 to 60 percent of the units being affordable. Other market rate development in the area will be subject to the City's Residential Inclusionary Affordable Housing Program and will provide from 10% to 20% of the units as affordable depending on the nature and timing of development. In addition, the Project changes the density controls and allows both infill and in-law units, thus offering greater opportunity to provide increased housing diversity for people at the lower end of the economic spectrum. Moreover, decoupling the cost of parking from the cost of housing will decrease the cost of housing for people who do not need parking.

3. The Project will generate substantial financial benefits for the City. For instance, the Project will provide direct funding to the City for development of community infrastructure in the Project Area through the new fee program. The Project will also indirectly benefit the City financially through increased revenue to the City and receipt of additional grant funds for the Project Area. These financial benefits and the resulting community infrastructure benefits are detailed in the Program Document, which is incorporated herein by reference. The Program Document asserts that the projected costs for planned improvements are relatively in balance with the projected revenue opportunities. Below is a summary of the primary projected revenue sources. It should be noted that this table does not include some dedicated funds such as the Market and Octavia Bike lane, any funds secured for the Van Ness Bus Rapid Transit project, or any projections for competitive public grants and San Francisco General Fund revenues. These sources should be able to cover the remaining 15% of costs, which amounts to approximately \$38 million over a 20-year period.

Summary Table of Projected Revenue

	Projected Revenue	Percent of Total Need (\$253.7 million)
Market and Octavia Community Improvements Fees		
Residential	\$59,600,000	23.5%
Commercial	\$8,600,000	3.4%
Van Ness FAR Bonus	\$17,290,000	6.8%
Existing Development Fees	\$20,630,000	8.1%
Future Impact Fees	\$33,050,000	13.0%
Public Funds		0.0%
Dedicated Revenue	\$49,250,000	19.4%
Existing Revenue Opportunities		0.0%
Future Revenue Opportunities	\$28,280,000	11.1%
Total	\$216,700,000	85.4%

4. Implementation of the Project will promote enhanced quality of life in the Project Area. The Project seeks to enhance the neighborhood quality of life through a program of housing people, balancing transportation choices, and building whole neighborhoods as described below.

Housing People: Market and Octavia's diverse local population creates the vitality, safety, community and vitality of the place. Housing a diverse group of people means providing a variety of housing opportunities: different housing types, as well as ranges of affordability, provided in a safe and attractive setting.

Balancing Transportation Choices: The Market and Octavia area has a physical fabric that enables people to access much of what they need on foot and supports frequent and reliable transit service. Over time, this fabric has been successful because it supports a range of travel modes and enables people to choose between them as their needs dictate. It shows in people's behavior; about half of the households in the Market and Octavia area own zero cars. Automobiles do play an important role here, but should not dominate to the point of undermining this longstanding fabric or the viability of other travel modes.

Building 'Whole' Neighborhoods: Urban places like Market and Octavia work well because they support a critical mass of people and activities, which in turn makes it possible to provide a full range of services and amenities. As these neighborhoods grow, there is an opportunity and a need to provide new and additional services, more parkland and improved streets to nurture and strengthen public life.

5. Implementation of the Project will promote enhanced community facilities and open space for new residents of the area. Key community facilities and open spaces identified by the community and the Planning Department in the Market and Octavia Plan and implemented in the Project include:

New Community Parks and Public Open Space

Patricia's Green in Hayes Valley has been established as a new public open space, providing a tranquil park setting for neighborhood residents, businesses and visitors, and establishing a neighborhood focus for the community. The Project calls for establishing a new open space north of Valencia Street, by utilizing the McCoppin Street right-of-way and potentially incorporating an adjacent privately-owned parcel. The Project calls for a new park to be established at Brady Street, by converting existing surface parking lots and portions of public right-of-way into a new public park to establish a neighborhood oasis.

Community Services and Facilities

The Project calls for providing funds to improve library services and incorporating public art in the design of streets and other public improvements. Project Implementation also calls for funding for childcare facilities and recreational facilities to achieve appropriate levels of service.

Benefits to Commerce and the Pedestrian Environment in Hayes Valley

The Project calls for implementing Hayes Street as a two-way street. This part of the Project improves pedestrian crossings at key intersections including Hayes and Gough, Gough and Fell, and Oak and Franklin; alleviates high-speed automobile travel through key neighborhood intersections; creates more friendly pedestrian environment through the reduction of noise and pollution; increases the tendency for residents to walk for their daily needs; and improves pedestrian access to neighborhood commercial establishments. Maintenance of a safe and healthy pedestrian environment far outweighs the significant transportation impacts of converting the street to two-way. A healthy pedestrian environment reduces incidents of pedestrian collisions and increases residents and visitors ability to walk to most services. Walking to services and facilities creates a social network, a safety network, and a sense of place for residents and visitors. Individual users experience both physical and mental health benefits through exercise. Local commerce is inhibited by unhealthy pedestrian conditions and enhanced by healthy pedestrian conditions.

6. Implementation of the Project will enable enhanced infrastructure and streetscape improvements in the area. Key infrastructure and streetscape improvements identified by the community and the Planning Department in the Market & Octavia Plan include:

Streetscape Improvements

The Project calls for establishing "living streets and alleys" in residential areas. Improvements would include installing traffic-calming features to slow vehicular speeds and improve pedestrian safety. Narrowing traffic lanes and concentrating parking can increase neighborhood use and enjoyment by providing space for unified street tree plantings and vegetation, seating and play areas, bicycle lane improvements and other public benefits.

Pedestrian Improvements

The Project calls for variety of pedestrian improvements to more equitably allocate street space to all users. The Project includes reclaiming portions of traffic lanes for pedestrian use where there is excess vehicular capacity to establish wider sidewalks, mid-block and corner bulb-outs. These areas can be developed with plaza improvements. Corner bulbs also make streets safer by reducing the distance that pedestrians have to travel to cross an intersection.

Having considered these Project benefits and considerations, the Planning Commission finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects that cannot be mitigated to insignificant levels are therefore acceptable.

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
A. Shadow				
<p>A1. Parks and Open Space not Subject to Section 295</p> <p>New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the <i>Planning Code</i>.</p> <p>In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.</p> <p>Implementation of this mitigation measure would reduce but may not eliminate potentially significant shadow impacts. The potential for a significant and unavoidable impact would still exist.</p>	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department & Recreation and Parks Department	Considered complete upon design review by Planning Department
B. Wind				
<p>B1. Buildings in Excess of 85 feet in Height</p> <p>To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:</p> <ul style="list-style-type: none"> • Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter 	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department	Considered complete upon design review by Planning Department

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>offered by existing upwind structures as much as possible. Avoid continuous western building faces.</p> <ul style="list-style-type: none"> • Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of setbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building. • Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface. • Avoid narrow gaps between buildings, which may accelerate westerly winds. • Avoid "breezeways" or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
<p>B2. All New Construction</p> <p>The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:</p> <ul style="list-style-type: none"> • New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time 	<p>Project Sponsor or each subsequent development project</p>	<p>During project design & development phase</p>	<p>Planning Department</p>	<p>Considered complete upon design review by Planning Department</p>

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.</p> <ul style="list-style-type: none"> • An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question. • The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site. • Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year. • For the purpose of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
C. Archaeological				
C1. Soil Disturbing Activities in Archaeologically	Project Sponsor of each	Prior to project approval	Planning Department	Considered complete

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Documented Properties</p> <p>This measure shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.</p> <p>Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:</p> <ol style="list-style-type: none"> 1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities; 2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants; 3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources; 4. Integrity and Significance: Eligibility of identified expected resources for listing to the California 	<p>subsequent development project and archaeological consultant</p>		<p>(ERO) shall determine further mitigation required, following completion of final addendum to ARD/TP.</p>	<p>upon Planning Department review of approval of addendum to ARD/TP or as appropriate approval of Final Archaeological Resources Report (FARR).</p>

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;</p> <p>5. Impacts of Proposed Project;</p> <p>6. Potential Soils Hazards: Update discussion for proposed project;</p> <p>7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:</p> <p style="padding-left: 20px;">A. Proposed archaeological testing strategies and their justification</p> <p style="padding-left: 20px;">B. Expected archaeological resources</p> <p style="padding-left: 20px;">C. For historic archaeological resources</p> <p style="padding-left: 40px;">1. Historic address or other location identification</p> <p style="padding-left: 40px;">2. Archaeological property type</p> <p style="padding-left: 20px;">D. For all archaeological resources</p> <p style="padding-left: 40px;">1. Estimate depth below the surface</p> <p style="padding-left: 40px;">2. Expected integrity</p> <p style="padding-left: 40px;">3. Preliminary assessment of eligibility to the CRHR</p> <p style="padding-left: 20px;">E. ETP Map</p> <p style="padding-left: 40px;">1. Location of expected archaeological resources</p> <p style="padding-left: 40px;">2. Location of expected project sub-grade</p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>impacts</p> <p>3. Areas of prior soils disturbance</p> <p>4. Archaeological testing locations by type of testing</p> <p>5. Base map: 1886/7 Sanborn Fire Insurance Company map</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C2. General Soil Disturbing Activities</p> <p>This measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archaeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).</p> <p>For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:</p> <ol style="list-style-type: none"> 1. The historical uses of the project site based on any previous archaeological documentation and Sanborn maps; 2. Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would 	<p>Project Sponsor of each subsequent development project and archaeological consultant</p>	<p>Prior to project approval</p>	<p>Planning Department (ERO) shall determine what further resource is present or mitigation evaluation of potential archeological effects is required based on the Final PASS.</p>	<p>Considered complete upon Planning Department review of Preliminary Archaeological Sensitivity Study if no ARD/TP required. If an ARD/TP is required, considered complete upon submittal of Final Archaeological Resources Report (FARR).</p>

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>potentially be eligible for listing in the California Register of Historical Resources (CRHR);</p> <p>3. If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;</p> <p>4. Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;</p> <p>5. Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.</p> <p>Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C3. Soil Disturbing Activities in Public Street and Open Space Improvements</p> <p>This measure shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.</p>	<p align="center">DPW</p>	<p>Prior to any soil disturbing activities</p>	<p>Project sponsor to submit all plans and reports shall be submitted to ERO</p>	<p>Considered complete upon review and approval of final archeological</p>

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Monitoring Program (AMP)</u></p> <p>The archaeological monitoring program shall, at a minimum, include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with the project archaeologist, shall determine what project activities shall be archaeologically monitored. 2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; 	<p>Project sponsor and archeological consultant.</p>	<p>If Planning Department (ERO) determines monitoring program required.</p>	<p>Planning Department (ERO)</p>	<p>monitoring report.</p>

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <p>4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</p> <p>5. If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.</p> <p>If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> • The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or • An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. 				

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to 	<p>Archeological consultant</p>	<p>If ERO requires archeological recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.</p> <ul style="list-style-type: none"> • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains, Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public Resources Code</i> §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i> §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><u>Final Archaeological Resources Report.</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological fieldwork and data</p>		

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>		analysis		
<p>C4. Soil Disturbing Activities in the Mission Dolores Archaeological District</p> <p>This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.</p> <p>The project sponsor shall retain the services of a qualified</p>	Project Sponsor of each subsequent development project and archaeological consultant	Prior to project construction	Planning Department (ERO)	Considered complete upon submittal of Final Archaeological Resources Report (FARR).

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any</p>	<p align="center">Archeological consultant</p>	<p align="center">Prior to project construction</p>	<p align="center">Planning Department (ERO)</p>	

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ol style="list-style-type: none"> 1. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or 2. A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. 	<p>Project sponsor and archeological consultant</p>	<p>If Planning Department (ERO) determines monitoring program required</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <p>2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;</p> <p>3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <p>4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ ecofactual material as warranted for analysis;</p> <p>5. If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/ excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in</p>				

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of 	<p>Archeological consultant</p>	<p>If ERO requires archeological data recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>proposed field strategies, procedures, and operations.</p> <ul style="list-style-type: none"> • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains and Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public</i></p>				

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p><i>Resources Code §5097.98</i>). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines §15064.5(d)</i>). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological data fieldwork and data analysis</p>		

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>D. Transportation</p>				
<p>D1. Traffic Mitigation Measure for Hayes and Gough Streets Intersection (LOS C to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van</p>	<p>Not Adopted</p>	<p>Not applicable.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level.</p>				
<p>D2. Traffic Mitigation Measure for Hayes and Franklin Streets Intersection (LOS D to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	Not Adopted.	Not applicable.	Not applicable.	Not applicable.
<p>D3. Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak hour) ¹</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal	MTA	To be determined by MTA.

¹ Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>		<p>traffic management operations to respond to changing traffic conditions.</p>		
<p>D4. Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour) ²</p> <p>Minor changes to the signal timing at the intersection of Market/Sanchez/Fifteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D.</p> <p>Impacts could be mitigated to a less than significant level if</p>	<p>MTA and Public Works</p>	<p>Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..</p>	<p>MTA</p>	<p>Feasibility to be determined by MTA.</p>

Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>the right-turn pocket was implemented in conjunction with the signal retiming.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D5. Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour) ²</p> <p>Minor changes to the signal timing at the intersection of Market/Church/Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..	MTA	Feasibility to be determined by MTA.
<p>D6. Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour) ³</p> <p>Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..	MTA	Feasibility to be determined by MTA.

Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D7. Traffic Mitigation Measure for Hayes Street/Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)</p> <p>At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).</p> <p>To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p>	<p>Not Adopted.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p> <p>This mitigation measure would substantially reduce, but would not eliminate the significant and unavoidable impact.</p>				
<p>D8. Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue (LOS F to LOS F with increased delays); Franklin Street (LOS D to LOS F); and Gough Street (LOS C to LOS F) PM peak hour</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	<p>Not Adopted.</p>	<p>Not Applicable</p>	<p>Not applicable.</p>	<p>Not Applicable.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

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E. Air Quality				
<p>E1. Construction Mitigation Measure for Particulate Emissions</p> <p>Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures include:</p> <p>Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.</p> <p>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</p> <p>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</p> <p>Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).</p> <p>Limit traffic speeds on unpaved roads to 15 mph.</p> <p>Install sandbags or other erosion control measures to prevent</p>	Project Sponsor	During demolition, excavation, and construction	Construction Contractor and Department of Building Inspection (DBI)	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

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<p>silt runoff to public roadways.</p> <p>Replant vegetation in disturbed areas as quickly as possible.</p> <p>Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</p> <p>Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</p> <p>Implementation of these mitigation measures would reduce impacts to a less than significant level.</p>				
<p>E2. Construction Mitigation Measure for Short-Term Exhaust Emissions</p> <p>To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area:</p> <ul style="list-style-type: none"> • Confine idle time of combustion engine construction equipment at construction sites to five minutes. • Maintain and properly tune construction equipment in accordance to manufacturer's specifications. • Use alternative fueled or electrical construction equipment at the project site when feasible. • Use the minimum practical engine size for construction equipment. • Equip gasoline-powered construction equipment with catalytic converters when feasible. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	<p>Project Sponsor</p>	<p>During demolition, excavation, and construction</p>	<p>Department of Building Inspection (DBI)</p>	<p>Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
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F. Hazardous Materials				
<p>F1. Program or Project Level Mitigation Measures</p> <p>Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:</p> <ul style="list-style-type: none"> • Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends. • Storage stockpiles shall be minimized, where practical, and properly labeled and secured. • Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions. • Activities shall be conducted so as not to track contaminants beyond the regulated area. • Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate. • Containments and regulated areas shall be properly maintained. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI
G. Geology, Soils, and Seismicity				
<p>G1. Construction Related Soils Mitigation Measure</p> <p>Program or project level temporary construction related impacts would be mitigated through the implementation of the following measures:</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

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<p>Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy:</p> <ul style="list-style-type: none"> Protect disturbed areas through minimization and duration of exposure. Control surface runoff and maintain low runoff velocities. Trap sediment on-site. Minimize length and steepness of slopes. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>				



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BY CR

April 25, 2007

President Aaron Peskin and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

Re: Appeal of the Planning Commission's Certification of the Market and Octavia Neighborhood Plan Final EIR and Findings to the Board of Supervisors
(Planning Department Case No. 2003.0347E)

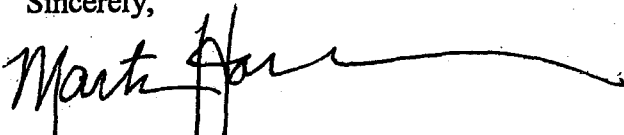
Dear President Aaron Peskin and Supervisors:

On behalf of New College of California, I hereby submit this appeal of the Planning Commission's certification of the Market and Octavia Neighborhood Plan (Plan) final EIR and findings.

Our appeal is based on the grounds that, the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) will result in, and contribute to, significant cumulative impacts to public, historical, open space, education and recreation resources within the Plan area. However, only the cumulative transportation impacts of said Project were analyzed in the Plan. Therefore, the environmental document is inadequate as it contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on public, historical, open space, education and recreation resources, and also regarding said "pipeline" Project's impacts on the Plan.

Our appeal is also based on the grounds that, lacking a completed Historic Resources Survey of the Market and Octavia Neighborhood, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on historical resources, specifically on the UC Berkeley Extension Campus at 55 Laguna Street and the potential historic district it represents.

Sincerely,


Martin Hamilton
President

Attachments: \$400 Filing Fee

New College of California Letter to the San Francisco Planning
Department dated April 5, 2007

Landmarks Preservation Advisory Board Case Report Dated April 18, 2007
Re: Case No. 2007.0319L

Market and Octavia Neighborhood Plan CEQA Findings Dated April 5, 2007
Re: File No. 2003.0347E

cc:

New College of California Board of Directors
San Francisco Board of Supervisors
San Francisco Planning Commission
San Francisco Landmarks Preservation Advisory Board
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department
Office of the City Attorney
Mayor's Office of Economic and Workforce Development
National Trust for Historic Preservation
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer
Leigh Jordan, Coordinator, Northwest Information Center
San Francisco Historic Preservation Fund
San Francisco Heritage
San Franciscans for Preservation Planning
San Francisco Preservation Consortium
Susan Brandt-Hawley, Brandt-Hawley Law Group
Mark Paez, Chair, Friends of 1800
Arnie Lerner, AIA, Lerner + Associates
Carol Roland, Principal, Rowland-Nawi Associates
Vincent Marsh, Principal, Marsh and Associates
Cynthia Servetnick, AICP
Michael Mullin, AIA
Paul Olsen, President, Hayes Valley Neighborhood Association
Dennis Richards, President Duboce Triangle Neighborhood Association
Rick Hauptman, President, North Mission Neighborhood Alliance
Peter Lewis, Mission Dolores Neighborhood Association
Stephen Haigh, Victorian Alliance
Vallie Brown, President, Lower Haight Neighborhood Association
Gordon Schanck, University of California, Office of the President
Kevin Hufferd, University of California, Berkeley
Jack Robertson, A.F. Evans Development, Inc.
Rich Sucre, Page and Turnbull, Inc.



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April 5, 2007.

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
Major Environmental Analysis Division
30 Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dean Macris
Planning Director
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103

Re: Environmental Impact Report for the Market and Octavia Neighborhood Plan; Planning Department Case No. 2003.0347E and State Clearing House No. 2004012118, and

Environmental Impact Report for the 55 Laguna Mixed Use Project; Planning Department Case No. 2004.0773E and State Clearing House No. 2005062084

Dear Mr. Maltzer and Mr. Macris:

Per our letter to the Planning Department on the Market and Octavia Neighborhood Plan EIR dated August 23, 2005, we remain concerned that the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) will result in, and contribute to, significant cumulative impacts to public historic, open space, education and recreation resources within the Market-Octavia Neighborhood Plan (M-O Plan). Unfortunately, only the cumulative transportation impacts of the proposed Project were analyzed in the M-O Plan EIR.

A Joint Environmental Review Chronology of the Market and Octavia Neighborhood Plan Program EIR and the 55 Laguna Mixed Use Project EIR is attached for your reference. A complete Environmental Evaluation Application for the proposed Project was submitted to the Planning Department on August 4, 2004 and the Draft M-O Plan EIR was published on June 25, 2005 allowing Planning Department almost a year to evaluate said impacts. The attached comment letters on the Draft M-O Plan EIR from

both New College of California (NCOC) and the Project proponent requested the M-O Plan EIR evaluate the proposed Project. The M-O Plan EIR Responses and Comments document responded to both letters stating:

The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. . . .

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.

We respectfully disagree citing *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984), in which the court took note of the problem of where to draw the line on projects undergoing environmental review since applications for new projects are constantly being submitted and concluded a reasonable point might be after the preparation of the Draft EIR which should include the Draft M-O Plan "Program" EIR.

At the same time, we believe that California Environmental Quality Act (CEQA) review of the proposed Project should have been undertaken prior to the execution of an Exclusive Right to Negotiate (ERN) and enter into a +/- 75-year long-term lease between the Regents of the University of California and A.F. Evans Development which occurred on December 30, 2003 per the *Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco*. The Notice of Preparation of an EIR for the proposed Project was published on June 15, 2005, about a year and a half after said ERN was executed. While the ERN is conditioned on CEQA compliance, the nature of the agreement, and the Environmental Evaluation Application for the proposed Project, foreclose alternatives for development of the Campus under Public zoning and are inconsistent with then intent of the deed which transferred the Campus from San Francisco State College to the Regents of the University of California for "university purposes." See *Save Tara v. City of West Hollywood* (2007) and Section 15004 of the CEQA Guidelines which state:

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the

planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. . . .

The environmental document preparation and review should be coordinated in a timely fashion with the existing planning, review, and project approval processes being used by each public agency. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

We are concerned that the public review process for the proposed Project under CEQA is not adequate. We concur with the *Save the UC Berkeley Extension Laguna Street Campus* group who have collected about 700 signatures on a petition urging the Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan.

Further, we are concerned that the City's interest in the proposed Project may have been overlooked. Warren Dewar, Esq., former Hayes Valley Neighborhood Association Board Member, submitted an analysis of the abandonment of Waller Street between Buchanan and Laguna Streets to the Planning Department and the Office of the City Attorney. Mr. Dewar concluded that title to said portion of Waller Street would revert to the City should the zoning be changed from Public to mixed-use. We understand Supervisor Ammiano is drafting an ordinance on behalf of the Project proponent to clear title to this portion of the Campus. If this is the case, the City's interest in the property should be analyzed under CEQA.

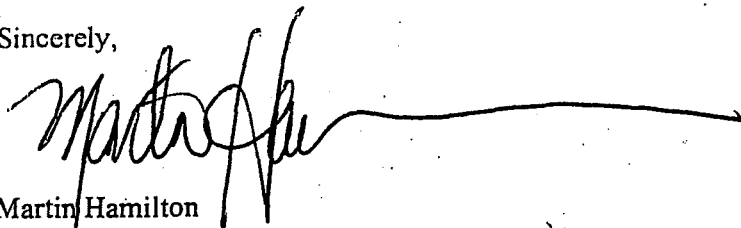
We understand time is of the essence and do not wish the implementation of the M-O Plan to be delayed. Therefore, we request the following mitigation measures be incorporated into the M-O Plan to protect historic resources and to ensure public involvement in evaluating feasible reuse options, and in prioritizing the preferred type of zoning and program elements for the Campus:

- A Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area should be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan;
- A comprehensive analysis of the cumulative effects of the Project on the M-O Plan should be conducted under CEQA. Said analysis should be incorporated as mitigation measure within the M-O Plan, but could occur within the Project EIR;

- All applicable and feasible mitigation measures pertaining to historic resources within the UC Berkeley Long Range Development Plan (LRDP) for the Main Campus in Berkeley should be incorporated into the M-O Plan and applied to the Laguna Street Campus in San Francisco;
- At a minimum, all comments contained in the attached letter on the Campus from the State Historic Preservation Officer (SHPO) should be incorporated as mitigation measures in the M-O Plan; and
- Transfer of Development Rights (TDRs) should be authorized for the Campus under the M-O Plan as a mitigation measure to provide a preservation incentive should the Public zoning be changed.

Thank you in advance for considering this request.

Sincerely,



Martin Hamilton
President

Attachments: Joint Environmental Review Chronology of the Market and Octavia Neighborhood Plan EIR and the 55 Laguna Mixed Use Project EIR

Market and Octavia Neighborhood Plan EIR Comments and Responses on letter from Martin Hamilton, President, New College of California to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated August 23, 2005

Market and Octavia Neighborhood Plan EIR Comments and Responses on letter from Steven L. Vettel, Esq., Morrison & Foerster, LLP, on behalf of AF Evans Development, Inc. to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated August 8, 2005

San Francisco Planning Department Historic Resource Evaluation Response Memorandum Re: 55 Laguna Mixed Use Project dated May 25, 2006 (*Unsigned electronic copy*)

Letter from Susan Brandt-Hawley, Esq., Brandt-Hawley Law Group, on behalf of the San Francisco Preservation Consortium to President Dwight Alexander and Commissioners, San Francisco Planning Commission dated November 2, 2006

Letter from Milford Wayne Donaldson, FAIA, State Historic Preservation Officer to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated March 14, 2007 (*Unsigned electronic copy*)

Save the UC Berkeley Extension Laguna Street Campus Petition (*Text only*)

cc: New College of California Board of Directors
San Francisco Board of Supervisors
San Francisco Planning Commission
San Francisco Landmarks Preservation Advisory Board
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department
Office of the City Attorney
Mayor's Office of Economic and Workforce Development
National Trust for Historic Preservation
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer
Leigh Jordan, Coordinator, Northwest Information Center
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Arnie Lerner, AIA, Lerner + Associates
Carol Roland, Principal, Rowland-Nawi Associates
Vincent Marsh, Principal, Marsh and Associates
Cynthia Servetnick, AICP
Paul Olsen, President, Hayes Valley Neighborhood Association
Dennis Richards, President Duboce Triangle Neighborhood Association
Rick Hauptman, President, North Mission Neighborhood Alliance
Peter Lewis, Mission Dolores Neighborhood Association
Vallie Brown, President, Lower Haight Neighborhood Association
Gordon Schanck, University of California, Office of the President
Kevin Hufferd, University of California, Berkeley
Jack Robertson, A.F. Evans Development, Inc.
Rich Sucre, Page and Turnbull, Inc.

**Joint Environmental Review Chronology of the
Market and Octavia Neighborhood Plan Program EIR and the
55 Laguna Mixed Use Project EIR**

- December 17, 2002 Draft Market and Octavia Neighborhood Plan (M-O Plan) published.
- April 15, 2003 UC Berkeley Council of Deans directed Provost to realize the full potential of the UC Berkeley Extension Laguna Street Campus in San Francisco (Campus).
- October 7, 2003 Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco (RFQ) issued.
- October 14, 2003* New College of California (NCOC) contacted UC Berkeley and was dissuaded from submitting qualifications as educational use was not deemed the highest and best use of the Campus. **(Approximate date)*
- November 4, 2003 Notice of Public Scoping Meeting for M-O Plan EIR published.
- November 10, 2003 RFQ submission deadline.
- November 18, 2003 Public Scoping Meeting for M-O Plan EIR held.
- November 30, 2003 RFQ developer selection date. AF Evans Development, Inc. (AF Evans) was selected.
- December 8, 2003 UC Berkeley Extension announced the closing of the Campus, the relocation of some programs to leased space in Downtown San Francisco and Downtown Berkeley, and the closure of some programs. The value of the Campus was estimated at +/- \$30 million.
- December 30, 2003 RFQ exclusive negotiation agreement execution date.
- January 23, 2004 Notice of Preparation of M-O Plan EIR published.
- May 2004 Page and Turnbull *Historic Resources Study of UC Berkeley Extension Laguna Street Campus* published.
- August 4, 2004 AF Evans submitted a complete Environmental Evaluation Application to the Planning Department for the 55 Laguna Mixed Use Project (Project) which proposed construction of seven new buildings and the adaptive reuse of two existing buildings for 491 dwelling units, 421 off-street parking spaces, 3,500 GSF of retail use, 12,000 GSF for a dental clinic, and 12500 GSF for community serving use.
- August 16, 2004 AF Evans hosted a community open house and distributed detailed descriptive handouts on the proposed Project.

- December 2004 The Planning Department issued a comprehensive 32-page *"Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus"* (Policy Guide) which included an "Illustrative Rezoning Concept" for the Campus. The Policy Guide evaluated the effects of the M-O Plan policies on the Campus and acknowledged the site is easily the largest development area within the entire M-O Plan area. The Policy Guide was developed by the Planning Department at the request of the AF Evans without public input.
- December 6, 2004 Following a series of meetings with community groups, AF Evans publicly circulated preliminary development plans.
- December 8, 2004 AF Evans made a preliminary presentation to the Landmarks Preservation Advisory Board (LPAB) per the LPAB's request.
- April 25, 2005 Hayes Valley Neighborhood Association (HVNA) "kicked-off" a series of six informational community meetings to discuss available reuse options for the Campus with the goal of prioritizing the preferred type of zoning and program elements.
- May 9, 2005 A citizen-sponsored petition was submitted to the Board of Supervisors (BOS) requesting a public scoping meeting be held on the proposed 5.8 acre 491-unit housing and retail project at 55 Laguna Street which would require a change from Public to mixed-use zoning.
- May 24, 2005 AF Evans met with NCOC to discuss a potential development partnership. No agreement could be reached.
- June 8, 2005 The BOS passed a resolution urging the Planning Department to hold a public scoping meeting for the environmental review of the proposed housing project at 55 Laguna Street.
- June 15, 2005 Notice of Preparation of an EIR and a Public Scoping Meeting for the 55 Laguna Mixed Use Project was published.
- June 25, 2005 M-O Plan Draft EIR published.
- June 29, 2005 Public Scoping Meeting for 55 Laguna Mixed Use Project EIR Held. NCOC discussed their alternate proposal for the reuse of the Campus under Public zoning.
- July 21, 2005 NCOC, at the community's request, held a public informational meeting on their alternate proposal for the reuse of the Campus under Public zoning.
- July 28, 2005 Public hearing on M-O Plan Draft EIR held.

- July 29, 2005 NCOC submitted an economically viable alternate proposal for analysis in the 55 Laguna Mixed Use EIR which preserves all historic structures and does not require a zoning change.
- August 8, 2005 The AF Evans commented, via their attorney, on the M-O Plan Draft EIR, referenced the M-O Plan's discussion of the Project and requested the M-O Plan and EIR be revised to reflect the proposed zoning in the Policy Guide.
- August 23, 2005 NCOC commented on the M-O Plan Draft EIR and included an environmental review chronology that demonstrated there was ample time to evaluate the impacts of the proposed Project within said EIR and further stated said Project would have significant adverse impacts on historic resources that cannot be mitigated.
- August 23, 2005 Extended public comment period on Draft M-O Plan EIR closed.
(Was July 29, 2005)
- May 23, 2006 Pre-adoption hearing on M-O Plan held.
- May 24, 2006 Per the proposed Project EIR consultant's request, NCOC submitted revisions to their economically viable concept plan for analysis as an alternative.
- May 25, 2006 The Planning Department issued an Historic Resources Evaluation Response Memorandum which disagreed with the May 1, 2004 Page and Turnbull Historic Resources Study of Campus. The Planning Department concluded the Campus constitutes an historic district under California Register criteria and that Richardson Hall Annex and Middle Hall Gymnasium are contributors to the district. They also concluded the proposed Project is not consistent with the Secretary of Interiors' Standards and is a significant impact.
- July 26, 2006 The Planning Department invited NCOC to discuss their alternate proposal. NCOC presented their economically viable concept plan and requested a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan. The Planning Department said such a CAC was not warranted.
- August 22, 2006 Application nominating the San Francisco State Teachers' College Historic District (Campus) to the National Register of Historic Places was submitted to the State Office of Historic Preservation (SHPO) by the Friends of 1800.
- September 26, 2006 Responses to Comments on the M-O Plan Draft EIR published.

- October 4, 2006 Planning Department stated that an additional survey of the Campus under the M-O Plan Historic Resource Survey Contract with Page and Turnbull (historic resources consultant) would not be prepared and would thus avoid the appearance of a conflict of interest between the Planning Department, the historic resources consultant and the AF Evans. Said historic resources consultant prepared a historic resource survey on behalf of the Planning Department for the 55 Laguna Street Mixed Use Project EIR. Said historic resources consultant was subsequently retained by AF Evans as their preservation architect. The Project proposes to demolish Richardson Hall Annex and Middle Hall Gymnasium which the Planning Department deemed contributors to the Campus historic district. The Project would also privatize and significantly alter most of the historic interiors. The relocation of significant works of art is proposed.
- October 26, 2006 The Planning Commission "kicked-off" a series of adoption hearings on the M-O Plan and related General Plan amendment, Planning Code text amendment, Zoning Map amendment and certification of the M-O Plan Final EIR.
- November 2, 2006 On behalf of the San Francisco Preservation Consortium, Susan Brandt-Hawley, Esq. commented on the adequacy of the M-O Plan EIR with regard to the incomplete historic resource surveys.
- January 27, 2007 55 Laguna Mixed Use Project Draft EIR published.
- February 21, 2007 LPAB Public Hearing on the 55 Laguna Mixed Use Project Draft EIR.
- March 14, 2007 The SHPO commented on the 55 Laguna Mixed Use Project Draft EIR and endorsed the preservation alternative.
- March 15, 2007 Planning Commission hearing date on 55 Laguna Mixed Use Project Draft EIR postponed to April 19, 2007 at the Commission's request to accommodate last minute changes in the M-O Plan and related Final EIR.
- April 2, 2007 Application for Local Landmark Designation of the of the Former San Francisco State Teacher's College/Campus submitted by the Friends of 1800 on behalf of the LPAB.
- April 5, 2007 Certification of M-O Plan Final EIR and adoption of findings scheduled.
- April 18, 2007 LPAB Public hearing on application for the Local Landmark designation of the Campus scheduled.
- April 19, 2007 55 Laguna Mixed Use Project Draft EIR public hearing scheduled.
- April 23, 2007 Public comment period on 55 Laguna Mixed Use Project Draft EIR closes.



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AUG 23 2005

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
ADMINISTRATION

August 23, 2005

Paul Maltzer, Environmental Review Officer
San Francisco Planning Department
Major Environmental Analysis Division
30 Van Ness Ave. 4th Floor
San Francisco, CA 94103-2414

Re: Case No. 2003.0347E—Market & Octavia Neighborhood Plan

Dear Mr. Maltzer:

Per the attached letter I sent you on July 29, 2005 regarding the Case No. 2004.0773E, the Laguna Hill Residential Project, we believe the City of San Francisco (City) has a compelling public interest in preserving the UC Berkeley Extension Campus at 55 Laguna Street (Laguna Campus) so the vital legacy of cultural, educational, aesthetic, and economic benefits of this historic site will be maintained and enriched for future generations of San Franciscans.

The Laguna Campus is a unique educational and open space resource which cannot be replaced. The Laguna Hill Residential Project proposes the virtual disposition of the Laguna Campus, in the form of the demolition of Middle Hall, portions of Richardson Hall and most of the grounds, along with the 85-year commercial lease, is a discretionary action of the University of California that would negatively impact the City's cultural heritage. Therefore, New College of California submitted an alternate concept plan for the redevelopment of the Laguna Campus for analysis as a preservation/public use alternative in the Laguna Hill Residential Project EIR.

As the following Environmental Review Chronology shows, the Planning Department had ample time to evaluate the impacts of the proposed Laguna Hill Residential Project on the Market and Octavia Neighborhood Plan.

Environmental Review Chronology: Market and Octavia Neighborhood Plan and Laguna Hill Residential Project

- December 2002 Draft Market and Octavia Neighborhood Plan Issued
- October 2003 Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus Issued

Vertical stamp on the right side of the page, partially obscured, containing the text 'AB-1'.

- November 2003 Market and Octavia Neighborhood Plan EIR Public Scoping Meeting Held
- January 2004 Market and Octavia Neighborhood Plan EIR Notice of Preparation Issued
- February 2004 Summary of Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan Issued²
- May 2004 Historic Resources Study prepared by Page & Turnbull Associates Completed³
- August 2004 Laguna Hill Residential Project Environmental Application No. 2004.0773E Submitted
- December 2004 A Policy Guide to Considering Reuse of the University of California Extension Laguna Street Campus (Policy Guide) Published⁴
- June 2005 Laguna Hill Residential Project EIR Public Scoping Meeting Held
- June 2005 Market and Octavia Neighborhood Plan DEIR Published
- July 2005 Market and Octavia Neighborhood Plan DEIR Public Hearing Held

AB-1

The proposed Laguna Hill Residential Project would have significant unavoidable impacts on historic resources, public, educational and cultural facilities, open space and recreation. Attachment G of the Summary of the Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan (Neighborhood Plan) states, "The reuse of this site is the single largest development opportunity in the plan area." The Neighborhood Plan also states, "This proposal should be developed in keeping with the overall approach of the Market and Octavia Plan." Yet, the Neighborhood Plan DEIR (DEIR) fails to address the impacts of the proposed Laguna Hill Residential Project on the neighborhood.

For example, DEIR §4.0, p. 4-89 states, "Koshland Park, on Page Street between Laguna and Buchanan Streets, includes over 37,000-square feet (0.85 acres) of recreational, educational and communal garden space in Hayes Valley." The Laguna Campus could potentially provide over three acres of open space to the neighborhood. However, the DEIR does not analyze the potential loss of this open space resource. No mitigation measures have been included because no significant impacts have been identified at the program or project levels.

AB-2

The December 2002 Draft Market and Octavia Neighborhood Plan Policy 1.1.6 states, "Preserve and enhance the role of cultural and educational institutions in the plan area. Major cultural institutions such as City Hall, the Opera House, Herbst Theatre, the SFGLBT Center, and the UC Berkeley Laguna Street Campus are vital assets to the neighborhood and will retain their role as major regional destinations." Again, the DEIR does not address the conflict between the aforementioned Neighborhood Plan policy and the proposed Laguna Hill Residential Project.

AB-3

On one hand, the DEIR completely fails to address the historic and architectural significance of the National Register-eligible Laguna Campus. The document manages to address the history of the site through 1935 and states, "A major institutional development in the Hayes Tract during this period was the Protestant Orphan Asylum, built on the block bound by Waller, Haight, Laguna and Buchanan Streets, on land granted by the city in 1853 and now the site of the University of California Berkeley Extension Center." DEIR §4.6, p. 4-139 However, Laguna Campus is not designated as an historic district in Figure 4-18, "Archeological and Historic Districts" DEIR §4.6, p. 4-148. On the other hand, the DEIR manages to incorporate the traffic impacts of the proposed Laguna Hill Residential Project and states, "Vehicle trips from a new 500-unit residential development proposed for the UC Extension site (at the intersection of Market/Laguna/Hermann Streets) were estimated and manually assigned to the 2025 without Plan traffic volumes." DEIR §4.7, p. 4-207

AB-4

AB-5

The DEIR clearly anticipates the development of the proposed Laguna Hill Residential Project and states, "The UC Berkeley Extension Campus is located on the block bounded by Buchanan, Haight, Laguna, and Hermann Streets. This site is proposed for redevelopment into approximately 500 residential units, some retail space, and community-serving uses. The existing dental clinic on the campus would remain." DEIR §4.2, p. 4-36, but fails to analyze the impacts of said proposed development and zoning change in the context of the implementation of the Neighborhood Plan.

AB-6

The attached letter from Paul Olsen, Hayes Valley Neighborhood Association (HVNA) President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Supervisors Dufty and Mirkarimi dated July 25, 2005 states:

The Planning Department projects that approximately 4400 new housing units will be built in the Market/Octavia area by the year 2025, with most of the units centered along the Market Street corridor between Van Ness and Church Streets. This figure does not include any housing that could be built at the site of the former Laguna Extension campus because, at the time of the Market/Octavia community planning meetings we assumed that UC Berkeley would continue with its educational mission at its Laguna Extension site.

AB-7

Although HVNA has always supported building housing in our neighborhood, we cannot view building housing on empty freeway parcels and on smaller infill sites in the same way that we view the redevelopment of a large, public educational institution that has closed. The UC site is not just another infill project, but is a project of such large proportion that its redevelopment will go a long way toward defining the neighborhood. The former site of the UC Berkeley Laguna Extension has provided a valuable public resource for our city for the past 150 years. In considering how we want to redevelop this property we must consider how the loss of this valuable public resource will affect our community and city as a whole.

Our community believes that retaining a substantial portion of the former UC Extension Laguna campus for educational purposes is the best possible land use for this site, as people living along the densely populated Market Street corridor will need a public area dedicated to serving the community's educational, cultural and recreational needs. If housing is built over this entire site now, all future opportunities to use this site for educational purposes will be forever lost.

AB-7

The attached letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Jeff Bond, UC Berkeley dated July 25, 2005 states:

Our six-meeting series produced consensus on the following general issues:

Retaining some portion of the site for educational use. Community support for retaining educational use was so widespread that we can conclude that the community would like to see a significant portion of the campus used for this purpose. Some important comments on this issue that were presented at several of the meetings included:

If we build housing over this entire site now, we will forever lose the opportunity to use this site for educational purposes.

AB-8

Communities need more than housing and retail to thrive. In order to create a vibrant community we need to retain public space that serves the community's educational and cultural needs.

Educational and cultural institutions cannot compete for space in the open real estate market.

The neighborhood's density is expected to increase significantly over the next 20 years. (The Planning Department projects that by the year 2025 the population of the Market/Octavia Plan area will increase by 9,875 people which represents 11.7% of the projected growth of the entire city. The Department also projects there will be an increase of 5,960 new households in the Market/Octavia Plan area by 2025, which will represent 14.5% of the projected growth of the entire city. The vast majority of this population will be centered along Market Street between Van Ness and Church Streets.) A neighborhood with this level of density needs to retain a significant amount of public space for educational and cultural purposes.

Historic preservation of existing buildings was an overwhelming winner in the urban design category, with "preserving all buildings for re-use" receiving the most support. Support to preserve the existing buildings seems to have grown after our forum on historic preservation.

Providing "reduced" parking to "no" parking, along with City CarShare was a runaway winner. The community is very concerned that a high-density housing development that provides a great deal of parking will generate a great deal of traffic in a neighborhood that is trying to reduce traffic and create a pedestrian-friendly environment.

Creating a walkable, pedestrian-oriented environment.

(On the issue of "housing," opinion seemed fairly evenly divided, with significant support expressed for "no housing," along with wide support for ideas that would include housing as a component of the site. We suspect that a significant portion of the community that favored "no housing" was concerned about the parking and traffic problems that a large, densely populated housing development could present.

AB-8

Since most people chose to express their priorities by supporting the predominantly broad, generalized categories, we were not able to get a good read on priorities for the range of specific programs discussed at our "brainstorming" meeting. We also realize that, except for overwhelming support to retain a portion of the site for educational purposes, we have just begun to examine and discuss other specific programs for the site, and that we need to continue to investigate additional options.

Both our Board and committee would like to reiterate the one overriding principle that had tremendous appeal to the vast majority of community members: the idea that this site should be used to provide a public benefit to the larger community and bring together and serve all elements of our diverse neighborhood and city in a way that celebrates diversity, stimulates learning, and promotes and reinforces a sense of community. Housing and retail alone cannot create this kind of dynamic interplay.

We concur with HVNA regarding goals for the reuse of the Laguna Campus. We therefore request a comprehensive environmental analysis of the impacts of the Laguna Hill Residential Project be incorporated into the EIR for the Neighborhood Plan so that the Planning Commission and Board of Supervisors can understand the impacts of potential loss of the Laguna Campus within the context of the Neighborhood Plan when they vote on whether to certify the EIR.

AB-9

Sincerely,



Martin Hamilton
President

cc: Jack Robertson, A.F. Evans Development, Inc.
Allen Meacham, University of California, Office of the President
Jeff Bond, University of California, Berkeley
Jane Graf, Mercy Housing California
Supervisor Bevan Dufty
Supervisor Ross Mirkarimi
Michael Farrah, Mayor's Office
Charles Edwin Chase, San Francisco Architectural Heritage
Mark Ryser, San Franciscans for Preservation Planning
Susan Brandt-Hawley, Brandt-Hawley Law Group
Arnie Lerner, AIA, Lerner + Associates Architects
Vincent Marsh, Co-Chair, Friends of 1800
Mark Paez, Co-Chair, Friends of 1800
Paul Olsen, HVNA
Patricia Walkup, HVNA

- Attachments: 1) Letter from Martin Hamilton to Paul Maltzer, Environmental Review Officer, Planning Department dated July 29, 2005
- 2) Letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Supervisors Dufty and Mirkarimi dated July 25, 2005
- 3) Letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Jeff Bond, UC Berkeley dated July 25, 2005
- 4) Summary of Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan, Appendix G

¹ The RFQ states, "The Campus is seeking to realize a mix of uses including: Retention or replacement of the UCSF Dental Clinics; Market rate, but affordable housing for UC students, faculty and staff; Market rate, but affordable housing for the general public; Neighborhood serving retail space; and Associated open space and parking necessary to support the proposed project."

² The revisions include changes to Element 6, New Development on Key Sites which states, "Add a new section iii that discusses the opportunity presented by the redevelopment of the UC Berkeley Laguna Street Campus."

³ The Historic Resources Report was requested by the Planning Department in conjunction with the environmental review of the Laguna Hill Residential Project.

⁴ The Policy Guide states, "This document is intended to provide clarity and guidance to the public, UC Berkeley, and the prospective developers on the relevant policies, planning goals, and urban design standards that should be used to design and evaluate a project and related improvements at this site." Further, "The potential re-use of the

UCBE site was not contemplated by the Draft Market & Octavia Neighborhood Plan (Neighborhood Plan) and rezoning effort currently underway. This document extends the principles and policies of the Neighborhood Plan to the site. It identifies relevant policies, planning goals, and urban design standards for consideration by the public, UC Berkeley and prospective developers. They can be used to design and evaluate a project and related improvements at this site and to provide other relevant historical, socioeconomic and procedural information.”

3.0 Written Comments and Responses

Letter AB – Martin Hamilton, New College of California

AB-1

See Response to Comment N-1 regarding the UC Extension site. The Plan does not make recommendations for land use changes on the UC Extension site. The property owners have applied to the City for an independent EIR for the proposed rezoning/redevelopment proposal. The impacts of the proposed development are taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the specific proposal was not conducted as it is not part of this Plan. The decision on whether to approve or disapprove the proposal for the UC Extension site will be made by the Planning Commission and the Board of Supervisors independent of the Market and Octavia Neighborhood Plan decision.

AB-2

See Response to Comment L-9 regarding the impacts on public parks.

AB-3

See Response to Comment N-1 and AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

AB-4

The following historical information about the University of California Berkeley Extension Campus is taken from the Laguna Hill Residential Project, Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meetings. The documentation accompanying the NOP concluded that the UC Extension is a historical resource under the California Environmental Quality Act.⁴²

All of the former UC Extension buildings on the site were constructed between 1924 and 1935 as the campus of the San Francisco State Teachers College, which conveyed the property to the

⁴² City and County of San Francisco, Planning Department, *Case No. 2004.0773E - Laguna Hill Residential Project, Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meetings*, June 2005.

3.0 Written Comments and Responses

University of California when it relocated to its current campus on 19th Avenue in the 1960s. The buildings generally exhibit the Spanish Colonial Revival style of architecture with red tile roofs and stucco siding. Woods Hall, constructed in 1926, is a two-story L-shaped building located at the northwestern corner on the upper terrace of the site along Buchanan and Haight Streets. Attached to Woods Hall is Woods Hall Annex, constructed in 1935, located along Haight Street and positioned on the lower terrace. Richardson Hall, constructed between 1924 and 1930, is a one and two-story, L-shaped building located on the lower terrace of the site at the corner of Hermann and Laguna Streets. The Laguna Street elevation of Richardson Hall is a two-story auditorium and an attached single-story administration building. Middle Hall, originally built as a gymnasium in 1924 with classroom and office space added later, is a one-and-a-half to two-and-a-half-story building located behind (east of) the west wing of Woods Hall. The Dental Clinic was constructed in the 1970s, and is currently occupied by the UCSF Dental School.

The project site contains four buildings that were built between 1924 and 1935, including Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall, which generally exhibit the Spanish Colonial Revival style of architecture. These buildings have been the subject of a Draft Historic Resources Evaluation (HRE) that analyzes the potential historical and architectural significance of these buildings. The HRE suggests that some or all of the buildings may be eligible for listing in the California Register of Historical Resources, and are thus considered to be historic resources under CEQA (CEQA Guidelines Section 15064.5).⁴³

AB-5

Comment regarding the inclusion of the residential trip generation from the proposed Laguna Hill Residential project in the DEIR transportation analysis is noted.

AB-6

See Response to Comment N-1 and AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

⁴³ Ibid.

3.0 Written Comments and Responses

AB-7

Comment letter from the Hayes Valley Neighborhood Association regarding the UC Extension site is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

AB-8

Comment letter from the Hayes Valley Neighborhood Association regarding the UC Extension site is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

AB-9

Comment regarding the concurrence of the New College of California concurrence with the Hayes Valley Neighborhood Association letters is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.



425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482
TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522
WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO
LOS ANGELES, PALM ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUNNEIS

August 8, 2005

Writer's Direct Contact
415/268-6171
SVettel@mofocom

City & County of S.F.
Dept. of City Planning

By Telefacsimile and Mail

AUG 08 2005

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103

OFFICE OF
ENVIRONMENTAL REVIEW

Re: Comments on the Draft Environmental Impact Report for the Market and Octavia
Neighborhood Plan; Planning Department Case No. 2003.0347E and State
Clearinghouse No. 2004012118

Dear Mr. Maltzer:

I am writing on behalf of AF Evans Development, Inc. and Mercy Housing California ("Evans/Mercy"). Evans/Mercy, along with the Regents of the University of California ("UC"), are project sponsors of the proposed Laguna Hill Project ("Project"). The Project is intended to redevelop the UC Extension Laguna Street Campus at 55 Laguna Street (all of Blocks 857 and 870), and create an overall development that will accommodate approximately 450 units of housing, a continued presence of the existing UC dental clinic, retail and community uses. The Project site is located in the proposed Market and Octavia Neighborhood Plan Area ("Plan"). Evans/Mercy submits the following comments on the Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan ("DEIR").

The 55 Laguna Street property currently has height limits of 40 feet along Haight and Buchanan Streets and 80 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. In December 2004, the Planning Department released its "Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus." The Policy Guide (at page 19, copy attached) recommends height limits of 30-45 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. However, Figure 4-4 in the DEIR indicates that the entire Project location is in a proposed height district of "30-40 Feet", and the draft Market and Octavia Neighborhood Plan more specifically indicates a proposed height district of 40 feet for the Project's location. (Plan at p. 30). This significantly lower height limit is also inconsistent with statements elsewhere in the DEIR that recognizes the cumulative

N-1

MORRISON | FOERSTER

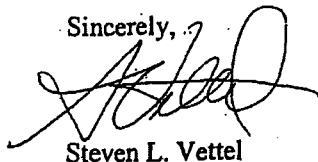
Paul Maltzer
August 8, 2005
Page Two

development in the Plan area may include Evans/Mercy's proposed redevelopment of the Project site.

We believe the two connected blocks containing the Project should not be significantly downzoned as part of the Market and Octavia Neighborhood Plan, particularly while their redevelopment consistent with the Policy Guide is being considered. Rather, current Planning Department policy, as reflected in the Policy Guide, should be carried forward in the DEIR. Accordingly, we request the Market and Octavia Neighborhood Plan EIR evaluate a project alternative that includes height limits at the Project site of up to 50 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets.

Evans/Mercy appreciates the opportunity to comment on the Market and Octavia Neighborhood Plan DEIR. Please feel free to call if you have any questions or concerns.

Sincerely,

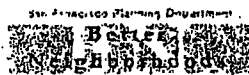


Steven L. Vettel

cc: Sarah Zahn
Ramie Dare

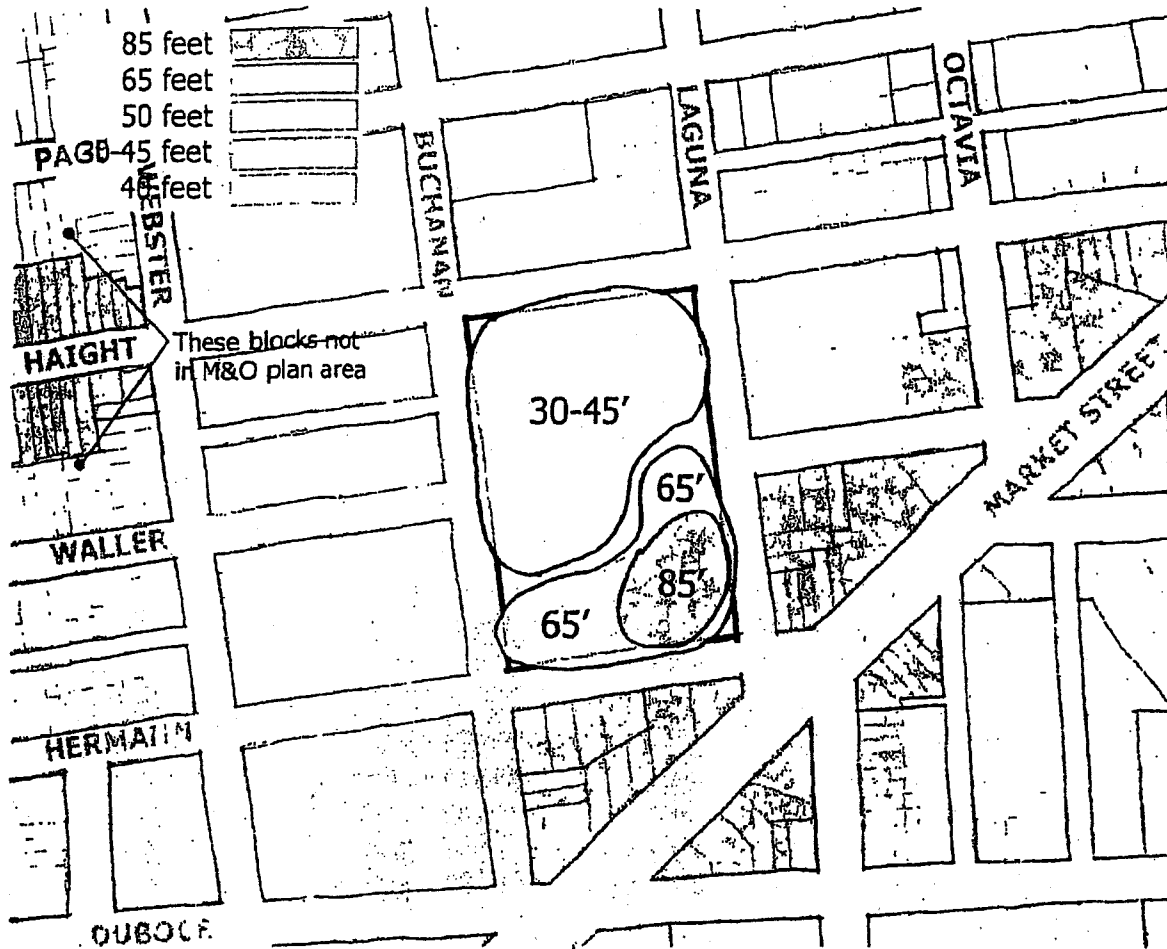
N-1

A POLICY GUIDE TO CONSIDERING
REUSE OF THE UNIVERSITY OF CALIFORNIA BERKELEY EXTENSION
LAGUNA STREET CAMPUS



San Francisco Planning Department
Better Neighborhoods Program
December 2004

ILLUSTRATIVE URBAN FORM CONCEPT



Illustrative Urban Form Concept:

Allowable heights should tier off height districts developed for the Draft Market & Octavia Plan. Again, because of the peculiarities of this site such as large lot size, prevalence of significant historic structures and significant topography more flexibility in allowable heights may be appropriate for this site. The generalized urban form concept above represents one possible mix and orientation of heights in the context of the larger neighborhood. Taller buildings are grouped toward the perimeter of the site, toward Market Street, along Buchanan and Laguna Streets. For example, the adaptive reuse of Richardson Hall or a new structure at the southeast corner of the site could have ground floor retail with residential uses above, requiring greater height than the more strictly residential areas on other parts of the site. Boundaries of these height districts and the allowable heights themselves may shift depending on the extent of ongoing institutional uses (such as the UC Dental Clinic), community facilities, and publicly accessible open spaces at the site.

Please note: some height districts proposed in the Draft Market & Octavia plan (specifically 30/40 foot districts on some mid-block alleys) are not shown in the diagram above for clarity.

3.0 Written Comments and Responses

Letter N – Steven L. Vettel, Morrison Foerster LLP

N-1

Comment regarding the requested height changes is noted. The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. The Policy Guide recommended lower heights on the parcels, to integrate them with surrounding historic structures and the topography of the site, than are currently being proposed under this independent proposal.

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER (415) 558-6378	DIRECTOR'S OFFICE PHONE: 558-6411	ZONING ADMINISTRATOR PHONE: 558-6350	PLANNING INFORMATION PHONE: 558-6377	COMMISSION CALENDAR INFO: 558-6422
	4TH FLOOR FAX: 558-6426	5TH FLOOR FAX: 558-6409	MAJOR ENVIRONMENTAL FAX: 558-5991	INTERNET WEB SITE SFGOV.ORG/PLANNING

MEMORANDUM: Historic Resource Evaluation Response

MEA Planner: Rana Ahmadi
Project Address: 55 Laguna Street
 Block: 870 Lots: 1, 2, 3
 Block: 857 Lots: 1, 1A
 Case No.: 2004.0773E
 Date of Review: May 25, 2006

Planning Department Reviewer:
 Mark Luellen
 415.558.6478
 mark.luellen@sfgov.org

Preparer / Consultant

Name: Rich Sucre
 Company: Page & Turnbull, Inc.
 Address: 724 Pine Street
 Phone: 415.362.5154
 Fax:
 Email:

Owner / Project Sponsor

Name: Ruthy Bennett
 Company: A.F. Evans Development, Inc./
 Mercy Housing California
 Address: 100 Bush Street, Suite 925
 Phone: 510.267.4676
 Fax:
 Email:

PROPOSED PROJECT

- Demolition
- Alteration

Project Description:

The proposal is to construct 450 residential units on the existing University of California, Berkeley Extension Campus, which comprises two city blocks in the Hayes Valley Neighborhood. The project includes the construction of seven new buildings, ranging in height from three to eight stories, on the existing surface parking lots within the campus. The project would convert three former classroom buildings (Woods Hall, Woods Halls Annex and Richardson Hall) to residential units. A portion of Richardson Hall (the Administration Wing) would be demolished, as would the existing gymnasium/classroom building (Middle Hall). The project will also include up to 5,000 of retail space located within the Laguna and Hermann Street frontages of Richardson Hall; a community facility located in Richardson Hall; and underground parking containing 314 parking spaces. A publicly accessible park and walkway will be located along the Waller Street alignment. The existing Dental Building, located in the southwest corner of the campus, would remain unaltered and continue its present use.

Pre-Existing Historic Ratings / Surveys

- Woods Hall / Woods Hall Annex is listed in the 1976 Citywide Architectural Survey with a rating of "3" (on a scale of "-2" to "5", with "5" being the most significant).
- Woods Hall / Woods Hall Annex is assigned a California Historical Resource Code of "7N1", which indicates that the property "needs to be reevaluated" and "may become eligible for [National Register] with restoration or when meets other specific conditions."
- Richardson Hall is listed in the 1976 Citywide Architectural Survey with a rating of "3".
- Middle Hall does not have any pre-existing ratings.
- The campus as a whole does not have any pre-existing ratings.

Historic District / Neighborhood Context

The project site is in the Hayes Valley neighborhood of San Francisco and is surrounded by primarily residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height are the predominant uses on the streets immediately surrounding the project site. Institutional uses in the immediate vicinity include the Walden House Adolescent facility, located along Haight Street across from the Woods Hall Annex; the University of California, San Francisco AIDS Health Project building, located to the east of the project site on Laguna Street across from Richardson Hall; and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Hermann Streets to the northwest. Commercial uses in the project vicinity primarily occur along Market Street, about a half block from the southeastern corner of the project site. The site is located within a P (Public) Zoning District and within 80-B and 40-X Height and Bulk Districts. The site is not a contributor to a historic district, although it is adjacent to two potential historic districts identified in the 1996 Hayes Valley Survey (see item no. 6, below).

1.) California Register Criteria of Significance: Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

- **Event:** or Yes No Unable to determine
- **Persons:** or Yes No Unable to determine
- **Architecture:** or Yes No Unable to determine
- **Information Potential:** Further investigation recommended.

District or Context: Yes, may contribute to a potential district or significant context

If Yes, Period of significance: 1921-1955

Notes: The Planning Department concurs with the December 2005 Page & Turnbull Historic Resource Evaluation (HRE) regarding the application of the California Register criteria to the project site. Specifically, the Department concurs that the campus as a whole, and Richardson Hall, Woods Hall, and Woods Hall Annex individually, are significant under Criterion 1 (Events) and Criterion 3 (Architecture). Under Criterion 1, the campus and individual buildings and are representative of broad patterns of events relating to the history of state normal schools in California. Additionally, Woods Hall Annex is significant under Criterion 1 as an example of an early WPA project in San Francisco. Under Criterion 3, the campus and individual buildings are architecturally significant because they embody the characteristics of the Spanish Colonial Revival architectural style and are the work of a master architect, State Architect George B. McDougal.

Although the Page & Turnbull report does not specifically make this finding, the Planning Department finds that campus comprises a potential historic district and that Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall are contributors to that district, as are the extant landscape features from the period of significance, including the concrete retaining wall facing Laguna Street.

2.) Integrity is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

location,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	setting,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
design,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	feeling,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
materials,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	association.	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
workmanship	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks			

Notes: The Planning Department partly concurs with the Page & Turnbull HRE regarding the integrity of the project site. The Department agrees that Woods Hall, Woods Hall Annex, and Richardson Hall (both the Classroom wing and the Administration Wing) retain sufficient integrity to be eligible for listing in the California Register.

However, the Department disagrees that Middle Hall and the campus as a whole do not retain sufficient integrity to be eligible for listing in the California Register. While Middle Hall does not appear to be individually eligible for listing, it retains enough of the character-defining features of the Spanish Colonial Revival style of architecture to contribute to the campus district. Although the east facade, which was the most elaborate, has been replaced with a classroom addition, the other facades have not been heavily altered. In addition, while portions of the interior have been remodeled, the original gymnasium, including its character-defining steel trusses and multi-lite steel-sash windows, survive. Likewise, although the setting of the campus has been compromised through the introduction of three surface parking lots and the loss of several wood-frame buildings, the campus as a whole still retains its character-defining quadrangle design and conveys its historic association as a self-contained campus.

3.) DETERMINATION Whether the property is an "historical resource" for purposes of CEQA

<input type="checkbox"/> No Resource Present (Go to 6. below)	<input checked="" type="checkbox"/> Historical Resource Present (Continue to 4.)	<input type="checkbox"/> Category A (1/2)
		<input checked="" type="checkbox"/> Category B
		<input type="checkbox"/> Category C

4.) If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

The project appears to meet the Secretary of the Interior's Standards. (go to 6. below)
(Optional) See attached explanation of how the project meets standards.

The project is **NOT** consistent with the Secretary of the Interior's Standards and is a significant impact as proposed. (Continue to 5. if the project is an alteration)

As detailed in the Page & Turnbull HRE, the project is not, on the whole, consistent with the Secretary of the Interior's Standards for Rehabilitation, specifically Standards 1, 2, 5, 9, and 10. The Planning Department concurs that the proposed demolition of the Richardson Hall Administration Wing will result in the removal of historically significant portions of the building and will not be in compliance with Rehabilitation Standards 1, 2, 5, and 9. The Planning Department also concurs that the project does not comply with Standard 10 because the new construction planned for the site will dramatically and permanently alter the setting around each of the remaining buildings.

The Planning Department disagrees that the proposed demolition of Middle Hall is consistent with the Rehabilitation Standards. As discussed above, although altered, Middle Hall retains sufficient integrity to contribute to the campus district. The demolition of the original portion of the building would therefore not comply with Standards 1, 2, 5, and 9. The Planning Department further finds that the new construction would not comply with Standards 1, 2, 9 (in addition to 10) because new construction will impact the spatial relationships, including the quadrangle design, that characterize the existing campus.

5.) Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

In order to avoid a significant adverse impact, the following character-defining features should be retained: Woods Hall, Woods Hall Annex, Richardson Hall (Classroom Wing and Administration Wing), the original portion of Middle Hall, and the campus quadrangle form. The existing parking lots and landscaping are not character-defining features and their removal would not cause a significant impact. To mitigate the adverse effects of the project, the original portion of Middle Hall and Richardson Hall Administration Wing, the quadrangle form, and the concrete retaining wall should be retained.

6.) Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

Yes No Unable to determine

Properties near the perimeter of the campus may be visually affected by any changes to the campus. This area contains a number of historical resources, including portions of two potential historic districts identified in the 1996 Hayes Valley Survey. Located to the east and the west of the project site, these districts have a period of significance that extends from 1870 to 1913, with a theme of Victorian-era and Edwardian-era architecture in San Francisco. Within these potential districts, two groups of buildings, located on Buchanan and Laguna Streets, respectively, have been determined eligible for listing in the National Register by consensus through the Section 106 process and are listed in the California Register. In addition, there are two City Landmarks located near the perimeter of the campus (201 Buchanan Street, Landmark No. 47; and 198 Haight Street, Landmark No. 164), and the U.S. Mint on Hermann Street is individually listed in the National Register.

The project will not have an adverse effect on these off-site historical resources because the visual impact of changes to the campus will not be detrimental to the historic districts or individual resources. The new construction is compatible with the existing neighborhood scale and urban form and will not impact the character-defining features of the off-site resources.

PRESERVATION COORDINATOR REVIEW

Signature _____
Mark Luellen, Preservation Coordinator

Date: _____

cc: S. Banks, Recording Secretary, Landmarks Preservation Advisory Board
V. Byrd, Historic Resource Impact Review File

BRANDT-HAWLEY LAW GROUP

Environment/Preservation

Susan Brandt-Hawley
Paige J. Swartley

Chauvet House PO Box 1659
Glen Ellen, California 95442

Legal Assistants
Sara Hews
Shannen Jones

November 1, 2006

Law Clerk
Rachel Howlett

President Dwight Alexander
and Commissioners
San Francisco Planning Commission
1660 Mission Street, Suite
San Francisco, CA 94103

Re: Market and Octavia Neighborhood Plan EIR

Dear President Alexander and Commissioners:

On behalf of the San Francisco Preservation Consortium, comprised of individuals and neighborhood organizations that support historic preservation and including San Francisco Architectural Heritage, the Duboce Triangle and Mission Dolores Neighborhood Associations, and the Friends of 1800, I would like to bring your attention to a material problem with the Market and Octavia Neighborhood Plan EIR. Fortunately, the problem can easily be remedied.

As I have not appeared before the Commission for quite awhile, as an introductory matter I will briefly note that my law practice focuses on historic preservation issues statewide. Among published CEQA cases handled by this office that involved historic resources are *Preservation Action Council v. City of San Jose* (2006), *Lincoln Place Tenants Association v. City of Los Angeles* (2005), *Architectural Heritage Association v. County of Monterey* (2004), *San Franciscans Upholding the Downtown Plan v. City of San Francisco* (2002), *Friends of Sierra Madre v. City of Sierra Madre* (2001), and *League for Protection of Oakland's Historic etc. Resources v. City of Oakland* (1997).

The Market and Octavia Neighborhood Plan EIR reviews the fascinating history of the Plan area, explains the various architectural and historic resource surveys that have occurred in recent decades, and identifies buildings that have been honored with listing in the National Register of Historic Places, the California Register of Historical Resources, and as City landmarks. The problem is that the EIR's discussion of resource impacts occurred without the benefit of a comprehensive up-to-date survey of the many historical

resources and potential historic districts in the Plan area.

Without a survey, the EIR's analysis of historic resource impacts is without foundation and unless corrected will constitute a failure to proceed in the manner required by law. Similarly, our California Supreme Court held in *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215 that the Forest Practice Act and CEQA were violated by failure to collect adequate information regarding old-growth-dependent species; the failure to proceed in the manner required by law precluded adequate environmental analysis of the impacts of timber harvesting. A parallel scenario involving water resources was addressed in *Cadiz Land Company* (2000) 83 Cal.App.4th 74, where the Court of Appeal found that it was not possible to assess water supply impacts without full knowledge of the underlying water resources that would be affected.

Here, without a current survey, the EIR's conclusions that *no mitigation measures are required* to protect historical resources and that the Plan will have *no significant impacts* on such resources are not supported by substantial evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099.) Relying on the City's broader plans and policies regarding historical preservation cannot ensure that significant impacts to resources will not occur, but the EIR so states in conclusory fashion. In fact, analysis of impacts of the "no project" alternative in Chapter 7 reasonably concedes that increased Plan area density may lead to impacts, and those impacts cannot be quantified or mitigated without a survey that lets this Commission, the public, and the Board of Supervisors know the scope and quality of Plan area resources.

This Commission is constantly confronted with hard choices in the implementation of the City's various specific plans, despite guidance provided by zoning ordinances and the General Plan. Sometimes choices are made to allow important development to go forward despite admitted significant impacts to historical resources. CEQA assists the job of the planning staff and appointed and elected City boards and commissions by requiring environmental review and development of policies and mitigations to inform the hard choices. Here, the Market and Octavia Area Plan has a gap that will lead to future uncertainty as well as the possible loss of unique historic resources that are integral to the Plan area's unique and highly valued neighborhood character, identity, and strong sense of place.

Without an historical resources survey in hand to inform analysis of the Plan's reasonably foreseeable impacts, the Commission does not yet know how best to define the Plan area zoning to assist in planning and its own future decisionmaking, nor whether the Plan should include mitigations to promote preservation; for example, requiring compliance with the *Secretary's Standards for Rehabilitation of Historic Resources* and minimizing incentives to make substantial alterations that impair historic integrity. Perhaps there are blocks in the Plan area containing yet-unsurveyed but qualified historical resources that warrant retention or modification of existing density and related

development standards to reflect the scale of existing development in these historic neighborhoods and potential historic districts. These questions should be addressed now, at the Plan level.

The EIR's inadequacy cannot be cured by interim policies and procedures to allow "extra scrutiny" for projects affecting vintage resources, for many reasons, including the fact that interim measures simply will not meet CEQA's thoughtful and effective mandates. All relevant project information that is required for an adequate, complete EIR "must be in that formal report." (*Environmental Defense Fund, Inc. v. Coastside County Water District* (1972) 27 Cal.App.3d 695, 706; *Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1124.)

As mentioned at the outset of this letter, the good news is that the EIR defect will not be a difficult fix. My understanding is that a City survey of the historical resources in the Plan area is not only in process, it is expected to be complete in April. The Commission could simply require that the EIR's discussion of Environmental Setting and Impacts relative to historical resources be revised to include the results of the survey (which would most appropriately be an appendix to the EIR and to the Plan itself), describe the results, analyze the Plan's potential for significant impacts to the full panoply of identified resources, and suggest mitigation and alternatives if and when it appears that significant impacts may occur. Mitigations may include such things as modifications to zoning controls to reflect the existing historic build-out areas and formal designation of local historic districts. The historical resources section of the EIR would then re-circulate for public and agency comment.

Thank you for considering these comments in your review of this important Plan.

Sincerely yours,

Susan Brandt-Hawley

cc:

San Francisco Board of Supervisors
Landmarks Preservation Advisory Board
Dean Macris, Planning Director
San Francisco Preservation Consortium
Mission Dolores Neighborhood Association
Duboce Triangle Neighborhood Association
San Francisco Architectural Heritage
Hayes Valley Neighborhood Association
San Francisco Historic Preservation Fund
Mayor's Office of Economic and Workforce Development
Dennis Herrera, City Attorney
National Trust for Historic Preservation, Western Regional Office

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov



March 14, 2006

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1660 Mission Street, Fifth Floor
San Francisco, CA 94103

- sent via facsimile (415)-558-5991 and United States Postal Service -

55 Laguna Mixed Use Project Draft Environmental Impact Report (DEIR) # 2005062084

Dear Mr. Maltzer:

The State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. We thank you for the opportunity to comment on the above project. The OHP is in receipt of a National Register nomination for the San Francisco State Teacher's College and we are concerned with the impacts the project may have on the resource. We have also been contacted by Ms. Cynthia Servetnik, a member of the public, regarding the project and my office has been in contact with Rana Ahmadi of your office.

The project is the construction of a mixed-use development at the project site which is the former University of California Berkeley Extension Campus. The land owner is the Regents of the University of California who propose to ground lease the project site to the project sponsors, A.F. Evans Development, Inc. and openhouse. The unoccupied buildings on site include Woods Hall, Woods Hall Annex, Richardson Hall, and Middle Hall. (DEIR I-1)

The San Francisco Planning Department has made the findings that all buildings on the project site, including Richardson Hall, Woods Hall, Woods Hall Annex and Middle Hall, and, in addition, the remnant landscape features dating from 1921-1955 and the retaining wall along Laguna and Haight Street would contribute to a potential campus historic district. Thus, the site and all buildings would be qualifying as a historical resource for purposes of CEQA with Middle Hall not qualifying individually but as a district contributor. (DEIR III.E-11)

The current project would demolish Middle Hall and the Administration Wing of Richardson Hall, including the connector to Richardson Hall, as well as a portion of the retaining wall. The southern wing of Richardson Hall would be rehabilitated for residential units. The east wing and auditorium of Richardson Hall would be converted into retail and community facility space. Since the new retail space would be located at the basement level of Richardson hall, new openings in the retaining wall would be necessary.

The findings made by the City Planning Department are (1) that the project's impacts would result in the campus losing its potential eligibility as a historic district through the proposed demolitions, (2) the construction of seven new buildings between four and eight stories in height in the center of the campus and (3) that also the use of the *Secretary of Interior Standard's for Rehabilitation* would not mitigate impacts below a level of significance because only four out of

Mr. Paul Maltzer
Page 2

the ten standards would be applicable. The City acknowledges that the selection of a project alternative would reduce the impacts to a less-than-significant level.

CEQA contains a "substantive mandate" that public agencies refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. Feasible means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technological factors. (Public Resources Code sec.21001.1; 21061.1)

The OHP endorses the Preservation Alternative. (DEIR VI-3) This alternative would retain all buildings on the site for renovation and adaptive reuse, including Richardson Hall, Middle Hall, Woods Hall, Woods Hall Annex, as well as the retaining wall along Laguna Street. This alternative would construct new in-fill residential in a similar fashion to the proposed project, but a reduced size and density; six new buildings would be constructed. The Preservation Alternative would reduce the project's impacts to historical resources to below a level of significance. All buildings identified as individually significant for the California Register by the City's Planning Department would be retained and by eliminating the through-streets and reducing the overall scale and density from 450 residential units to 332 units, the project impacts to the potential campus as a historic district would also be reduced to a level below significance. The Preservation Alternative provides a feasible alternative to the proposed project and is in compliance with nearly all of the Regent's and project sponsor's objectives. (DEIR VI-8)

OHP also endorses the implementation of the proposed Mitigation Measures HR-1 and 2 (HABS- Level Recordation and Public Interpretation) because they would further reduce the project's impacts on the district level.

Again, we thank you for the opportunity to comment on the above project. Please understand that our comments herein are specifically related to the environmental review process and adequacy of documents prepared for the environmental review purposes. We do not take positions in support of or against projects, but rather focus on the environmental review process itself.

If you have any further questions, please don't hesitate to contact Michelle C. Messinger, Historian II, CEQA Coordinator Local Government Unit at (916) 653-5099 or at mmessinger@parks.ca.gov.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Cc: Cynthia Servetnick, AICP
Leigh Jordan, Coordinator Northwest Information Center
Mark Luellen, Historic Preservation Coordinator, City of San Francisco
State Clearinghouse



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UC Berkeley Extension Laguna Street Campus

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To: San Francisco Board of Supervisors

Petition to the San Francisco Board of Supervisors
to require the Planning Department to convene a
CITIZENS ADVISORY COMMITTEE to evaluate the proposed PRIVATIZATION
of the UC BERKELEY EXTENSION LAGUNA STREET CAMPUS

WHEREAS, the 5.8 acre tract of property at 55 Laguna Street, known as the UC Berkeley Extension Laguna Street Campus Property (Property), has a history of continuous public use exceeding 150 years; and,

WHEREAS, in the early 1850s, The City of San Francisco gave \$30,000 to the Protestant Orphan Asylum Society to initially purchase the land and to construct a building housing an orphanage which was completed in 1854; and,

WHEREAS, in 1921, The City of San Francisco abandoned Waller Street where it formerly ran through the Property, so as to assist further in the continued public use of the Property which was then owned by the San Francisco State Normal School (later becoming San Francisco State Teachers College, and eventually San Francisco State University); and,

WHEREAS, in the mid-1950s the Property was transferred via a public real property disposition process to the Regents of the University of California, who continued using the Property for educational purposes through 2003; and,

WHEREAS, the Property, with its buildings, constitute a resource of historic merit which is eligible for the National Register of Historic Places and should be preserved to the greatest extent possible; and,

WHEREAS, according to the environmental documents of the Better Neighborhoods Market-Octavia Plan, there will be 19,555 new households within the entire Market-Octavia area by the year 2025, thus increasing dramatically the public's need for additional property zoned for public use; and,

WHEREAS, according to the Better Neighborhoods Market-Octavia Plan proposed revisions dated May 22, 2006 which state, "Any subsequent change in the zoning of the UC Berkeley Laguna Campus should occur in the context of a focused community planning process that involves residents and other stakeholders."

WHEREAS, according to the Better Neighborhoods Market-Octavia Plan proposed revisions dated May 22, 2006 which state, "Any future reuse of the UC Berkeley Laguna Campus should balance the need to reintegrate the site with the neighborhood and to provide housing, especially affordable housing, with the provision of land for public uses such as education, community facilities, and open space."

WHEREAS, the current owner of the Property, The Regents of The University of California, submitted a proposal for environmental review to the City Planning Department Environmental Review Division, seeking to permanently end the public use zoning for this entire Property, and to convert the entire Property to a high-density private residential housing development;

NOW, THEREFORE, we, the undersigned, hereby urge the San Francisco Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee representing interested established neighborhood groups within the Market-Octavia Plan Area to determine the highest and best use of the Property, to make recommendations regarding zoning and redevelopment guidelines for the Property, and to evaluate the requested change to the existing Public Use Zoning for the Property under the current UC Berkeley/A.F. Evans/openhouse proposal within the context of the Market-Octavia Plan.

Sincerely,

The Undersigned

[Click Here to Sign Petition](#)

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The [UC Berkeley Extension Laguna Street Campus](#) Petition to San Francisco Board of Supervisors was created by and written by [Cynthia Servetnick \(quoting HVNA in part\)](#) (cynthia.servetnick@gmail.com). This petition is hosted here at www.PetitionOnline.com as a public service. There is no endorsement of this petition, express or implied, by [Artifice, Inc.](#) or our sponsors. For technical support please use our simple [Petition Help](#) form.

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LANDMARKS PRESERVATION ADVISORY BOARD
Case Report for hearing on April 18, 2007

Case No. 2007.0319L
55 Laguna Street
Lots 001, 001A in Assessor's Block 0857
Lots 001, 002, 003 in Assessor's Block
0870
**Landmark Designation of the U.C.
Extension Center at 55 Laguna Street,
formerly San Francisco State
Teacher's College**
Page 1

DEPARTMENT CONTACT

Tara Sullivan-Lenane, (415) 558-6257, tara.sullivan-lenane@sfgov.org

REVIEWED BY

Mark Luellen, Preservation Coordinator

APPLICANT

On February 21, 2007, the Landmarks Preservation Advisory Board ("Landmarks Board") members initiated designation for the U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School, as outlined in Resolution # 609. On April 2, 2007, Roland-Nawi Associates submitted the proposed U.C. Extension Center at 55 Laguna Street, formerly known as San Francisco State Teacher's School, Landmark Designation Report (Attachment A) to the Planning Department.

PROPERTY DESCRIPTION

The U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, consists of five buildings on two city blocks bounded by Buchanan, Hermann, Haight, and Laguna Streets: Middle Hall (1924), Woods Hall (1926), Woods Hall Annex (1935), Richardson Hall (1930, with the Administration Wing constructed in 1924), and the Dental Building (1970).

Block 0857, lot 001 & 001A, and Block 0870 lot 003, is zoned P (Public Use) and is in a 40-X Height and Bulk District. Block 0870, lot 001 & 002 is zoned P (Public Use) and is in an 80-B Height and Bulk District.

Surrounding Land Use and Development

The U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, is located in the southern portion of the Hayes Valley neighborhood. One block from Market Street, the site is surrounded by residential and commercial uses such as RM-2 (Mixed Residential, Moderate Density) District, RH-3 (Residential, House, Three-Family), and NC-3 (Neighborhood Commercial, Moderate Scale).

PROJECT DESCRIPTION

The project is the Landmarks Board consideration of a resolution to recommend or not to recommend landmark designation of the U.C. Extension Center at 55 Laguna Street, formerly San Francisco State

LANDMARKS PRESERVATION ADVISORY BOARD
Case Report for hearing on April 18, 2007

Case No. 2007.0319L
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Lots 001, 001A in Assessor's Block 0857
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0870
**Landmark Designation of the U.C.
Extension Center at 55 Laguna Street,
formerly San Francisco State
Teacher's College**
Page 3

designation, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days (Section 1004.5).

The designating ordinance shall include "the location and boundaries of the landmark site... a description of the characteristics of the landmark... which justify its designation, and a description of the particular features that should be preserved" (Planning Code Section 1004(b)).

NATIONAL REGISTER OF HISTORIC PLACES CRITERIA

The Landmarks Board on June 7, 2000, by Resolution No. 527, adopted the National Register Criteria as its methodology for recommending landmark designation of historic resources.

Under the National Register Criteria, the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, feeling, materials, workmanship, and association, and that are associated with events that have made a significant contribution to the broad patterns of our history; or that are associated with the lives of persons significant in our past or that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may likely yield, information important in prehistory or history.

STAFF ANALYSIS

The Planning Department believes that the content of the U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, designation report to be accurate and valid. The site is significant for its association with the Normal Schools in California, for its association with the expanding role of state and federal government in public education, and for its association with the Works Progress Administration (WPA) and the Federal Arts Project (FAP). The site has been classified as a historic resource under the California Quality Environmental Act (CEQA), which acknowledges this significance.

However, the Planning Department does not support the designation of this site as a landmark per Article 10 of the Planning Code. Designation of the site will conflict with several overriding planning principles and policies for the site, including the re-integration of the site into the surrounding neighborhood, public accessibility, affordable housing, retail development, and flexibility for adaptive re-use of the site. As described in the Market Octavia it is the City's goal to reestablish the pedestrian realm and loss of potential housing units. The Plan also seeks to address these issues by holistically examining the relationship between land uses, transportation and creating whole neighborhoods. Key to the plan's success is a number of pedestrian, transit, open space and other public improvements. For these reasons, the Planning Department feel that the proposed designation is in direct conflict with these goals

LANDMARKS PRESERVATION ADVISORY BOARD
Case Report for hearing on April 18, 2007

Case No. 2007.0319L
55 Laguna Street
Lots 001, 001A in Assessor's Block 0857
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0870
**Landmark Designation of the U.C.
Extension Center at 55 Laguna Street,
formerly San Francisco State
Teacher's College**
Page 5

PLANNING DEPARTMENT RECOMMENDATION

The Planning Department does not support the designation of this site as a landmark under Article 10 of the Planning Code. Landmarking the site will conflict with several overriding planning principles and policies for the site, including the re-integration of the site into the surrounding neighborhood, public accessibility, affordable housing, retail development, and flexibility for adaptive re-use of the site. For these reasons, the Planning Department recommends disapproval of the landmark designation of U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, as a San Francisco Landmark under Article 10 of the Planning Code.

Attachments:

- A. U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School, Landmark Designation Report.
- B. Draft Landmarks Preservation Advisory Board Resolution recommending Planning Commission disapproval.

G:\Preservation\Landmark designation\55 Laguna\55 Laguna LPAB CaseReport disapproval.doc

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17406

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED MARKET AND OCTAVIA PLAN, AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND ZONING MAPS, AMEDENMENTS TO THE SAN FRANCISCO GENERAL PLAN, ADOPTION OF URBAN DESIGN GUIDELINES, AND AMENDMENTS TO THE WESTRN ADDITION A-2 REDEVELOPMENT PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2003.0347E – Market and Octavia Plan (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Citywide Group of the Department filed for environmental evaluation on 3/26, 2003 and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

b. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on January 24, 2004.

c. On June 25, 2005, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

d. On June 25, 2005, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

e. Notices of availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

2) The Commission held a duly advertised public hearing on the DEIR on July 28, 2005 at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on August 23, 2005.

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on 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, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Plan. This material was presented in a Comments and Responses document, published on September 26, 2006, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.

4) A Final Environmental Impact Report has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law ("FEIR").

5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.

6) On April 5, 2007, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

7) The Planning Commission hereby does find that the FEIR concerning Case File No. 2003.0347E – Market and Octavia Neighborhood Plan reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Final EIR document which includes the Comments and Responses contains no significant new information to the DEIR. In addition, since publication of the DEIR there has been no significant new information that would require recirculation of the document pursuant to CEQA Guideline Section 15088.5; and the Planning Commission hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

8) The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

a. A potentially significant adverse shadow effect on the environment on *the War Memorial Open Space* from Development on Franklin Street and *United Nations Plaza* from towers at the Market Street and Van Ness Avenue intersection.

b. A significant adverse traffic effect on the environment to the following intersections under the year 20205 with Plan conditions: (1) Hayes Street and Van Ness Avenue, (2) Laguna /Market/ Hermann/Guerrero Streets, (3) Market/Sanchez/Fifteenth Streets, (4) Market/Church/ Fourteenth Streets, (5) Mission/Otis/South Van Ness; (6) Hayes/Gough Streets; and (7) Hayes/Franklin Streets.

c. A significant adverse transit effect on the environment as a result of increase in delays at Hayes Street intersections at Van Ness Avenue, Franklin Street, and Gough Street. Degradation to transit service would occur as a result of increase in delays at the intersections above.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee and William Lee

NOES: Moore and Olague

ABSENT: none

EXCUSED: Sugaya

ACTION: Certification of EIR

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17407

ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE MARKET AND OCTAVIA AREA PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESTERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

Whereas, the Planning Department has undertaken a planning and environmental review process for the proposed Market and Octavia Area Plan and provided for appropriate public hearings before the Planning Commission.

Whereas, the Planning Department is seeking to encourage the protection of existing neighborhood character and ensure a mix of housing opportunities, including mid-rise and high-rise residential development at certain intersections, with clear standards and land use controls that together will ensure a safe and attractive neighborhood environment, promote use of a variety of travel modes and develop a system of public improvements in the Market and Octavia Plan Area.

Whereas, the Planning Department facilitated a public planning process, which refined a series of proposals for land use, height, bulk, building design, parking and loading, open space, rear yards, public improvements, and other controls for the Market and Octavia Area. The resulting Market and Octavia Area Plan is a comprehensive proposal for the area, including new Planning Code controls and public improvements funding.

Whereas, the Market and Octavia Area Plan proposes three new zoning districts in the area of San Francisco generally located to the West of the City's Downtown Area and includes portions of Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market Neighborhoods of San Francisco. While residential areas stay residential under the new Residential Transit Oriented (RTO) designation, and neighborhood shopping streets remain under the designation of Neighborhood Commercial Transit (NCT) Districts, a new

residential neighborhood is created under a new special use district called the Van Ness and Market Downtown Residential Special Use District.

Whereas, the actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the Market and Octavia Area Plan and various implementation actions ("Project"), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed Market and Octavia Area Plan, and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

Whereas, the Planning Department on June 25, 2005, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* ("CEQA"), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a public hearing on the DEIR on July 28, 2005.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on September 26, 2006, which together with the DEIR and additional information that became available, constitute the Final Environmental Impact Report ("FEIR")

Whereas, the Planning Commission, on April 5, 2007, by Motion No. 17406, 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 complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17406, found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission certified the FEIR as adequate, accurate, and objective, and reflecting the independent judgment of the Planning Commission in Motion No. 17406.

AND BE IT FURTHER RESOLVED, that the Planning Commission has reviewed and considered the FEIR and hereby adopts the Project Findings attached hereto as Attachment A including a

CITY PLANNING COMMISSION

File No: 2003.0347E
Market & Octavia Area Plan
Motion No.
Page 3 of 3

statement of overriding considerations, and including as Exhibit 1 the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee, William Lee and Sugaya

NOES: Moore and Olague

ABSENT: none

ACTION: Approval of CEQA Findings

ATTACHMENT A

MARKET AND OCTAVIA AREA PLAN

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

In determining to approve the proposed Market and Octavia Area Plan and related approval actions (the "Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives 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, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the proposed Project, the environmental review process for the project, the Planning Commission 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;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels;

Section V discusses why a subsequent or supplemental EIR is not required;

Section VI evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support the rejection of the alternatives and access options analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the Planning Commission's actions and its rejection of the Alternatives not incorporated into the Project.

Attached to these findings as Exhibit 1 is the Mitigation Monitoring and Reporting Program for the mitigation measures that have been proposed for adoption. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in the Final EIR that is required to

reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

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

a. Project Description

The Draft EIR analyzed three separate actions: (1) the Market and Octavia Area Plan, published by the San Francisco Planning Department ("Project Sponsor") in December 2002 and as revised September 7, 2006 (the "Plan"); (2) redevelopment of 22 vacant Central Freeway parcels created as a result of the removal of the elevated Central Freeway; and (3) a limited number of near-term public street and open space improvements in the Project Area. At this time, the Planning Commission and Board of Supervisors will only consider the adoption of the Market and Octavia Area Plan and associated implementation actions.

The Plan – which is more extensively described in the Market and Octavia Neighborhood Plan and in the FEIR – is a means for implementing an innovative set of land use controls, urban design guidelines, and public space and transportation system improvements to create a dense, vibrant and transit-oriented neighborhood. The controls encourage new housing and enhance the urban environment in a variety of ways.

On November 16, 2006 in a letter to the Office of Major Environmental Analysis, the project sponsor, the Department, found feasible and recommended as part of the Project mitigation measures 5.7.A, 5.7.B, and 5.7.G of the DEIR. These measures would remove the proposal to make Hayes Street two-ways between Gough Street and Van Ness Avenue. In certifying the EIR and approving the Project, the Planning Commission disagreed with Department staff and found the mitigation measures 5.7.A, 5.7.B, and 5.7.G infeasible for the reasons set forth in Section III. The Commission voted to maintain the proposal to make Hayes Street two-ways between Gough Street and Van Ness as part of the Project.

b. Environmental Review

The Planning Department determined that an Environmental Impact Report ("EIR") was required for the Project. The Planning Department published the Draft EIR and provided public notice of the availability of the Draft EIR for public review and comment on June 25, 2005.

On January 24, 2004, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse. Notices of Availability ("NOA") for the Draft EIR of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

The Planning Commission held a duly noticed public hearing on the Draft EIR on July 28, 2005. At this hearing, opportunity for public comment was given, and public comment was received on the Draft EIR. The Planning Department accepted public comments on the Draft EIR from June 25, 2005 to August 23, 2005.

On May 22, 2006, in response to community input, the Project Sponsor published a document entitled *Proposed Revisions to The Market and Octavia Neighborhood Plan* ("Proposed

Revisions"). On May 23, 2006, the Project Sponsor hosted a community meeting to receive public comment on the *Proposed Revisions*. In response to community input, the Planning Department further revised the *Proposed Revisions* document and finalized it on September 7, 2006.

The Planning Department prepared responses to comments on environmental issues received at the public hearing and in writing, prepared revisions to the text of the Draft EIR in response to comments received or based on additional information that became available during the public comment review period, analyzed the *Proposed Revisions*, and corrected errors in the Draft EIR. This material was presented in the "Comments and Responses" published on September 26, 2006, was distributed to the Planning Commission and to all parties who commented on the Draft EIR, and was available to others upon request at the Planning Department's office. Since the publication of the *Proposed Revisions*, the Planning Commission has held extensive public hearings on the Plan. During the course of these hearings and in response to public comment, the Planning Commission has directed staff to make several revisions to the Plan as described in various staff reports on file with the Planning Commission ("Additional Revisions"). In certifying the EIR, the Planning Commission found that none of the information added after the publication of the DEIR, including the *Proposed Revisions*, the environmental analysis of the *Proposed Revisions*, and the Additional Revisions triggered the need for recirculation of the EIR. Nor does the adoption of the Plan with the *Proposed Revisions* and the Additional Revisions trigger the need for a supplemental or subsequent EIR as discussed in Section V. A Final EIR has been prepared by the Planning Department consisting of the Draft EIR, all comments received during the review process, and the Comments and Responses. The Draft EIR, the Comments and Responses, and all appendices thereto comprise the "EIR" referenced in these findings.

c. Planning Commission Actions

The Planning Commission will take the following actions and approvals to implement the Project.

- Certify the Final EIR.
- Adopt CEQA findings and a Mitigation Monitoring and Reporting Program.
- Determine consistency of the Market and Octavia Neighborhood Plan with the General Plan and Planning Code Section 101.1 Priority Policies, and recommend adoption to the Board of Supervisors.
- Approve adoption of amendments to the General Plan constituting the Market and Octavia Area Plan, pending approval by the Board of Supervisors.
- Approve and recommend to the Board of Supervisors related amendments to the San Francisco Planning Code and Zoning Maps.

d. Location of Records

The record upon which all findings and determinations related to the Project are based includes the following:

- The Plan and the *Proposed Revisions*.
- The EIR, and all documents referenced in or relied upon by the EIR.

- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR.
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and sub consultants who prepared the EIR, or incorporated into reports presented to the Planning Commission.
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- All applications, letters, testimony and presentations presented to the City by the project sponsor and its consultants in connection with the Project.
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.
- For documentary and information purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- The MMRP.
- All other documents comprising the record pursuant to Public Resources Code Section 2116.76(e)

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1660 Mission Street, San Francisco. Linda Avery, Commission Secretary, is the custodian of these documents and materials.

II. Impacts Found Not To Be Significant and Thus Requiring No Mitigation

Based on substantial evidence in the whole record of this proceeding, the City finds that the implementation of the Plan will not result any significant impacts in the following areas: Land Use and Zoning; Population, Housing, and Employment; Urban Design and Visual Quality; Noise; Public Facilities, Services, and Utilities; Hydrology; and Growth Inducement. Each of these topics is analyzed and discussed in detail including, but not limited to, in the EIR at Chapters 4.2, 4.3, 4.4, 4.9, 4.12, 4.13, and 4.14.

III. Findings of Potentially Significant Impacts That Can Be Avoided Or Reduced To A Less Than Significant Level

Finding: The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The findings in this Section III and in Section IV concern mitigation measures set forth in the FEIR. These findings discuss mitigation measures as proposed in the FEIR and recommended for adoption by the Board of Supervisors, which can be implemented by City agencies or departments. Except for minor revisions made to the language of mitigation measures to reflect the fact that the project sponsor is now recommending implementation of measures 5.7.A, 5.7.B, and 5.7.G of the DEIR as shown below, the mitigation measures proposed for adoption in this section are the same as the mitigation measures identified in the FEIR.

As explained previously, **Exhibit 1**, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Chapter V of the EIR that is required to reduce or avoid a significant adverse impact. **Exhibit 1** also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

The Planning Commission finds that, based on the record before it, the mitigation measures proposed for adoption in the FEIR are feasible, with the exception of Mitigation Measures 5.7.A, 5.7.B, and 5.7.G, and the possible exception of Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H, as explained further below, and that they can and should be carried out by the identified agencies at the designated time.

This Planning Commission finds Mitigation Measures 5.7.A, 5.7.B, and 5.7.G infeasible for the following specific economic, legal, social, technological and other reasons. During the course of public hearings and staff presentations on the Plan, the Planning Commission has heard significant public testimony supporting these findings of infeasibility.

The Market and Octavia Plan proposed to convert Hayes Street between Franklin and Laguna to a two way street (the "original project"). The original project was proposed to address the inhospitable pedestrian environment. The proposed mitigation measures 5.7.A, 5.7.B, and 5.7.G maintain the one-way street, leaving unresolved the negative social and economic environment created by the existing conditions. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell, creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; and reducing the tendency for residents to walk for their daily needs.

Specifically, the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for economic reasons due to the negative impacts on the local economic environment. The mitigation measures constrain pedestrian behavior, especially limiting pedestrian comfort with crossing at key intersections. These conditions have a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. An awkward and unsafe pedestrian environment constrains the natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities and unacceptably damages the economic vitality of neighborhood commercial establishments.

In addition the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for social reasons. They create an unhealthy pedestrian environment, which discourages residents and visitors from walking for most trips and increase the likelihood of jay walking and pedestrian-car collisions. Further, the inability to walk to key destinations reduces an individual's ability to form important social networks that create a sense of safety and community in a neighborhood.

The Planning Commission finds that the existing conditions result in negative social and economic circumstances rendering the mitigation measures infeasible. The Planning

Commission acknowledges that because these measures are infeasible and will not be adopted and implemented at this time, the Project will result in significant unavoidable impacts as discussed below and in the EIR.

This Planning Commission urges other agencies to adopt and implement the remaining applicable mitigation measures set forth in the FEIR that are within the jurisdiction and responsibility of such entities. The Planning Commission acknowledges that if such measures are not adopted and implemented, or if Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H are infeasible, the Project may result in additional significant unavoidable impacts.

For all of these reasons, and as discussed in Section VI, the Planning Commission is adopting a Statement of Overriding Considerations as set forth in Section VII.

All mitigation measures identified in the FEIR that will reduce or avoid significant adverse environmental impacts, except Mitigation Measures 5.7.A, 5.7.B, and 5.7.G, are proposed for adoption and are set forth in Exhibit 1, in the Mitigation Monitoring and Reporting Program. None of the mitigation measures set forth in the FEIR that are needed to reduce or avoid significant adverse environmental impacts are rejected.

A. Wind

1. Impact – Wind

a) Potentially Significant Impact

The Plan would result in a potentially significant wind impact due to the potential for development of major buildings in the Project Area, particularly those allowed up to 400 feet around the Market Street and Van Ness Avenue Intersection.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures:

Buildings in Excess of 85 feet in Height

To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:

- Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter offered by existing upwind structures as much as possible. Avoid continuous western building faces.
- Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of setbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building.

- Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface.
- Avoid narrow gaps between buildings, which may accelerate westerly winds.
- Avoid “breezeways” or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels.

All New Construction

The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:

- New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.
- An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.
- The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.
- Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year.
- For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.

B. Historical Resources

1. Impact – Archaeological: Soils Disturbing Activities in Archaeological Documented Properties

a) Potentially Significant Impact

The proposed higher residential densities, elimination of residential density limits, and increased subsurface excavation associated with infill development on several blocks within the Project Area could have a potentially significant adverse impact on archaeological documented resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures, which shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.

Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:

1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;
2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;
3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources;
4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;
5. Impacts of Proposed Project;
6. Potential Soils Hazards: Update discussion for proposed project;
7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:
 - A. Proposed archaeological testing strategies and their justification
 - B. Expected archaeological resources
 - C. For historic archaeological resources
 1. Historic address or other location identification
 2. Archaeological property type
 - D. For all archaeological resources
 1. Estimate depth below the surface
 2. Expected integrity

3. Preliminary assessment of eligibility to the CRHR
- E. ETP Map
1. Location of expected archaeological resources
 2. Location of expected project sub-grade impacts
 3. Areas of prior soils disturbance
 4. Archaeological testing locations by type of testing
 5. Base map: 1886/7 Sanborn Fire Insurance Company map.

2. Impact – Archaeological: General Soils Disturbing Activities

a) Potentially Significant Impact

Construction activities on those properties that have no Archeological Assessment Report or for minor soils disturbance in the Mission Dolores Archeological District could significantly impact archaeological resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

The mitigation measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).

For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:

The historical uses of the project site based on any previous archaeological documentation and Sanborn maps;

Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR);

If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;

Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;

Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.

Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.

3. Impact – Archaeological: Soils Disturbing Activities in Public Street and Open Space Improvements

a) Potentially Significant Impact

Public street and open space improvements could have a potentially significant impact on archaeological resources as a result of soil disturbances in excess of four feet.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure, which shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Monitoring Program (AMP)

The archaeological monitoring program shall, at a minimum, include the following provisions:

- a) The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with

the project archaeologist, shall determine what project activities shall be archaeologically monitored.

- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.

If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or
- An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact *analysis* procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive

two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

4. Impact – Archaeological: Soils Disturbing Activities in the Mission Dolores Archaeological District

a) Potentially Significant Impact

The increase in residential densities and subsurface basements would increase the potential for soil disturbances, which could adversely affect archaeological resources within the Mission Dolores Archaeological District.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Testing Program

The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or
- A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program

If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;

- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archaeological Data Recovery Program

The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.

- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation

forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.

C. Air Quality

1. Impact – Air Quality: Particulate Emissions During Construction

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term PM₁₀ and PM₂₅ emissions.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures will reduce the level of dust created by construction and thus minimize the impacts on human health.

These measures include:

- Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

2. Impact – Air Quality: Short-Term Exhaust Emissions

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term emissions related to the operation of fossil fuel burning equipment.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure.

To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area, which would reduce impacts to a less than significant level.

- Confine idle time of combustion engine construction equipment at construction sites to five minutes.
- Maintain and properly tune construction equipment in accordance to manufacturer's specifications.
- Use alternative fueled or electrical construction equipment at the project site when feasible.
- Use the minimum practical engine size for construction equipment.
- Equip gasoline-powered construction equipment with catalytic converters when feasible.

D. Hazardous Materials

1. Impact – Hazardous Materials: Construction Activities

a) Potentially Significant Impact

The proposed development would increase the potential for demolition and renovation activities within the Project Area. To the extent that the Plan would encourage new construction, temporary impacts or risks would occur during the demolition phase of development induced by the Plan or project development.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:

- Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends.
- Storage stockpiles shall be minimized, where practical, and properly labeled and secured.
- Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions.
- Activities shall be conducted so as not to track contaminants beyond the regulated area.
- Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate.
- Containments and regulated areas shall be properly maintained.

E. Geology, Soils, Seismicity

1. Impact – Soils: Construction Activities

a) Potentially Significant Impact

Soil exposed during construction may be subject to erosion, which could potentially create a significant environmental impact.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level temporary construction related impacts would be mitigated to a less than significant level through the implementation of Best Management Practices (BMP) erosion control features, which shall be developed with the following objectives and basic strategy:

- Protect disturbed areas through minimization and duration of exposure.
- Control surface runoff and maintain low runoff velocities.
- Trap sediment on-site.
- Minimize length and steepness of slopes.

F. Transportation

1. Impact – Traffic: Hayes and Gough Streets Intersection

a) Potentially Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

2. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Potentially Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound

travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

3. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Potentially Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

IV. Significant Impacts That Cannot Be Avoided Or Reduced To A Less Than Significant Level

Finding: Based on substantial evidence in the whole record of these proceedings, the City finds that, where feasible, changes or alterations have been required, or incorporated into, the Plan to reduce the significant environmental impacts listed below as identified in the FEIR. The City determines that the following significant impacts on the environment, as reflected in the FEIR,

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 City 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.

A. Shadow

1. Impact – Shadow: War Memorial Open Space

a) Significant Impact

Development on Franklin Street could cast mid-afternoon shadows year round on the War Memorial Open space that could result in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation measures, the potentially significant impact listed above may not be reduced or avoided.

2. Impact – Shadow: United Nations Plaza

a) Significant Impact

Incremental shading on United Nations Plaza from towers at the Market Street and Van Ness Avenue intersection would occur in later winter afternoons resulting in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation

measures, the potentially significant impact listed above may not be reduced or avoided.

B. Transportation

1. Impact – Traffic: Laguna/Market/Hermann/Guerrero Streets Intersection

a) Significant Impact

Laguna/Market/Hermann/Guerrero Streets intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

2. Impact – Traffic: Market/Sanchez/Fifteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fifteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the Market/Sanchez/Fifteenth Streets intersection to allow more time for impacted movements may improve conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D. Impacts could be mitigated to a less than significant level if the right-turn pocket was implemented in conjunction

with the signal retiming. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

3. Impact – Traffic: Market/Church/Fourteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fourteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Market/Church/ Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

4. Impact – Traffic: Mission Street/Otis Street/South Van Ness Avenue Intersection

a) Significant Impact

Mission Street/Otis Street/South Van Ness Avenue intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.

It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions. As the

feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

5. Impact – Traffic: Hayes Street/Van Ness Avenue Intersection

a) Significant Impact

Hayes/Van Ness Avenue intersection (LOS F) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).

To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.

The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions. The mitigation measure of reestablishing the westbound travel lane (eliminating the Project's proposed changes to Hayes Street as described below) would substantially reduce, but would not eliminate the significant and unavoidable impact.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

6. Impact – Traffic: Hayes and Gough Streets Intersection

a) Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

7. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

8. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

V. Neither Recirculation Nor a Subsequent or Supplemental EIR Is Required

1. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that it contains additions, clarifications, and modifications, including a description and analysis of the Project, *Proposed Revisions*, and *Additional Revisions*. The Planning Commission has reviewed and considered the FEIR and all of this information. In certifying the FEIR, the Planning Commission found that the FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the DEIR does not involve a new significant environmental impact, a substantial increase in the severity of a significant environmental impact, or a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Project and that the Project Sponsor declines to adopt. No information indicates that the DEIR was inadequate or conclusory.

2. The Project as it now stands fall within the range of impacts and the range of alternatives studied in the DEIR.

3. The Planning Commission finds that (1) modifications incorporated into the Project and reflected in the Actions will not require important revisions to the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of

previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the Project or the Actions are undertaken which would require major revisions to the FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and (3) no new information of substantial importance to the Project or the Actions has become available which would indicate (a) the Project or the Actions will have significant effect not discussed in the FEIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIR would substantially reduce one or more significant effects on the environment.

VI. Evaluation Of Project Alternatives

This Section describes the Project as well as the Project Alternatives and the reasons for rejecting the Alternative. This Article also outlines the Project's purposes and provides a context for understanding the reasons for selecting or rejecting alternatives, and describes the Project alternative components analyzed in the FEIR.

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of the Project.

A. Reasons for Selection of the Project

As discussed above in Section I, the Project is based on the Project Description analyzed in the FEIR, with the *Project Revisions* finalized in September 2006. In addition to the proposed Project, the FEIR analyzed two Alternatives:

- No Project Alternative – Existing Controls
- Reduced Height/Reduced Density Alternative

These Alternatives are discussed in greater detail in Section 7 of the EIR.

In approving the Project, the Planning Commission has carefully considered the attributes and the environmental effects of the Project and the Alternatives discussed in the FEIR. This consideration, along with reports from City staff and public testimony has resulted in the Project. The Project achieves the objectives as set forth in the FEIR as follows:

The Project is selected because it will promote the greatest achievement of all of the following objectives, which would not be achieved by either the No Project Alternative or the Reduced Height/Reduced Density Alternative.

- Create a dense, vibrant and transit-oriented neighborhood that capitalizes on all of the unique characteristics and development opportunities of the Project Area.

The Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR. The Project creates opportunity to provide more housing in the place where it can best be accommodated, in areas with significant infrastructure investment. The Project seeks to establish a residential intensity that supports the transit uses in the area. When providing more housing, it is often not the accommodation of the people that strains a neighborhood, oftentimes it is the accommodation of the car trips. The Project's controls ensure that some portion of new housing is developed for households that rely on walking, transit and carshare to meet their daily needs. The Project also combines the housing ideas with streetscape and transit improvements that would encourage walking, improve transit and help to return balance to the city streets. In this way the Project gracefully accomplishes the City's goals for housing production to satisfy need.

- Strengthen the community's supply of housing by increasing well-designed infill housing.

While the Market & Octavia Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR, it does so in a very focused manner. The Project does not non-discriminately raise heights. Rather, in roughly 59% of the parcels there is no change in height, roughly 33% of the parcels show a decrease in height by more than 10 feet. Only about 8% of the parcels would see an increase in height and of the total Project area only 3% of the parcels would see an increase of more than 10 feet. The Project is increasing housing supply but in large part it is doing so within the scale of the existing neighborhood fabric. Infill housing would further controlled by the design principles described in the Project that control building aspects such as massing and articulation, activation of the ground floor, curb cuts, alley frontages and supporting open space for residential units.

- Strengthen the economic base of the Project Area and the community by increasing neighborhood-serving retail and service businesses throughout the Project Area.

The Project would transition a large part of the SoMa West area from C-M (Heavy Commercial) to a Neighborhood Commercial Transit (NCT-3) district. C-M districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts with an emphasis on wholesaling, business services, and some light manufacturing and processing. The new NCT district in this area would increase the amount of land for neighborhood-serving retail and businesses. Also, in SoMa West, the remaining land would be rezoned from C3-G (Downtown General Commercial) to C3-G with a special use district overlay called Van Ness and Market Downtown Residential SUD. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence, thereby increasing the purchasing power of the neighborhood. Similarly, but to a lesser scale, the remainder of the Project Area will benefit from a larger consumer base as density increases. Outside of the SoMa West Area, existing neighborhood commercial districts will in large part remain and not expand in scope.

The Project would, by making Hayes Street two-way, enhance the neighborhood commercial vitality of Hayes Valley. Maintaining Hayes Street as one-way limits pedestrian comfort with crossing at key intersections and thus has a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. By slowing traffic and improving the pedestrian environment, the Project improves the

natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities.

- Focus design attention especially on the development need and opportunities in two subareas: (1) reintegrating the vacant Central Freeway parcels into the neighborhood and (2) creating a high-density new neighborhood around South Van Ness Avenue, Market Street and Mission Street that takes advantage of that area's high height potential and elegantly designed residential towers.

The Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Increase the mix of land uses and the density required to create a successful vibrant transit-oriented neighborhood reflecting the unique character of the Project Area.

Similar to the discussion in the above objective, the Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Revise the height districts throughout the Project Area to sculpt an urban form that maximizes housing opportunities mediated by building type, street-level livability, views, and skyline effects.

The new height districts maintain the carefully sculpted heights near the Civic Center to preserve views towards City Hall. The new heights punctuate the new residential neighborhood with 400' towers at the Market and Van Ness intersection. These towers would mark the City's premier intersection of Van Ness Avenue and Market Street and visually mark the edge of downtown with residential towers that are taller yet approximately 50% less bulky than the neighboring office towers. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate. The focal point of towers at Market and Van Ness intersection, would be supported by buildings that are 120-feet, the same height as the tower podiums. 120-feet is the established podium height for most of Market Street as it represents a fundamental urban design principal that streets can comfortably hold buildings as high as the streets are wide. From the Market and Van Ness intersection heights generally taper down both along Market Street and towards the West as intensity of street use lessens. Heights are lowered in front of the Mint to preserve views to the Mint. Key intersections are marked with height that tapers in mid-block. Along east-west alleys, additional controls are placed based upon street width and sun angle to ensure light reaches the sidewalk.

- Improve the area's public streets and open spaces necessary for a vibrant transit oriented neighborhood, including incorporating traffic calming strategies, street tree planning, new park creation, and streetscape improvements.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for "living streets" as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability. The Project's ideas for traffic-calming include corner bulb-outs and reduced distance for pedestrian crossings.

- Improve the operation and convenience of all transportation modes required for a vibrant transit-oriented place, with a focus on transit, bicycle, and pedestrian movement.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City's downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

- Within the controls required to create a vibrant and transit oriented neighborhood, provide flexibility in the development of the Project Area so that development can respond to market conditions over time.

The Project will enable the creation of new housing units in the Market and Octavia Neighborhood with a level of flexibility in both density controls and in parking controls. Instead of specific parking requirements, the Project sets parking caps and allows for parking provision anywhere from zero spaces per unit up to the parking caps. Further, unbundling parking from housing allows residents to pay separately for costly parking spaces and housing and allows residents to choose whether to pay for parking or not. Like the parking controls, the new density controls provide flexibility in that they no longer regulate density as a factor of lot square but instead only control the form of the building. This will allow for creativity in housing unit types within the form and scale of established neighborhoods.

- Undertake the public improvements proposed in the Plan in a manner that makes them affordable to the City by using innovatively the full range of public financing tools to support the City in meeting its share of the planning and development responsibility for the quality and character of the public realm.

The Project identifies community improvements necessary to accommodate projected growth of residential and commercial development in the Project Area while maintaining and improving community character. The Project, through the Market and Octavia Community Improvements Program Document (dated September 18, 2006) ("Program Document"), incorporated herein by reference, also identifies a number of potential revenue sources to fund community improvements. They include:

- Use of Public agency grants (Federal and State Funding as well as General Fund monies);
- Establishing Community benefit districts, parking benefit districts and other assessment districts and utilizing the funds generated to mitigate development impact;
- Establishing parking and/or curb cut impact fees to mitigate specific impacts generated by the components of a project;

- Sale of Development Credits; and
- Establishing a Development Impact Fee to mitigate the impacts generated by development and utilize the revenue to fund the necessary community improvements.

B. Alternatives Rejected and Reasons for Rejection

The Planning Commission rejects the Alternatives set forth in the FEIR and listed below because the Planning 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 in Section VII below under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives.

The No Project Alternative

The No Project Alternative assumes that the Planning Department would not adopt and implement the Project. Development within the Project Area would take place under the existing zoning regulations and the regulations of the *Western Addition A-2 Redevelopment Plan*, which apply to an area in the northern portion of the Project Area, and would remain in place through 2009.

The No Project Alternative would not be desirable nor meet the Project objectives for the following reasons.

Housing:

- The No Project Alternative would retain the existing one-to-one parking requirements. These requirements have adverse impacts on the City's supply of housing and make housing more expensive. The requirement to couple housing with parking provides less space per site to devote to much-needed housing. Moreover, providing parking with every housing unit increases the cost to construct and provide housing thus making housing less affordable. As detailed in the Housing Element of the General Plan, affordable housing is in great demand in the City and housing for those at all levels of the economic spectrum is much needed.
- Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to the Market & Octavia area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Infill Development:

Under the No Project Alternative, current zoning controls would remain in effect. Current zoning controls permit infill development in existing neighborhoods that is out of character with

the existing housing stock. Existing controls permit much larger and bulkier development than the controls proposed under the Project. The Planning Commission finds that well-designed infill development is a desirable outcome for the City.

Neighborhood-Serving Retail

Under the No Project Alternative, current zoning, especially in the SOMA West Neighborhood (CM and C3-G) does not promote neighborhood-serving retail and service establishments. During the community process, the community identified neighborhood-serving uses as a priority for the neighborhood.

Central Freeway Parcels:

Most of the Central Freeway parcels are currently vacant parcels, many of which are zoned P (Public). Under the No Project Alternative, given their small and unusual size, some of the lots are difficult if not impossible to develop under current zoning. Leaving these lots – which are centrally located in the community – vacant is not a desirable outcome for the City or for members of the community.

High Density Residential Development:

- Under the No Project Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. If development were to occur under these controls, it would be at a similar bulk as existing buildings so would be undifferentiated and would not mark these important intersections.
- Under the No Project Alternative, the current zoning for the area around South Van Ness Avenue, Market Street, and Mission Street generally does not permit residential development. Thus, the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit -- increasing traffic, air pollution, and resulting in a less friendly environment for other modes of travel.
- Under the No Project Alternative, while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Public Streets and Open Spaces:

Under the No Project Alternative, the existing controls provide for no special transit or street improvement strategies. There is no strategy to provide a buffer between the street and current uses. The community emphasized the need to improve the existing character of the streets and to

create transit and street improvement strategies and this need is not met by the No Project Alternative.

Transit Orientation:

Under the No Project Alternative, the existing controls provide for no special emphasis on alternative means of transportation. The current controls and existing situation are geared primarily toward transportation by automobile. This situation is contrary to the City's Transit First Policy.

Flexibility of Land Use Controls:

Under the No Project Alternative, the existing controls provide little flexibility in many of the requirements. For example, generally for each unit in the Project Area parking must be provided at one parking space per one unit—no more and no less. This lack of flexibility does not allow the City and Project Sponsors to account for the current market or current trends. In addition, the current method of establishing density is rigid in that it sets absolute unit caps based upon lot area. This again, restricts the City and Project Sponsors from designing denser or more architecturally interesting projects. The Project has a unit mix requirement to ensure that some larger units get built, but otherwise the density of developments can be flexible within the prescribed building envelope.

Community Infrastructure Improvement:

Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop from approximately \$59,000,000 to approximately \$15,000,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

Reduced Height/Reduced Density Alternative

The Reduced Height/Reduced Density Alternative focuses on reducing the significant transportation and shadow impacts that would occur with the implementation of the Project. The Reduced Height/Reduced Density Alternative proposed would have differed from the proposed project in two areas:

- Hayes Street, which is recommended for conversion to two-way operation between Van Ness Avenue and Octavia Boulevard in the Project, would remain as a one-way street with the current operations.
- Height increases proposed under the Project would be reduced in the area around the Market Street/Van Ness Avenue/South Van Ness Avenue intersection under the Reduced Height/Reduced Density Alternative.

All other policies and recommendations in the Reduced Height/Reduced Density Alternative would remain the same as those of the proposed project.

The Reduced Height/Reduced Density Alternative would not be desirable nor meet the Project objectives for the following reasons:

High Density Residential Development:

Under the Reduced Height/Reduced Density Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Housing and Development in Transit Corridors:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Community Infrastructure Improvement:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop approximately \$2,150,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

C. Environmentally Superior Alternative

The Reduced Height/Reduced Density Alternative is the Environmentally Superior Alternative because it would result in less development in the Market and Octavia Area and fewer potentially significant effects on shadows. Originally, the Reduced Height/Reduced Density Alternative was also expected to result in fewer impacts on transportation, but with the agreement of the Project Sponsor to retain Hayes Street as a one-way street with the current operations, the transit impacts that were improved by this aspect of the Reduced Height/Reduced Density will be reduced in the Project as well. However, for the reasons stated above, this alternative is rejected as infeasible.

VII. Statement Of Overriding Considerations

Pursuant to CEQA section 21081 and CEQA Guideline 15093, the City hereby finds, after consideration of the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. The specific reasons for this finding, based on substantial evidence in the record, constitute the following "Statement of Overriding Considerations."

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specially finds, 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. Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

1. The Project will implement and fulfill the policies and objectives of the General Plan including, but not limited to, the following:

The Market and Octavia planning process built on existing General Plan policies. Analysis of applicable General Plan Objectives and Policies has determined that the proposed action is, on balance, consistent with the General Plan. The proposed actions offer a compelling

articulation and implementation of many of the concepts outlined in the General Plan, especially the Air Quality, Urban Design, Transportation Element, Commerce and Industry, Recreation and Open Space, and Arts Elements. Below are key policies and objectives that support the proposed actions.

NOTE: General Plan Elements are in **CAPITAL BOLD LETTERS**

General Plan Objectives are in **CAPITAL LETTERS**

General Plan Policies are in *Arial italics font*

AIR QUALITY ELEMENT

OBJECTIVE 2: REDUCE MOBILE SOURCES OF AIR POLLUTION THROUGH IMPLEMENTATION OF THE TRANSPORTATION ELEMENT OF THE GENERAL PLAN

reducing congestion on roadways;

giving priority to public transit, as mandated by the "Transit First" policy;

encouraging the use of modes of travel other than single occupant vehicles such as transit, carpooling, walking, and bicycling;

managing the supply of parking in the downtown area.

promoting coordination between land use and transportation to improve air quality;

This Objective is satisfied in that the Project seeks to coordinate land use and transportation by encouraging housing in the Project area that is rich in transit infrastructure and support. It encourages development of new housing while maintaining the scale of the existing neighborhood, and encourages establishing a high-density residential neighborhood in SoMa West, near Van Ness, Market, and Mission Streets.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City's downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

POLICY 3.2 Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

This Policy is satisfied in that the Project will encourage the development of new housing, neighborhood services, open space and sustainable transportation in the Market and Octavia neighborhood generally including the intersections of Market and Church Streets, Market Street and Van Ness Avenue, and the new Octavia Boulevard and parcels within walking distance of these areas. The Project will ensure that new development regenerates the neighborhood fabric where the Central Freeway once stood and transforms the SoMa West area into a full-service neighborhood. The Project supports the General Plan's vision of building where growth can be

accommodated by transit and services, encouraging public transit use over travel by private automobile, and expanding housing opportunities adjacent to the downtown area.

POLICY 3.6 Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

This Policy is met in that the Project establishes a monitoring program that will provide feedback on the Project's impacts and allow for corrections and revisions if necessary. In order to track implementation, the Planning Department will monitor key indicators. The Project's performance will be tracked relative to benchmarks informed by existing neighborhood conditions and professional standards. If monitoring surveys indicate an imbalance in growth and relevant infrastructure and support, the Planning Department may recommend policy changes to balance development with infrastructure. Appropriate responses may include temporary or permanent alterations to Market and Octavia Neighborhood Plan policies, or heightened prioritization of plan area improvements.

URBAN DESIGN ELEMENT

POLICY 1.6 Make centers of activity more prominent through design of street features and by other means.

This Policy is satisfied in that significant change is envisioned for the "SoMa West" area, which lies between Market Street, South Van Ness Avenue, Mission Street and the Central Freeway. For more than three decades the city's General Plan has proposed that this area become a mixed-use residential neighborhood adjacent to the downtown. The Project carries this policy forward by encouraging relatively high-density mixed-use residential development in the SoMa West area. Element 7, "A New Neighborhood in SoMa West," proposes an bold program of capital improvement to create a public realm of streets and open spaces appropriate for the evolution of the public life of the area, and to serve as the catalyst for the development of a new mixed-use residential neighborhood.

In addition to these changes to the streets, the Project seeks to reinforce the hierarchy of the City's built form by concentrating height and bulk where core transit services converge. The Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) will encourage the development of a transit-oriented, high-density, mixed-use neighborhood around the intersection of Van Ness Avenue and Market Street, adjacent to downtown. This district will still have the area's most intensive commercial uses, including offices, but balances those with a new residential presence. Residential towers will be permitted along the Market / Mission Street corridor, provided they meet urban design standards. Residential towers, if built, would be clustered around the intersection of Market Street and Van Ness Avenue, with heights ranging from 160 – 400 feet.

TRANSPORTATION ELEMENT

Policy 1.1 Involve citizens in planning and developing transportation facilities and services, and in further defining objectives and policies as they relate to district plans and specific projects.

This policy is satisfied in that, starting in 2000, the Planning Department initiated a public planning process, the Better Neighborhoods Program, which developed a series of policies and proposals including those for land use, height, bulk, building design, density, transportation, and parking in the Market and Octavia area. As a part of this program, the Department has held numerous public meetings, and has briefed the Planning Commission and other public bodies and neighborhood organizations. A partial list of these public meetings can be found in the EIR and can be found on the Planning Departments website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/I_ExSum_A-1_A-2.pdf and are incorporated herein by reference.

OBJECTIVE 23: IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

OBJECTIVE 26: CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.

These Objectives are satisfied in that the Project states that the streets in the Project area afford the greatest opportunity to create new public parks and plazas. That is why streets are included in the discussion of public open spaces. For this reason, the Project takes advantage of opportunities within public right-of-ways. Most noteworthy, Octavia Boulevard itself is conceived in part as a linear open space, as with all great boulevards, that will draw walkers, sitters, and cyclists. In addition, modest but gracious public open spaces are designated within former street right-of-ways that are availed through major infrastructure changes, along with a series of smaller open spaces, for the most part occurring within widened sidewalks areas.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for "living streets," as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project also calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability.

Finally, the Project asserts that the pedestrian friendliness of the street can be improved through architectural design and siting for new construction. Specifically, the design and use of a building's ground floor has a direct influence on the pedestrian experience. Ground floor uses in the area are devoted to retail, service, and public uses in mixed-use buildings and to residential units and lobbies in apartment buildings. These uses provide an active and visually interesting edge to the public life of the street, which is especially important on neighborhood commercial streets. Parking, which has become a common street-facing use in more recent buildings, dilutes the visual interest and vitality of the street. This Project maintains a strong presumption against permitting surface-level parking as a street-facing use; rather, it encourages retail, residential, and other active uses facing the street.

2. The Project will further the City's housing goals as established in the Housing Element of the General Plan and elsewhere. While not directly part of the current approvals, the Project will facilitate the development of the Central Freeway parcels. As discussed in the EIR and in the

plan, the development of these 22 parcels by the Redevelopment Agency is expected to produce 450 units of affordable units, with the majority (405 units) provided as affordable rental units. In addition, the remaining market rate parcels would have a 15 percent inclusionary housing obligation as proposed by the City for all Central Freeway parcels. Thus, the total proportion of development on the Central Freeway parcels would result in 50 to 60 percent of the units being affordable. Other market rate development in the area will be subject to the City's Residential Inclusionary Affordable Housing Program and will provide from 10% to 20% of the units as affordable depending on the nature and timing of development. In addition, the Project changes the density controls and allows both infill and in-law units, thus offering greater opportunity to provide increased housing diversity for people at the lower end of the economic spectrum. Moreover, decoupling the cost of parking from the cost of housing will decrease the cost of housing for people who do not need parking.

3. The Project will generate substantial financial benefits for the City. For instance, the Project will provide direct funding to the City for development of community infrastructure in the Project Area through the new fee program. The Project will also indirectly benefit the City financially through increased revenue to the City and receipt of additional grant funds for the Project Area. These financial benefits and the resulting community infrastructure benefits are detailed in the Program Document, which is incorporated herein by reference. The Program Document asserts that the projected costs for planned improvements are relatively in balance with the projected revenue opportunities. Below is a summary of the primary projected revenue sources. It should be noted that this table does not include some dedicated funds such as the Market and Octavia Bike lane, any funds secured for the Van Ness Bus Rapid Transit project, or any projections for competitive public grants and San Francisco General Fund revenues. These sources should be able to cover the remaining 15% of costs, which amounts to approximately \$38 million over a 20-year period.

Summary Table of Projected Revenue

	Projected Revenue	Percent of Total Need (\$253.7 million)
Market and Octavia Community Improvements Fee		
Residential	\$59,600,000	23.5%
Commercial	\$8,600,000	3.4%
Van Ness FAR Bonus	\$17,290,000	6.8%
Existing Development Fees	\$20,630,000	8.1%
Future Impact Fees	\$33,050,000	13.0%
Public Funds		0.0%
Dedicated Revenue	\$49,250,000	19.4%
Existing Revenue Opportunities		0.0%
Future Revenue Opportunities	\$28,280,000	11.1%
Total	\$216,700,000	85.4%

4. Implementation of the Project will promote enhanced quality of life in the Project Area. The Project seeks to enhance the neighborhood quality of life through a program of housing people, balancing transportation choices, and building whole neighborhoods as described below.

Housing People: Market and Octavia's diverse local population creates the vitality, safety, community and vitality of the place. Housing a diverse group of people means providing a variety of housing opportunities: different housing types, as well as ranges of affordability, provided in a safe and attractive setting.

Balancing Transportation Choices: The Market and Octavia area has a physical fabric that enables people to access much of what they need on foot and supports frequent and reliable transit service. Over time, this fabric has been successful because it supports a range of travel modes and enables people to choose between them as their needs dictate. It shows in people's behavior; about half of the households in the Market and Octavia area own zero cars. Automobiles do play an important role here, but should not dominate to the point of undermining this longstanding fabric or the viability of other travel modes.

Building 'Whole' Neighborhoods: Urban places like Market and Octavia work well because they support a critical mass of people and activities, which in turn makes it possible to provide a full range of services and amenities. As these neighborhoods grow, there is an opportunity and a need to provide new and additional services, more parkland and improved streets to nurture and strengthen public life.

5. Implementation of the Project will promote enhanced community facilities and open space for new residents of the area. Key community facilities and open spaces identified by the community and the Planning Department in the Market and Octavia Plan and implemented in the Project include:

New Community Parks and Public Open Space

Patricia's Green in Hayes Valley has been established as a new public open space, providing a tranquil park setting for neighborhood residents, businesses and visitors, and establishing a neighborhood focus for the community. The Project calls for establishing a new open space north of Valencia Street, by utilizing the McCoppin Street right-of-way and potentially incorporating an adjacent privately-owned parcel. The Project calls for a new park to be established at Brady Street, by converting existing surface parking lots and portions of public right-of-way into a new public park to establish a neighborhood oasis.

Community Services and Facilities

The Project calls for providing funds to improve library services and incorporating public art in the design of streets and other public improvements. Project Implementation also calls for funding for childcare facilities and recreational facilities to achieve appropriate levels of service.

Benefits to Commerce and the Pedestrian Environment in Hayes Valley

The Project calls for implementing Hayes Street as a two-way street. This part of the Project improves pedestrian crossings at key intersections including Hayes and Gough, Gough and Fell, and Oak and Franklin; alleviates high-speed automobile travel through key neighborhood intersections; creates more friendly pedestrian environment through the reduction of noise and pollution; increases the tendency for residents to walk for their daily needs; and improves pedestrian access to neighborhood commercial establishments. Maintenance of a safe and healthy pedestrian environment far outweighs the significant transportation impacts of converting the street to two-way. A healthy pedestrian environment reduces incidents of pedestrian collisions and increases residents and visitors' ability to walk to most services. Walking to services and facilities creates a social network, a safety network, and a sense of place for residents and visitors. Individual users experience both physical and mental health benefits through exercise. Local commerce is inhibited by unhealthy pedestrian conditions and enhanced by healthy pedestrian conditions.

6. Implementation of the Project will enable enhanced infrastructure and streetscape improvements in the area. Key infrastructure and streetscape improvements identified by the community and the Planning Department in the Market & Octavia Plan include:

Streetscape Improvements

The Project calls for establishing "living streets and alleys" in residential areas. Improvements would include installing traffic-calming features to slow vehicular speeds and improve pedestrian safety. Narrowing traffic lanes and concentrating parking can increase neighborhood use and enjoyment by providing space for unified street tree plantings and vegetation, seating and play areas, bicycle lane improvements and other public benefits.

Pedestrian Improvements

The Project calls for variety of pedestrian improvements to more equitably allocate street space to all users. The Project includes reclaiming portions of traffic lanes for pedestrian use where there is excess vehicular capacity to establish wider sidewalks, mid-block and corner bulb-outs. These areas can be developed with plaza improvements. Corner bulbs also make streets safer by reducing the distance that pedestrians have to travel to cross an intersection.

Having considered these Project benefits and considerations, the Planning Commission finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects that cannot be mitigated to insignificant levels are therefore acceptable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
A. Shadow				
<p>A1. Parks and Open Space not Subject to Section 295 New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the <i>Planning Code</i>.</p> <p>In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.</p> <p>Implementation of this mitigation measure would reduce but may not eliminate potentially significant shadow impacts. The potential for a significant and unavoidable impact would still exist.</p>	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department & Recreation and Parks Department	Considered complete upon design review by Planning Department
B. Wind				
<p>B1. Buildings in Excess of 85 feet in Height To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:</p> <ul style="list-style-type: none"> • Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter 	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department	Considered complete upon design review by Planning Department

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>offered by existing upwind structures as much as possible. Avoid continuous western building faces.</p> <ul style="list-style-type: none"> • Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of setbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building. • Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface. • Avoid narrow gaps between buildings, which may accelerate westerly winds. • Avoid "breezeways" or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
<p>B2. All New Construction</p> <p>The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:</p> <ul style="list-style-type: none"> • New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time 	<p>Project Sponsor or each subsequent development project</p>	<p>During project design & development phase</p>	<p>Planning Department</p>	<p>Considered complete upon design review by Planning Department</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.</p> <ul style="list-style-type: none"> • An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question. • The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site. • Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year. • For the purpose of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
<p>C. Archaeological</p>				
<p>C1. Soil Disturbing Activities in Archaeologically</p>	<p>Project Sponsor of each</p>	<p>Prior to project approval</p>	<p>Planning Department</p>	<p>Considered complete</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Documented Properties</p> <p>This measure shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.</p> <p>Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:</p> <ol style="list-style-type: none"> 1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities; 2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants; 3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources; 4. Integrity and Significance: Eligibility of identified expected resources for listing to the California 	<p>subsequent development project and archaeological consultant</p>		<p>(ERO) shall determine further mitigation required, following completion of final addendum to ARD/TP.</p>	<p>upon Planning Department review of approval of addendum to ARD/TP or as appropriate approval of Final Archaeological Resources Report (FARR).</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;</p> <p>5. Impacts of Proposed Project;</p> <p>6. Potential Soils Hazards: Update discussion for proposed project;</p> <p>7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:</p> <p style="padding-left: 20px;">A. Proposed archaeological testing strategies and their justification</p> <p style="padding-left: 20px;">B. Expected archaeological resources</p> <p style="padding-left: 20px;">C. For historic archaeological resources</p> <p style="padding-left: 40px;">1. Historic address or other location identification</p> <p style="padding-left: 40px;">2. Archaeological property type</p> <p style="padding-left: 20px;">D. For all archaeological resources</p> <p style="padding-left: 40px;">1. Estimate depth below the surface</p> <p style="padding-left: 40px;">2. Expected integrity</p> <p style="padding-left: 40px;">3. Preliminary assessment of eligibility to the CRHR</p> <p style="padding-left: 20px;">E. ETP Map</p> <p style="padding-left: 40px;">1. Location of expected archaeological resources</p> <p style="padding-left: 40px;">2. Location of expected project sub-grade</p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>impacts</p> <p>3. Areas of prior soils disturbance</p> <p>4. Archaeological testing locations by type of testing</p> <p>5. Base map: 1886/7 Sanborn Fire Insurance Company map</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C2. General Soil Disturbing Activities</p> <p>This measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archaeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).</p> <p>For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:</p> <ol style="list-style-type: none"> 1. The historical uses of the project site based on any previous archaeological documentation and Sanborn maps; 2. Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would 	<p>Project Sponsor of each subsequent development project and archaeological consultant</p>	<p>Prior to project approval</p>	<p>Planning Department (ERO) shall determine what further resource is present or mitigation evaluation of potential archeological effects is required based on the Final PASS.</p>	<p>Considered complete upon Planning Department review of Preliminary Archaeological Sensitivity Study if no ARD/TP required. If an ARD/TP is required, considered complete upon submittal of Final Archaeological Resources Report (FARR).</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>potentially be eligible for listing in the California Register of Historical Resources (CRHR);</p> <p>3. If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;</p> <p>4. Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;</p> <p>5. Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.</p> <p>Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C3. Soil Disturbing Activities in Public Street and Open Space Improvements</p> <p>This measure shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.</p>	DPW	Prior to any soil disturbing activities	Project sponsor to submit all plans and reports shall be submitted to ERO	Considered complete upon review and approval of final archeological

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Monitoring Program (AMP)</u></p> <p>The archaeological monitoring program shall, at a minimum, include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with the project archaeologist, shall determine what project activities shall be archaeologically monitored. 2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; 	<p>Project sponsor and archeological consultant.</p>	<p>If Planning Department (ERO) determines monitoring program required.</p>	<p>Planning Department (ERO)</p>	<p>monitoring report.</p>

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <p>4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</p> <p>5. If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.</p> <p>If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> • The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or • An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. 				

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to 	<p>Archeological consultant</p>	<p>If ERO requires archeological recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.</p> <ul style="list-style-type: none"> • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains, Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public Resources Code</i> §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i> §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><u>Final Archaeological Resources Report.</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological fieldwork and data</p>		

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>		analysis		
<p>C4. Soil Disturbing Activities in the Mission Dolores Archaeological District</p> <p>This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.</p> <p>The project sponsor shall retain the services of a qualified</p>	Project Sponsor of each subsequent development project and archaeological consultant	Prior to project construction	Planning Department (ERO)	Considered complete upon submittal of Final Archaeological Resources Report (FARR).

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any</p>	<p align="center">Archeological consultant</p>	<p align="center">Prior to project construction</p>	<p align="center">Planning Department (ERO)</p>	

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ol style="list-style-type: none"> 1. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or 2. A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. 	<p>Project sponsor and archeological consultant</p>	<p>If Planning Department (ERO) determines monitoring program required</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <p>2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;</p> <p>3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <p>4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ ecofactual material as warranted for analysis;</p> <p>5. If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/ excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in</p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of 	<p>Archeological consultant</p>	<p>If ERO requires archeological data recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1

MARKET & OCTAVIA NEIGHBORHOOD PLAN

CASE # 2003.0347E

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>proposed field strategies, procedures, and operations.</p> <ul style="list-style-type: none"> • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains and Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public</i></p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p><i>Resources Code §5097.98</i>). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines §15064.5(d)</i>). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological date fieldwork and data analysis</p>		

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>D. Transportation</p>				
<p>D1. Traffic Mitigation Measure for Hayes and Gough Streets Intersection (LOS C to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van</p>	<p>Not Adopted</p>	<p>Not applicable.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level.</p>				
<p>D2. Traffic Mitigation Measure for Hayes and Franklin Streets Intersection (LOS D to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	Not Adopted.	Not applicable.	Not applicable.	Not applicable.
<p>D3. Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak hour) ¹</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal	MTA	To be determined by MTA.

¹ Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>		<p>traffic management operations to respond to changing traffic conditions.</p>		
<p>D4. Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour) ²</p> <p>Minor changes to the signal timing at the intersection of Market/Sanchez/Fifteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D.</p> <p>Impacts could be mitigated to a less than significant level if</p>	<p>MTA and Public Works</p>	<p>Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..</p>	<p>MTA</p>	<p>Feasibility to be determined by MTA.</p>

²because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>the right-turn pocket was implemented in conjunction with the signal retiming.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D5. Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)²</p> <p>Minor changes to the signal timing at the intersection of Market/Church/Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>	<p>MTA and Public Works</p>	<p>Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..</p>	<p>MTA</p>	<p>Feasibility to be determined by MTA.</p>
<p>D6. Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)³</p> <p>Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic</p>	<p>MTA and Public Works</p>	<p>Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..</p>	<p>MTA</p>	<p>Feasibility to be determined by MTA.</p>

Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D7. Traffic Mitigation Measure for Hayes Street/Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)</p> <p>At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).</p> <p>To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p>	Not Adopted.	Not applicable.	Not applicable.	Not applicable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p> <p>This mitigation measure would substantially reduce, but would not eliminate the significant and unavoidable impact.</p>				
<p>D8. Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue (LOS F to LOS F with increased delays); Franklin Street (LOS D to LOS F); and Gough Street (LOS C to LOS F) PM peak hour</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	<p>Not Adopted.</p>	<p>Not Applicable</p>	<p>Not applicable.</p>	<p>Not Applicable.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
E. Air Quality				
<p>E1. Construction Mitigation Measure for Particulate Emissions</p> <p>Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures include:</p> <p>Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.</p> <p>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</p> <p>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</p> <p>Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).</p> <p>Limit traffic speeds on unpaved roads to 15 mph.</p> <p>Install sandbags or other erosion control measures to prevent</p>	Project Sponsor	During demolition, excavation, and construction	Construction Contractor and Department of Building Inspection (DBI)	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>silt runoff to public roadways.</p> <p>Replant vegetation in disturbed areas as quickly as possible.</p> <p>Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</p> <p>Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</p> <p>Implementation of these mitigation measures would reduce impacts to a less than significant level.</p>				
<p>E2. Construction Mitigation Measure for Short-Term Exhaust Emissions</p> <p>To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area:</p> <ul style="list-style-type: none"> • Confine idle time of combustion engine construction equipment at construction sites to five minutes. • Maintain and properly tune construction equipment in accordance to manufacturer's specifications. • Use alternative fueled or electrical construction equipment at the project site when feasible. • Use the minimum practical engine size for construction equipment. • Equip gasoline-powered construction equipment with catalytic converters when feasible. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	<p>Project Sponsor</p>	<p>During demolition, excavation, and construction</p>	<p>Department of Building Inspection (DBI)</p>	<p>Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
F. Hazardous Materials				
<p>F1. Program or Project Level Mitigation Measures</p> <p>Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:</p> <ul style="list-style-type: none"> • Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends. • Storage stockpiles shall be minimized, where practical, and properly labeled and secured. • Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions. • Activities shall be conducted so as not to track contaminants beyond the regulated area. • Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate. • Containments and regulated areas shall be properly maintained. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI
G. Geology, Soils, and Seismicity				
<p>G1. Construction Related Soils Mitigation Measure</p> <p>Program or project level temporary construction related impacts would be mitigated through the implementation of the following measures:</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy:</p> <p>Protect disturbed areas through minimization and duration of exposure.</p> <p>Control surface runoff and maintain low runoff velocities.</p> <p>Trap sediment on-site.</p> <p>Minimize length and steepness of slopes.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>				

FROM: Mary Miles (#230395)
Attorney at Law, and
Coalition for Adequate Review (CFAR)
364 Page Street, No. 36
San Francisco, CA 94102
(415) 863-2310

TO: Gloria Young, Clerk
San Francisco Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

and [copy by U.S. Mail] TO:
Environmental Review Officer
San Francisco Planning Dept.
1660 Mission, 5th Floor
San Francisco, CA 94103

DATE: April 25, 2007

NOTICE OF APPEAL TO SAN FRANCISCO
BOARD OF SUPERVISORS

of

**All Motions, Resolutions, Findings, and/or Other Actions
by the San Francisco Planning Commission on April 5, 2007, on
the "Market and Octavia Better Neighborhoods Plan" and its
"Final Environmental Impact Report"
Case No. 2003.0347**

Pursuant to the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§21000 *et seq.*; and §21151; the California Government Code §65000 *et seq.*, and the San Francisco Administrative Code §31.16, this is Notice of Appeal the following actions of the San Francisco Planning Commission to the San Francisco Board of Supervisors: **All motions, resolutions, findings, and other actions by the San Francisco Planning Commission on April 5, 2007, on the "Market and Octavia Better Neighborhoods Plan" and its "Final Environmental Impact Report" ("FEIR" or "EIR").** This Appeal is submitted in the public interest.

Appellants have diligently requested certified copies of the Planning Commission's above-described motions and resolutions, proposed legislation and addenda. However, the lead agency, the San Francisco Planning Department, has refused to make publicly available accurate, certified copies of the Planning Commission's legislation. By failing to timely make these documents available to the Appellants and the general public, the lead agency has denied the public the right to informed participation in appeal of such actions to the Board in violation

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of CEQA, a principle purpose of which is to assure informed decision-making and informed public participation in that decision-making.

By refusing to make publicly available properly certified copies of the legislation adopted on April 5, 2007 by the Planning Commission, the lead agency has violated these basic requirements. Instead, the lead agency has stated that it did not create the documents that are the subject of this Appeal until April 19, 2007, and has refused the Appellant's requests before and after that date to produce properly certified copies, while claiming that appeal of these matters is due by April 25, 2007.

To provide adequate time and opportunity for the public to appeal, the date for appealing the Commission's acts must be continued to at least twenty days *after* properly certified hard copies of the Commission's enactments are made publicly available, which has not occurred at the time of this Notice of Appeal.

Grounds for this Appeal lie in the lead agency's violations of the California Public Resources Code, the California Government Code, the San Francisco Administrative, Planning, and Zoning Codes, San Francisco General Plan, and such other laws, local codes, and constitutional provisions as may apply. The lead agency and Planning Commission have abused their discretion and failed to proceed in a manner required by law under the California Environmental Quality Act ("CEQA") and such other statutes, codes and constitutional provisions that may apply, by approving the Project, its Final Environmental Impact Report ("FEIR") for this Project, by failing to recirculate or make available in a coherent form that document after issuing thousands of pages of substantive revisions, and other acts. Appellants have not been given the opportunity to state more specific grounds, because the lead agency has not provided accurate, certified copies of the Planning Commission's legislation at issue to the Appellants and the public after many requests. Upon receipt of those documents and adequate time to review them, the Appellants will submit written comment supporting this Appeal.

Appellants request the following:

1. That the date for appealing any Commission actions on the above-described Project to the Board of Supervisors must be continued until 20 days *after* Appellants receive true, accurate, complete, properly certified, signed, dated (with date of signature) hard copies of all motions and other actions taken by the Planning Commission on April 5, 2007 on the Market and Octavia Better Neighborhoods Plan; and
2. That any hearing before the Board of Supervisors or any committee of the Board be scheduled at least 90 days after the continued date of appeal to

provide adequate time and opportunity for the public and decision-makers to consider and give informed input on the thousands of pages of documents on this Project and the "FEIR"; and

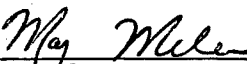
3. That no action be taken by the Board of Supervisors on the above-described Project until Paragraphs 1 and 2 herein have been implemented; and
4. That the EIR on this Project be returned to the lead agency until such time as it is brought into compliance with CEQA and other laws and codes; and
5. That the EIR be recirculated in a coherent form for a new period of public comment, after revision to comply with CEQA; and
6. That this Appeal be granted upon fair hearing; and
7. Such other appropriate remedies as Appellants and the public request.

Appellants will submit public comment to the Board of Supervisors on this Appeal and other actions taken by the Planning Commission on or before final hearing on this Project before the Board. The Board of Supervisors is required to consider *de novo* all the issues and facts raised on the Project and its environmental review.

With this Appeal, Appellants do not waive the right to present any and all issues and public comment in any further proceedings on the above-described Project, including but not limited to proceedings on this Appeal and any other proceedings before the Board of Supervisors, and any proceedings and/or litigation beyond that. Regardless of this Appeal, Appellants and other members of the public have the right to present public comment on all matters pertaining to the Project before the Board of Supervisors during all proceedings on the above-described matter. The public's right to participate in these proceedings has already been violated, and the Appellants and the public cannot be lawfully restricted in further proceedings to matters raised in these proceedings.

Appellants also apply for a fee waiver under the San Francisco Administrative Code §31.22(a)(4), enclose with this Appeal a "Neighborhood Organization Fee Waiver Request Form," and request the prompt return of the \$400.00 remitted with this Appeal.

DATED: April 25, 2007



Mary Miles

FROM: Mary Miles (#230395)
Attorney at Law
and
Coalition for Adequate Review
364 Page Street, No. 36
San Francisco, CA. 94102
(415) 863-2310

TO: Gloria Young, Clerk
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2007 APR 25 PM 4:08

BY

SM

RE: Market and Octavia Better Neighborhoods Plan, Case No. 2003.0347

DATE: April 25, 2007

**FEE WAIVER REQUEST
APPEAL TO BOARD OF SUPERVISORS**

Dear Ms. Young:

Pursuant to the San Francisco Administrative Code, §31.22(a)(4), this is a request for a waiver of the \$400 fee charged for appealing the actions of the San Francisco Planning Commission's approval of the EIR on the Market and Octavia Better Neighborhoods Plan project on April 5, 2007. This Request accompanies our Notice of Appeal.

I represent the Coalition for Adequate Review ("Coalition" or "CFAR"), which meets all the criteria for a fee waiver as follows:

(a) Coalition for Adequate Review has been in existence for 24 months prior to the appeal filing date, as shown by previously submitted written public comment to the Board and the Planning Commission on other projects, which are a matter of record. For example, in February, 2005, CFAR submitted written comment to the Planning Commission on the Bicycle Plan and later filed an Appeal before the Board, followed by litigation on that Project. If copies of any of these documents are needed, please let me know.

(b) Coalition for Adequate Review is on the Planning Department's neighborhood organization notification list.

(c) Coalition for Adequate Review can demonstrate to the Planning Director through public comment already submitted to the Planning Commission that the organization is affected by the proposed project. Indeed, the proposed project is a matter of regional and

statewide concern, affecting many groups and people, including the Appellants. (*See, e.g.*, 14 Cal. Code Regs. [“CEQA Guidelines”] §15206.) If you require a copy of our Comment to the Commission, please let me know.

For the above reasons, I request a fee waiver for this Appeal and the return of my check for \$400 submitted with this Appeal. If this Request for Fee Waiver is rejected, please advise me in writing of your reasons and any procedures for further appeal of your decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Miles".

Mary Miles
Attorney for Appellants

ATTACHMENT: Neighborhood Organization Fee Waiver Request Form



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION ADMINISTRATION CURRENT PLANNING/ZONING LONG RANGE PLANNING
FAX: 558-6409 FAX: 558-6426 FAX: 558-6409 FAX: 558-6426

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM Appeals to the Board of Supervisors

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department will not deposit the check which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- CEQA Appeals to the Board of Supervisors (including EIR's, NegDec's, CatEx's, and GRE's)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

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

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>MARY MIKES</u>	Address of Project: <u>CITYWIDE</u>
Neighborhood Organization: <u>COALITION FOR ADEQUATE REVIEW</u>	Planning Case No: <u>2003-0347</u>
Applicant's Address: <u>364 PAGE ST. #36</u>	Building Permit No: <u>-</u>
Applicant's Daytime Phone No: <u>(415) 873-2310</u>	Date of Decision: <u>4/5/07 (BUT NO COPIES)</u>
Applicant's Email Address:	<u>AVAILABLE</u>

DCP STAFF USE ONLY	
<input type="checkbox"/> appellant authorization	Planner's Name: _____
<input type="checkbox"/> current organization registration	Date: _____
<input type="checkbox"/> minimum organization age	Planner's Signature: _____
<input type="checkbox"/> project impact on organization	

■ WAIVER APPROVED ■ WAIVER DENIED

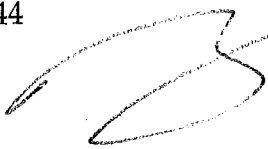


SAN FRANCISCO PLANNING DEPARTMENT

MEMORANDUM

Date: May 15, 2007

To: President Aaron Peskin and Members of the Board of Supervisors
City Hall, Room 244

From: Paul Maltzer 

Subject: Appeal of the Final Environmental Impact Report for Market and Octavia Neighborhood Plan; Planning Department Case No. 2003.0347E

Hearing: Scheduled for May 22, 2007

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This Memorandum responds to three appeal letters filed with respect to the Final Environmental Impact Report (FEIR) for the Market and Octavia Neighborhood Plan.

A Draft Environmental Impact Report (DEIR) for the Market and Octavia Neighborhood Plan was issued by the San Francisco Planning Department on June 25, 2005. A public hearing for receipt of comment on the DEIR was held on July 28, 2005 and the period for receipt of written public comment on the DEIR ended on August 23, 2005. The Draft Summary of Comments and Responses were published on September 26, 2006. The Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) and by a vote of 5 to 2 certified the FEIR on April 5, 2007. Copies of the DEIR, the Draft Summary of Comments and Responses document and the FEIR certification Motion by the Planning Commission, which together comprise the FEIR, are included in this Packet.

Subsequent to Planning Commission certification of the FEIR, three appeals of the FEIR were filed with the Clerk of the Board of Supervisors. One appeal was filed by F. Joseph Butler, on behalf of the San Francisco Preservation Consortium. One appeal was filed by Martin Hamilton, on behalf of New College of California. A third appeal letter, from Mary Miles and Coalition for Adequate Review was submitted to the Clerk of the Board, requesting a continuance of the appeal period; a minimum 90 day period between the receipt of an appeal and a Board hearing on the appeal, that the EIR be returned to the lead agency until brought into compliance with CEQA and recirculated, and other appropriate remedies.

All three letters filed with the Clerk of the Board are included in this Packet. This memo is in response to issues raised in the appeal to the Board of Supervisors by the appellants

Response to Issues Raised on Appeal

Appeal letter from F. Joseph Butler

Summary of Concerns

The appeal states that the EIR's discussion of historic resource impacts occurred without the benefit of a comprehensive up-to-date historic resources inventory of the many historical resources and potential historic districts in the Plan area. Without such an inventory and without mitigation measures, the EIR conclusions of no significant impact on historic resources are not supported by substantial evidence. That EIR inadequacy cannot be cured by "extra scrutiny". The EIR is inadequate and contains insufficient information to reach conclusions of no adverse impact to historical resources.

Response to Concerns

The appellant is correct in the assertion that a comprehensive historic resources inventory of the entire Plan area was not included in the EIR. However, such an inventory is not required in order for the EIR to have adequately and accurately assessed the potential impacts of the proposed Plan.

The impact of the Market & Octavia Plan on architectural historic resources was discussed in the DEIR at pp 4-158 through 4-174 and some additional information was provided through the Comments and Responses at pp 3-83 through 3-86; 3-328; 3-336 through 3-338; 5-41 through 5-42; 6-2; and 6-8 to 6-9. The EIR provides more than adequate information and analysis of the existing setting, as well as the Plan's potential for impact, to support the EIR conclusions regarding no adverse impact on historic resources.

The EIR specifically identifies all existing established historic resources and districts in the area potentially affected by the project, including: City Landmark structures, Structures of Merit, National Register and State Historical Landmarks in the project area; the Civic Center, Hayes Valley and Alamo Square Historic Districts; structures in *Here Today*, the San Francisco Planning Department Architectural Survey of 1976, San Francisco Architectural Heritage Survey of 1979, Unreinforced Masonry Building Survey of 1990, Hayes Valley Survey of

1995/96, Central Freeway Survey, 1997, Inner Mission North Cultural Resource Survey, 2002, and Freeway Parcel Reconnaissance Survey, 2004.

In summary, eight architectural surveys have been conducted in the project area between 1970 and 2004 that cover about ¼ to 1/3 of the project area. There is one historic district within the Plan area and two along the Plan area border. The Hayes Valley California Register Historic District covers portions of the Plan area. Civic Center National Historic Landmark, California Register and San Francisco Historic District and Alamo Square San Francisco Historic District are identified at the border or near the Plan area. There are 23 individual resources under Article 11 of the Planning Code within the Plan area, with 8 individual resources rated as Significant within Category I, II or III. There are 10 individual City Landmarks listed in Article 10 of the Planning Code in the project area, and two adjacent to the project area. There are 5 National Register listed resources and 3 California Register listed resources in the project area as well. These resources are all identified and discussed in the EIR.

The Market/Octavia EIR is, for the most part, a Program EIR, that is to say, an EIR which analyzes impacts of a large area-wide rezoning program, rather than a specific development project. Except for certain limited development on the vacant Central Freeway parcels (which were the subjects of the Freeway Parcel Reconnaissance Survey, 2004 as noted above), the EIR is a programmatic EIR and assumes that any future specific development proposals will each be subject to their own CEQA analyses and tier off the analysis in the programmatic EIR. This method is supported by the State CEQA Guidelines Section 15152(c) which state that where a lead agency is using tiering in connection with an area plan, "the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand." Thus, State law recognizes that a comprehensive historic resource survey of every site within the Plan area is not necessary for a Program EIR, which typically looks at broader program level impacts and defers site specific impact analysis to subsequent CEQA document which tier off of the Program EIR.

The Plan, as analyzed at the programmatic level makes clear that: (a) it is not the intent of the plan to allow demolition or alteration of historic resources so as to impact them and (b) the Department will prepare subsequent CEQA documents on specific development proposals when submitted and, as part of that analysis make certain that historic resources are identified so that projects are appropriately reviewed, considered, and approved if consistent with the plan

policies. The case-by-case review of subsequent specific projects, when proposed, is consistent with CEQA and the intended use of Program EIRs, i.e., to provide broader based impact analysis of the foreseeable program effects, followed by more specific CEQA documentation of subsequent projects.

To aid in this analysis, the Department contracted for a comprehensive historic resource survey for the plan area in June of 2006. This survey is nearly complete, with full draft results expected by July 2007. The Plan calls for the completion of said survey and the incorporation of the survey results into the Plan. This would assist in determining not only impacts to individual buildings, but whether there were unidentified potential historic districts and if so, the buildings that contribute to those districts.

With the exception of the development of the Central Freeway Parcels, the Plan does not propose or endorse any specific project on any specific lot. No specific development proposals are included in the Plan and the removal of historic structures is not proposed or reasonably foreseen at this time. In general, the Plan reduces heights in much of the Plan area, reducing risks to potential historic resources. Moreover, recent amendments to the Plan further reduce proposed heights on Market, east of Church Street from a proposed height of 65 feet to 55 feet – only five feet greater than the current zoning – a height difference that would not permit an additional floor of occupancy beyond what is presently allowed. As such, on the whole the Plan is not expected to substantially increase pressure for demolition or major alteration of identified or potential historic resources in the Plan area.

Furthermore, specific policies in the Market and Octavia Neighborhood Plan call for the protection and preservation of historic resources. Hence, if the Plan is adopted, any potential development that could adversely affect an historic resource would be contrary to the Plan's policies. The Plan's policies emphasize the preservation of landmarks and other buildings of historic value. The urban design guidelines included in the Plan would lead to heightened review of future project proposals with a goal of integrating change into the area's existing historic character and urban fabric. While the greater densities allowable under the plan in certain areas could create potential development pressure on historic resources, the Plan contains specific policies to protect historic resources. Therefore, the Department believes that there is no evidence that the Plan would result in the loss of an historic resource. A proposal that could cause the loss of an historic resource would require thorough investigation, and would not be consistent with Plan policy, if the Plan were adopted.

Moreover, existing Department permit and CEQA review procedures make sure that any impact to potential historic resource is investigated and thoroughly reviewed as required by CEQA prior to a decision on the permit. These procedures require that when a permit to demolish or substantially alter any building over 50 years of age is filed, the project must undergo an historic resource evaluation to determine whether there is a potential historic resource on the site and whether it would be adversely impacted. A proposal to alter or demolish any such building is reviewed by historic preservation technical specialists staff of the Planning Department to ensure that potential impacts to historic resources and/or districts are fully analyzed and disclosed through the environmental review process.

As discussed above, subsequent to publication of the Draft EIR, the Planning Department initiated a comprehensive historic resource survey of the Plan area to identify any new potential historic resources and districts. The Plan, if adopted, would prioritize the timely completion of the historic resource survey, protection of historic resources in the Plan area, and require full integration of the survey results into the Plan. The anticipated future incorporation of this survey into the Plan is not evidence that the Plan is likely to have an adverse impact on historic resources. On the contrary, the Department believes that this effort, together with the Plan proposals and policies described above, is further evidence that the Plan would not adversely impact historic resources. New stringent interim review controls have been included for proposed development to further ensure protection of potential historic resources.

There is precedent for adopting area plans by the Planning Commission without a site by site survey. The most recent of those plans is the Bayview Hunters Point EIR. The EIR for this area plan was certified without a historic survey under similar circumstances. Similarly, the Rincon Hill Plan EIR was certified and that Plan adopted without a comprehensive site by site survey for historic resources. While there has been heightened concern regarding protection of historic resources throughout the City in recent years, and while the Planning Department intends to incorporate historic resource surveys into future planning efforts earlier in the process, CEQA does not require a comprehensive historic resource survey of an entire plan area in order for a Program EIR to be completed and certified.

In conclusion, the Department does not believe that the results of the historic resource survey are necessary to evaluate the programmatic impacts of the Plan on existing or potential historic resources. The Department believes that the evidence in the record indicates that adoption of the Plan would tend to advance the cause of protection of presently unidentified potential historic resources,

rather than have a potential adverse impact. Hence, there has been no deferral of the identification of potential adverse impacts of the plan. Rather, the comprehensive historic resource survey called for in the Plan will be most useful at such time as specific projects are proposed and project-level environmental review is conducted, in order to further ensure adherence to Plan policies.

Appeal letter from Martin Hamilton

Summary of Concerns

The appeal states that the proposed UC Extension/A F Evans/openhouse 55 Laguna Mixed Use project will result in and contribute to cumulative significant impacts to public, historical, open space, education and recreation resources within the Plan area. The Market and Octavia Neighborhood Plan EIR is inadequate and contains insufficient information to reach correct conclusions regarding the Plan impacts on these resources, and "pipeline" impacts on the Plan. Only cumulative transportation impacts of the 55 Laguna project were included in the Plan EIR.

The public review process for the 55 Laguna project is not adequate. The City may have overlooked issues regarding ownership of Waller Street within the 55 Laguna project.

The Market and Octavia EIR should contain mitigation measures in order to: convene a Citizens Advisory Committee to determine the best use of the 55 Laguna site and make recommendations regarding zoning; conduct cumulative analysis of the impacts of the 55 Laguna project on the Plan; incorporate all feasible mitigation measures pertaining to historic resources within the UC Berkeley Long Range Development Plan for the Main Campus in Berkeley as applicable to 55 Laguna; incorporate mitigation measures that State Historic Preservation Officer endorses for 55 Laguna project; authorize Transferable Development Rights for 55 Laguna site.

Response to Concerns

The Department's summary response to these concerns is that the appellant is primarily concerned with the potential environmental impacts of the 55 Laguna project, as presently proposed for development upon that specific site. Although the 55 Laguna site is located within the overall geographic boundaries of the Market and Octavia Plan area, the Market and Octavia Plan does not include any

recommendations for land use changes on that site as a part of the Market and Octavia Plan.

While the Department has received and is analyzing a proposal to develop the 55 Laguna site, that proposal is not pursuant to or a part of the Market and Octavia Plan. Similarly, the potential impacts of the 55 Laguna project on its own site and surrounding are not impacts of the Market and Octavia Plan, but rather impacts of the 55 Laguna project. In order for there to be cumulative impacts of the Market and Octavia Plan in combination with the 55 Laguna site development, the Market and Octavia Plan would need to have potential adverse environmental impacts which contribute to and accumulate with impacts from the 55 Laguna project.

The Planning Department is conducting CEQA review of the proposed 55 Laguna project, and a Draft EIR for that project was recently published. The potential impacts of the 55 Laguna project on its site and surroundings are properly addressed in the EIR for that project. To the extent that the 55 Laguna project does have potential environmental impacts that could affect the broader project area (e.g., transportation impacts) that cumulative impact analysis is included within the Market and Octavia EIR.

The appellant expresses concerns about potential cumulative impacts with respect to public, historical, open space, education and recreation resources. With respect to public, open space and recreational resources, the Market and Octavia EIR addresses these issues at pp 4-317 through 4-322 and ultimately concludes that the proposed Plan, in part because of the proposed public street and open space improvements, would result in a net positive benefit to the project area with respect to these resources. Hence, regardless of any potential impacts of the 55 Laguna project with respect to these issues, the Market and Octavia Plan would not contribute to any potential adverse impact with respect to these resources and there would be no cumulative adverse impact to those resources associated with the Market and Octavia Plan.

Similarly, with respect to potential impacts to historic resources, the Department believes that the Market and Octavia Plan, if adopted, would benefit historic resources within the Plan area. As such, regardless of potential impacts of the 55 Laguna project with respect to historic resources on that specific site, there would be no contribution from the Market and Octavia Plan to cumulative impacts. Any such impacts would be from the 55 Laguna project. The 55 Laguna Draft EIR, published January 27, 2007, did find potential significant impacts to historic resources on the 55 Laguna site, but found no potential cumulative impacts to

historic resources from the 55 Laguna project in combination with the proposed Market and Octavia Plan.

As the Department did not identify any cumulative environmental impacts from the Plan in combination with 55 Laguna, there was no need for Mitigation Measures addressing cumulative impacts. The Mitigation Measures listed by the appellant are more appropriately directed at the 55 Laguna project, and can be considered by the City in the EIR for 55 Laguna, as appropriate.

Similarly, concerns about the public review process for 55 Laguna, and issues of ownership of Waller Street within the 55 Laguna site, do not call into question the adequacy or accuracy of the EIR for Market and Octavia, as the Market and Octavia Plan does not include land use recommendations or specific proposals for development of the 55 Laguna site.

Appeal letter from Mary Miles

Summary of Concerns

The appellant appeals all motions, resolutions, and/or other actions by the San Francisco Planning Commission on April 5, 2007 on the Market and Octavia Better Neighborhoods Plan and the Final EIR. The Planning Department has not made available to the public accurate, certified copies of the legislation, motions, resolutions, etc., and without that information the public has been denied the right to informed participation in the appeal of such actions. The appellant requests an extension of time for the filing of, and for any scheduled hearing on the EIR, and also requests that the EIR be overturned and recirculated.

Response to Concerns

The environmental review process for this project began in 2003. The Draft EIR for the project, which described the Plan and its potential environmental impact, was published in June of 2005. The public comment period on the EIR extended for approximately two months, into August of 2005. The Summary of Comments and Responses document, which again, together with the Draft EIR, responded to comments received and described the proposed Plan, including revisions to the Plan, together with its potential environmental impact, was published and made available to the public, including the appellant, in September of 2006. The Planning Commission subsequently held a series of public workshops over the

ensuing six months, at which hearings the Plan and all revisions to the Plan were fully described and presented to the Planning Commission and the public.

Contrary to appellant's assertion, the Department believes that the public has not been denied an opportunity to be informed and participate in the process for the project and the EIR. The EIR and the Plan documents prepared and distributed by the Department have fully described the Plan, and the EIR has further summarized the Plan description and analyzed and disclosed the anticipated environmental impacts from the Plan. The appellant has submitted no information or evidence that the EIR was inadequate or inaccurate in terms of the information and analysis presented.

The appellant's contention that the EIR needs to be recirculated due to revisions to the Plan is addressed in the EIR, in the Draft Summary of Comments and Responses, at pp. 6-1 to 6-16. In general, CEQA requires recirculation of an EIR when significant new information is added to the EIR subsequent to the Draft EIR. New "significant information" is generally understood to mean new significant impacts, a substantial increase in severity of significant impacts, rejection of new feasible alternatives or mitigation measures, or new information added to a Draft EIR that was fundamentally inadequate.

It has always been the assumption of the Department that the Plan would undergo some revision as it moved from Draft to Final adoption. That is one of the reasons that a Program EIR looks more broadly at the potential large scale impacts of a broad planning program. As mentioned above, the revisions to the Market and Octavia Plan have been presented to the Planning Commission and the public over many months through a public process. The types of revisions that have been proposed with respect to the Plan are explained in the EIR, and fall within three broad categories: revisions with potential physical impacts; new policies with no physical change or activities exempt under CEQA; and new studies. The EIR, at the pages identified above, analyzes each of these types of revisions and concludes either that the potential change in impacts falls within the scope of impacts already identified within the EIR, or that there are no new potential impacts from the Plan revisions. Revisions to the Plan subsequent to publication of the Comments and Responses document continue to fit within these three categories. None of these changes have required the addition of significant new information to the EIR. As such, recirculation of the EIR is not required.

Conclusion

For all of the reasons provided in the attached appeal responses, the Department believes that the Final EIR complies with the requirements of CEQA and the CEQA Guidelines, provides an adequate, accurate, and objective analysis of the potential impacts of the proposed project, and that the Comments and Responses contains no significant revisions to the DEIR. Therefore, the Planning Department respectfully recommends that the Board uphold the Final EIR.

If you have questions related to this appeal, please call me at 575-9038. Thank you for your time and attention to this matter.

Exhibits

1. Appeal letters to Board of Supervisors
2. Final EIR (Draft EIR and Comments & Responses documents)

File # 070560

RECEIVED
BOARD OF SUPERVISORS
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2007 MAY 14 PM 3:47

BY SW

CC: BOS, City Atty

FROM:
Mary Miles (#230395)
Attorney at Law, and
Coalition for Adequate Review
364 Page Street, No. 36
San Francisco, CA 94102
(415) 863-2310

TO:
The Honorable Aaron Peskin, President and
San Francisco Board of Supervisors
San Francisco City Hall
San Francisco, CA 94102

BY HAND DELIVERY AND FAX
FAX TO: Attn: David Noyola at 554-7454, and Clerk at 554-5163

DATE: May 14, 2007

**REQUEST FOR CONTINUANCE OF HEARING ON APPEAL TO BOARD
File No. 2003.0347, Market and Octavia Plan**

This is a Request for Continuance of Hearing on the Appeal of the Coalition for Adequate Review dated April 25, 2007, of the actions of the Planning Commission on the above-described Project. The following are reasons why the Hearing of the Appeal must be continued:

1. I represent the above-described Appellant. We timely appealed the Commission's actions to the Board of Supervisors based on the many violations of CEQA and Government Code in the Final Environmental Impact Report ("FEIR") on this large project.
2. I have received no acknowledgement of our Appeal or notice of hearing on this matter apparently scheduled on May 22, 2007. I have received no information on protocol, rights of Appellants to speak, or any other information.
3. The San Francisco Administrative Code §31.16(b) requires that the Board provide not less than ten (10) days notice to appellants prior to the date of hearing. I have not received *any* notice, and there are fewer than ten days before the rumored hearing.
4. The California Environmental Quality Act ("CEQA") requires notice and the right to be heard in this matter. (Pub. Res. Code §21000 *et seq.* and §21151.)
5. The Government Code also requires proper notice of hearing, which has not been given. (*E.g.*, Gov. Code §54950 *et seq.*) Basic constitutional due process rights also apply to this proceeding, requiring notice and the right to be heard.

6. The Planning Department has made the complete file on this Project unavailable to the Appellants and the public in spite of many requests. The Planning Department recently moved its quarters, resulting in a lack of availability of the records, and Planning has not properly provided its complete files and information on this Project, obstructing the Appellant's and the public's right to informed participation in the decision-making process.

7. The Planning Department has misstated the grounds for our Appeal, which also violates CEQA, because it misleads the public and the decision-makers.

8. In spite of many requests for these materials, Appellants have been denied access to the records of this matter, including properly signed copies of all the complete legislation adopted by the Planning Commission, which includes all proposed legislation, findings, files of the Planning Department, and all documents before this Board.

9. A continuance is also necessary because the Board of Supervisors must consider our (and others') Appeal and all the issues raised in it *de novo*. This is a very large project, and the Supervisors cannot properly assimilate the huge volume of paper and properly consider this Project in an abbreviated time period.

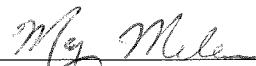
Failure to provide proper notice and the opportunity for informed public participation in the decision-making process defeat CEQA's principle purposes of informed decision-making. This is a large project which proposes to permanently change the face of the City.

The Planning Department's web site, furthermore, misstates the bases for our Appeal, and that information must be corrected and accurately noticed to the Appellants and the general public to comply with CEQA's requirement of informed public participation and informed decision-making, and so that the public may participate in the Appeal proceedings with the correct information.

The Hearing on our Appeal must be scheduled at least ten days after we have received notice of Hearing. Any hearing must be properly noticed well in advance to Appellants and the public.

Therefore, on behalf of the Appellants and in the public interest, I respectfully request that the Hearing on the above-described matter, apparently scheduled on May 22, 2007, be continued until at least June 5, 2007, or until such time as proper notice has been given to Appellants, *i.e.*, not less than ten days after our receipt of a written notice of such a hearing, and not less than ten days after Appellants have received proper copies of all materials before the Board in this matter.

DATED May 14, 2007



Mary Miles



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SAN FRANCISCO

Education for a Just, Sacred & Sustainable World

2007 APR 25 PM 12:50

777 Valencia Street | San Francisco, California 94110 | 415-437-3494 | www.newcollege.edu

BY CR

April 25, 2007

President Aaron Peskin and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

Re: Appeal of the Planning Commission's Certification of the Market and Octavia Neighborhood Plan Final EIR and Findings to the Board of Supervisors
(Planning Department Case No. 2003.0347E)

Dear President Aaron Peskin and Supervisors:

On behalf of New College of California, I hereby submit this appeal of the Planning Commission's certification of the Market and Octavia Neighborhood Plan (Plan) final EIR and findings.

Our appeal is based on the grounds that, the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) will result in, and contribute to, significant cumulative impacts to public, historical, open space, education and recreation resources within the Plan area. However, only the cumulative transportation impacts of said Project were analyzed in the Plan. Therefore, the environmental document is inadequate as it contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on public, historical, open space, education and recreation resources, and also regarding said "pipeline" Project's impacts on the Plan.

Our appeal is also based on the grounds that, lacking a completed Historic Resources Survey of the Market and Octavia Neighborhood, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on historical resources, specifically on the UC Berkeley Extension Campus at 55 Laguna Street and the potential historic district it represents.

Sincerely,

Martin Hamilton
President

Attachments: \$400 Filing Fee

New College of California Letter to the San Francisco Planning
Department dated April 5, 2007

Landmarks Preservation Advisory Board Case Report Dated April 18, 2007
Re: Case No. 2007.0319L

Market and Octavia Neighborhood Plan CEQA Findings Dated April 5, 2007
Re: File No. 2003.0347E

cc: New College of California Board of Directors
San Francisco Board of Supervisors
San Francisco Planning Commission
San Francisco Landmarks Preservation Advisory Board
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department
Office of the City Attorney
Mayor's Office of Economic and Workforce Development
National Trust for Historic Preservation
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer
Leigh Jordan, Coordinator, Northwest Information Center
San Francisco Historic Preservation Fund
San Francisco Heritage
San Franciscans for Preservation Planning
San Francisco Preservation Consortium
Susan Brandt-Hawley, Brandt-Hawley Law Group
Mark Paez, Chair, Friends of 1800
Arnie Lerner, AIA, Lerner + Associates
Carol Roland, Principal, Rowland-Nawi Associates
Vincent Marsh, Principal, Marsh and Associates
Cynthia Servetnick, AICP
Michael Mullin, AIA
Paul Olsen, President, Hayes Valley Neighborhood Association
Dennis Richards, President Duboce Triangle Neighborhood Association
Rick Hauptman, President, North Mission Neighborhood Alliance
Peter Lewis, Mission Dolores Neighborhood Association
Stephen Haigh, Victorian Alliance
Vallie Brown, President, Lower Haight Neighborhood Association
Gordon Schanck, University of California, Office of the President
Kevin Hufferd, University of California, Berkeley
Jack Robertson, A.F. Evans Development, Inc.
Rich Sucre, Page and Turnbull, Inc.



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April 5, 2007

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
Major Environmental Analysis Division
30 Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dean Macris
Planning Director
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103

Re: Environmental Impact Report for the Market and Octavia Neighborhood Plan; Planning Department Case No. 2003.0347E and State Clearing House No. 2004012118, and

Environmental Impact Report for the 55 Laguna Mixed Use Project; Planning Department Case No. 2004.0773E and State Clearing House No. 2005062084

Dear Mr. Maltzer and Mr. Macris:

Per our letter to the Planning Department on the Market and Octavia Neighborhood Plan EIR dated August 23, 2005, we remain concerned that the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) will result in, and contribute to, significant cumulative impacts to public historic, open space, education and recreation resources within the Market-Octavia Neighborhood Plan (M-O Plan). Unfortunately, only the cumulative transportation impacts of the proposed Project were analyzed in the M-O Plan EIR.

A Joint Environmental Review Chronology of the Market and Octavia Neighborhood Plan Program EIR and the 55 Laguna Mixed Use Project EIR is attached for your reference. A complete Environmental Evaluation Application for the proposed Project was submitted to the Planning Department on August 4, 2004 and the Draft M-O Plan EIR was published on June 25, 2005 allowing Planning Department almost a year to evaluate said impacts. The attached comment letters on the Draft M-O Plan EIR from

both New College of California (NCOC) and the Project proponent requested the M-O Plan EIR evaluate the proposed Project. The M-O Plan EIR Responses and Comments document responded to both letters stating:

The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. . . .

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.

We respectfully disagree citing *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984), in which the court took note of the problem of where to draw the line on projects undergoing environmental review since applications for new projects are constantly being submitted and concluded a reasonable point might be after the preparation of the Draft EIR which should include the Draft M-O Plan "Program" EIR.

At the same time, we believe that California Environmental Quality Act (CEQA) review of the proposed Project should have been undertaken prior to the execution of an Exclusive Right to Negotiate (ERN) and enter into a +/- 75-year long-term lease between the Regents of the University of California and A.F. Evans Development which occurred on December 30, 2003 per the *Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco*. The Notice of Preparation of an EIR for the proposed Project was published on June 15, 2005, about a year and a half after said ERN was executed. While the ERN is conditioned on CEQA compliance, the nature of the agreement, and the Environmental Evaluation Application for the proposed Project, foreclose alternatives for development of the Campus under Public zoning and are inconsistent with then intent of the deed which transferred the Campus from San Francisco State College to the Regents of the University of California for "university purposes." See *Save Tara v. City of West Hollywood* (2007) and Section 15004 of the CEQA Guidelines which state:

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the

planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. . . .

The environmental document preparation and review should be coordinated in a timely fashion with the existing planning, review, and project approval processes being used by each public agency. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

We are concerned that the public review process for the proposed Project under CEQA is not adequate. We concur with the *Save the UC Berkeley Extension Laguna Street Campus* group who have collected about 700 signatures on a petition urging the Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan.

Further, we are concerned that the City's interest in the proposed Project may have been overlooked. Warren Dewar, Esq., former Hayes Valley Neighborhood Association Board Member, submitted an analysis of the abandonment of Waller Street between Buchanan and Laguna Streets to the Planning Department and the Office of the City Attorney. Mr. Dewar concluded that title to said portion of Waller Street would revert to the City should the zoning be changed from Public to mixed-use. We understand Supervisor Ammiano is drafting an ordinance on behalf of the Project proponent to clear title to this portion of the Campus. If this is the case, the City's interest in the property should be analyzed under CEQA.

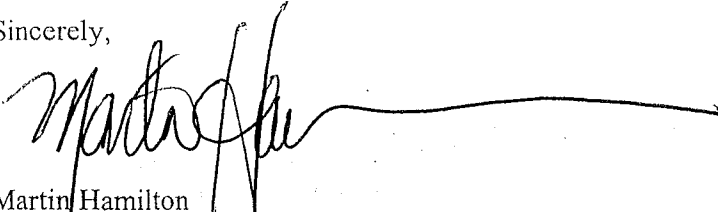
We understand time is of the essence and do not wish the implementation of the M-O Plan to be delayed. Therefore, we request the following mitigation measures be incorporated into the M-O Plan to protect historic resources and to ensure public involvement in evaluating feasible reuse options, and in prioritizing the preferred type of zoning and program elements for the Campus:

- A Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area should be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan;
- A comprehensive analysis of the cumulative effects of the Project on the M-O Plan should be conducted under CEQA. Said analysis should be incorporated as mitigation measure within the M-O Plan, but could occur within the Project EIR;

- All applicable and feasible mitigation measures pertaining to historic resources within the UC Berkeley Long Range Development Plan (LRDP) for the Main Campus in Berkeley should be incorporated into the M-O Plan and applied to the Laguna Street Campus in San Francisco;
- At a minimum, all comments contained in the attached letter on the Campus from the State Historic Preservation Officer (SHPO) should be incorporated as mitigation measures in the M-O Plan; and
- Transfer of Development Rights (TDRs) should be authorized for the Campus under the M-O Plan as a mitigation measure to provide a preservation incentive should the Public zoning be changed.

Thank you in advance for considering this request.

Sincerely,



Martin Hamilton
President

Attachments: Joint Environmental Review Chronology of the Market and Octavia Neighborhood Plan EIR and the 55 Laguna Mixed Use Project EIR

Market and Octavia Neighborhood Plan EIR Comments and Responses on letter from Martin Hamilton, President, New College of California to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated August 23, 2005

Market and Octavia Neighborhood Plan EIR Comments and Responses on letter from Steven L. Vettel, Esq., Morrison & Foerster, LLP, on behalf of AF Evans Development, Inc. to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated August 8, 2005

San Francisco Planning Department Historic Resource Evaluation Response Memorandum Re: 55 Laguna Mixed Use Project dated May 25, 2006 (*Unsigned electronic copy*)

Letter from Susan Brandt-Hawley, Esq., Brandt-Hawley Law Group, on behalf of the San Francisco Preservation Consortium to President Dwight Alexander and Commissioners, San Francisco Planning Commission dated November 2, 2006

Letter from Milford Wayne Donaldson, FAIA, State Historic Preservation Officer to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated March 14, 2007 (*Unsigned electronic copy*)

Save the UC Berkeley Extension Laguna Street Campus Petition (*Text only*)

cc: New College of California Board of Directors
San Francisco Board of Supervisors
San Francisco Planning Commission
San Francisco Landmarks Preservation Advisory Board
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department
Office of the City Attorney
Mayor's Office of Economic and Workforce Development
National Trust for Historic Preservation
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer
Leigh Jordan, Coordinator, Northwest Information Center
San Francisco Historic Preservation Fund
San Francisco Heritage
San Franciscans for Preservation Planning
San Francisco Preservation Consortium
Susan Brandt-Hawley, Brandt-Hawley Law Group
Mark Paez, Chair, Friends of 1800
Arnie Lerner, AIA, Lerner + Associates
Carol Roland, Principal, Rowland-Nawi Associates
Vincent Marsh, Principal, Marsh and Associates
Cynthia Servetnick, AICP
Paul Olsen, President, Hayes Valley Neighborhood Association
Dennis Richards, President Duboce Triangle Neighborhood Association
Rick Hauptman, President, North Mission Neighborhood Alliance
Peter Lewis, Mission Dolores Neighborhood Association
Vallie Brown, President, Lower Haight Neighborhood Association
Gordon Schanck, University of California, Office of the President
Kevin Hufferd, University of California, Berkeley
Jack Robertson, A.F. Evans Development, Inc.
Rich Sucre, Page and Turnbull, Inc.

**Joint Environmental Review Chronology of the
Market and Octavia Neighborhood Plan Program EIR and the
55 Laguna Mixed Use Project EIR**

- December 17, 2002 Draft Market and Octavia Neighborhood Plan (M-O Plan) published.
- April 15, 2003 UC Berkeley Council of Deans directed Provost to realize the full potential of the UC Berkeley Extension Laguna Street Campus in San Francisco (Campus).
- October 7, 2003 Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco (RFQ) issued.
- October 14, 2003* New College of California (NCO) contacted UC Berkeley and was dissuaded from submitting qualifications as educational use was not deemed the highest and best use of the Campus. *(Approximate date)
- November 4, 2003 Notice of Public Scoping Meeting for M-O Plan EIR published.
- November 10, 2003 RFQ submission deadline.
- November 18, 2003 Public Scoping Meeting for M-O Plan EIR held.
- November 30, 2003 RFQ developer selection date. AF Evans Development, Inc. (AF Evans) was selected.
- December 8, 2003 UC Berkeley Extension announced the closing of the Campus, the relocation of some programs to leased space in Downtown San Francisco and Downtown Berkeley, and the closure of some programs. The value of the Campus was estimated at +/- \$30 million.
- December 30, 2003 RFQ exclusive negotiation agreement execution date.
- January 23, 2004 Notice of Preparation of M-O Plan EIR published.
- May 2004 Page and Turnbull *Historic Resources Study of UC Berkeley Extension Laguna Street Campus* published.
- August 4, 2004 AF Evans submitted a complete Environmental Evaluation Application to the Planning Department for the 55 Laguna Mixed Use Project (Project) which proposed construction of seven new buildings and the adaptive reuse of two existing buildings for 491 dwelling units, 421 off-street parking spaces, 3,500 GSF for retail use, 12,000 GSF for a dental clinic, and 12500 GSF for community serving use.
- August 16, 2004 AF Evans hosted a community open house and distributed detailed descriptive handouts on the proposed Project.

- December 2004 The Planning Department issued a comprehensive 32-page *"Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus"* (Policy Guide) which included an "Illustrative Rezoning Concept" for the Campus. The Policy Guide evaluated the effects of the M-O Plan policies on the Campus and acknowledged the site is easily the largest development area within the entire M-O Plan area. The Policy Guide was developed by the Planning Department at the request of the AF Evans without public input.
- December 6, 2004 Following a series of meetings with community groups, AF Evans publicly circulated preliminary development plans.
- December 8, 2004 AF Evans made a preliminary presentation to the Landmarks Preservation Advisory Board (LPAB) per the LPAB's request.
- April 25, 2005 Hayes Valley Neighborhood Association (HVNA) "kicked-off" a series of six informational community meetings to discuss available reuse options for the Campus with the goal of prioritizing the preferred type of zoning and program elements.
- May 9, 2005 A citizen-sponsored petition was submitted to the Board of Supervisors (BOS) requesting a public scoping meeting be held on the proposed 5.8 acre 491-unit housing and retail project at 55 Laguna Street which would require a change from Public to mixed-use zoning.
- May 24, 2005 AF Evans met with NCOC to discuss a potential development partnership. No agreement could be reached.
- June 8, 2005 The BOS passed a resolution urging the Planning Department to hold a public scoping meeting for the environmental review of the proposed housing project at 55 Laguna Street.
- June 15, 2005 Notice of Preparation of an EIR and a Public Scoping Meeting for the 55 Laguna Mixed Use Project was published.
- June 25, 2005 M-O Plan Draft EIR published.
- June 29, 2005 Public Scoping Meeting for 55 Laguna Mixed Use Project EIR Held. NCOC discussed their alternate proposal for the reuse of the Campus under Public zoning.
- July 21, 2005 NCOC, at the community's request, held a public informational meeting on their alternate proposal for the reuse of the Campus under Public zoning.
- July 28, 2005 Public hearing on M-O Plan Draft EIR held.

- July 29, 2005 NCOC submitted an economically viable alternate proposal for analysis in the 55 Laguna Mixed Use EIR which preserves all historic structures and does not require a zoning change.
- August 8, 2005 The AF Evans commented, via their attorney, on the M-O Plan Draft EIR, referenced the M-O Plan's discussion of the Project and requested the M-O Plan and EIR be revised to reflect the proposed zoning in the Policy Guide.
- August 23, 2005 NCOC commented on the M-O Plan Draft EIR and included an environmental review chronology that demonstrated there was ample time to evaluate the impacts of the proposed Project within said EIR and further stated said Project would have significant adverse impacts on historic resources that cannot be mitigated.
- August 23, 2005 Extended public comment period on Draft M-O Plan EIR closed.
(*Was July 29, 2005*)
- May 23, 2006 Pre-adoption hearing on M-O Plan held.
- May 24, 2006 Per the proposed Project EIR consultant's request, NCOC submitted revisions to their economically viable concept plan for analysis as an alternative.
- May 25, 2006 The Planning Department issued an Historic Resources Evaluation Response Memorandum which disagreed with the May 1, 2004 Page and Turnbull Historic Resources Study of Campus. The Planning Department concluded the Campus constitutes an historic district under California Register criteria and that Richardson Hall Annex and Middle Hall Gymnasium are contributors to the district. They also concluded the proposed Project is not consistent with the Secretary of Interiors' Standards and is a significant impact.
- July 26, 2006 The Planning Department invited NCOC to discuss their alternate proposal. NCOC presented their economically viable concept plan and requested a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan. The Planning Department said such a CAC was not warranted.
- August 22, 2006 Application nominating the San Francisco State Teachers' College Historic District (Campus) to the National Register of Historic Places was submitted to the State Office of Historic Preservation (SHPO) by the Friends of 1800.
- September 26, 2006 Responses to Comments on the M-O Plan Draft EIR published.

- October 4, 2006 Planning Department stated that an additional survey of the Campus under the M-O Plan Historic Resource Survey Contract with Page and Turnbull (historic resources consultant) would not be prepared and would thus avoid the appearance of a conflict of interest between the Planning Department, the historic resources consultant and the AF Evans. Said historic resources consultant prepared a historic resource survey on behalf of the Planning Department for the 55 Laguna Street Mixed Use Project EIR. Said historic resources consultant was subsequently retained by AF Evans as their preservation architect. The Project proposes to demolish Richardson Hall Annex and Middle Hall Gymnasium which the Planning Department deemed contributors to the Campus historic district. The Project would also privatize and significantly alter most of the historic interiors. The relocation of significant works of art is proposed.
- October 26, 2006 The Planning Commission "kicked-off" a series of adoption hearings on the M-O Plan and related General Plan amendment, Planning Code text amendment, Zoning Map amendment and certification of the M-O Plan Final EIR.
- November 2, 2006 On behalf of the San Francisco Preservation Consortium, Susan Brandt-Hawley, Esq. commented on the adequacy of the M-O Plan EIR with regard to the incomplete historic resource surveys.
- January 27, 2007 55 Laguna Mixed Use Project Draft EIR published.
- February 21, 2007 LPAB Public Hearing on the 55 Laguna Mixed Use Project Draft EIR.
- March 14, 2007 The SHPO commented on the 55 Laguna Mixed Use Project Draft EIR and endorsed the preservation alternative.
- March 15, 2007 Planning Commission hearing date on 55 Laguna Mixed Use Project Draft EIR postponed to April 19, 2007 at the Commission's request to accommodate last minute changes in the M-O Plan and related Final EIR.
- April 2, 2007 Application for Local Landmark Designation of the of the Former San Francisco State Teacher's College/Campus submitted by the Friends of 1800 on behalf of the LPAB.
- April 5, 2007 Certification of M-O Plan Final EIR and adoption of findings scheduled.
- April 18, 2007 LPAB Public hearing on application for the Local Landmark designation of the Campus scheduled.
- April 19, 2007 55 Laguna Mixed Use Project Draft EIR public hearing scheduled.
- April 23, 2007 Public comment period on 55 Laguna Mixed Use Project Draft EIR closes.



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CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
ADMINISTRATION

August 23, 2005

Paul Maltzer, Environmental Review Officer
San Francisco Planning Department
Major Environmental Analysis Division
30 Van Ness Ave. 4th Floor
San Francisco, CA 94103-2414

Re: Case No. 2003.0347E—Market & Octavia Neighborhood Plan

Dear Mr. Maltzer:

Per the attached letter I sent you on July 29, 2005 regarding the Case No. 2004.0773E, the Laguna Hill Residential Project, we believe the City of San Francisco (City) has a compelling public interest in preserving the UC Berkeley Extension Campus at 55 Laguna Street (Laguna Campus) so the vital legacy of cultural, educational, aesthetic, and economic benefits of this historic site will be maintained and enriched for future generations of San Franciscans.

The Laguna Campus is a unique educational and open space resource which cannot be replaced. The Laguna Hill Residential Project proposes the virtual disposition of the Laguna Campus, in the form of the demolition of Middle Hall, portions of Richardson Hall and most of the grounds, along with the 85-year commercial lease. is a discretionary action of the University of California that would negatively impact the City's cultural heritage. Therefore, New College of California submitted an alternate concept plan for the redevelopment of the Laguna Campus for analysis as a preservation/public use alternative in the Laguna Hill Residential Project EIR.

As the following Environmental Review Chronology shows, the Planning Department had ample time to evaluate the impacts of the proposed Laguna Hill Residential Project on the Market and Octavia Neighborhood Plan.

Environmental Review Chronology: Market and Octavia Neighborhood Plan and Laguna Hill Residential Project

- December 2002 Draft Market and Octavia Neighborhood Plan Issued
- October 2003 Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus Issued¹

AB-1

- November 2003 Market and Octavia Neighborhood Plan EIR Public Scoping Meeting Held
- January 2004 Market and Octavia Neighborhood Plan EIR Notice of Preparation Issued
- February 2004 Summary of Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan Issued²
- May 2004 Historic Resources Study prepared by Page & Turnbull Associates Completed³
- August 2004 Laguna Hill Residential Project Environmental Application No. 2004.0773E Submitted
- December 2004 A Policy Guide to Considering Reuse of the University of California Extension Laguna Street Campus (Policy Guide) Published⁴
- June 2005 Laguna Hill Residential Project EIR Public Scoping Meeting Held
- June 2005 Market and Octavia Neighborhood Plan DEIR Published
- July 2005 Market and Octavia Neighborhood Plan DEIR Public Hearing Held

AB-1

The proposed Laguna Hill Residential Project would have significant unavoidable impacts on historic resources, public, educational and cultural facilities, open space and recreation. Attachment G of the Summary of the Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan (Neighborhood Plan) states, "The reuse of this site is the single largest development opportunity in the plan area." The Neighborhood Plan also states, "This proposal should be developed in keeping with the overall approach of the Market and Octavia Plan." Yet, the Neighborhood Plan DEIR (DEIR) fails to address the impacts of the proposed Laguna Hill Residential Project on the neighborhood.

For example, DEIR §4.0, p. 4-89 states, "Koshland Park, on Page Street between Laguna and Buchanan Streets, includes over 37,000-square feet (0.85 acres) of recreational, educational and communal garden space in Hayes Valley." The Laguna Campus could potentially provide over three acres of open space to the neighborhood. However, the DEIR does not analyze the potential loss of this open space resource. No mitigation measures have been included because no significant impacts have been identified at the program or project levels.

AB-2

The December 2002 Draft Market and Octavia Neighborhood Plan Policy 1.1.6 states, "Preserve and enhance the role of cultural and educational institutions in the plan area. Major cultural institutions such as City Hall, the Opera House, Herbst Theatre, the SFGLBT Center, and the UC Berkeley Laguna Street Campus are vital assets to the neighborhood and will retain their role as major regional destinations." Again, the DEIR does not address the conflict between the aforementioned Neighborhood Plan policy and the proposed Laguna Hill Residential Project.

AB-3

On one hand, the DEIR completely fails to address the historic and architectural significance of the National Register-eligible Laguna Campus. The document manages to address the history of the site through 1935 and states, "A major institutional development in the Hayes Tract during this period was the Protestant Orphan Asylum, built on the block bound by Waller, Haight, Laguna and Buchanan Streets, on land granted by the city in 1853 and now the site of the University of California Berkeley Extension Center." DEIR §4.6, p. 4-139 However, Laguna Campus is not designated as an historic district in Figure 4-18, "Archeological and Historic Districts" DEIR §4.6, p. 4-148. On the other hand, the DEIR manages to incorporate the traffic impacts of the proposed Laguna Hill Residential Project and states, "Vehicle trips from a new 500-unit residential development proposed for the UC Extension site (at the intersection of Market/Laguna/Hermann Streets) were estimated and manually assigned to the 2025 without Plan traffic volumes." DEIR §4.7, p. 4-207

AB-4

AB-5

The DEIR clearly anticipates the development of the proposed Laguna Hill Residential Project and states, "The UC Berkeley Extension Campus is located on the block bounded by Buchanan, Haight, Laguna, and Hermann Streets. This site is proposed for redevelopment into approximately 500 residential units, some retail space, and community-serving uses. The existing dental clinic on the campus would remain." DEIR §4.2, p. 4-36, but fails to analyze the impacts of said proposed development and zoning change in the context of the implementation of the Neighborhood Plan.

AB-6

The attached letter from Paul Olsen, Hayes Valley Neighborhood Association (HVNA) President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Supervisors Dufty and Mirkarimi dated July 25, 2005 states:

The Planning Department projects that approximately 4400 new housing units will be built in the Market/Octavia area by the year 2025, with most of the units centered along the Market Street corridor between Van Ness and Church Streets. This figure does not include any housing that could be built at the site of the former Laguna Extension campus because, at the time of the Market/Octavia community planning meetings we assumed that UC Berkeley would continue with its educational mission at its Laguna Extension site.

AB-7

Although HVNA has always supported building housing in our neighborhood, we cannot view building housing on empty freeway parcels and on smaller infill sites in the same way that we view the redevelopment of a large, public educational institution that has closed. The UC site is not just another infill project, but is a project of such large proportion that its redevelopment will go a long way toward defining the neighborhood. The former site of the UC Berkeley Laguna Extension has provided a valuable public resource for our city for the past 150 years. In considering how we want to redevelop this property we must consider how the loss of this valuable public resource will affect our community and city as a whole.

Our community believes that retaining a substantial portion of the former UC Extension Laguna campus for educational purposes is the best possible land use for this site, as people living along the densely populated Market Street corridor will need a public area dedicated to serving the community's educational, cultural and recreational needs. If housing is built over this entire site now, all future opportunities to use this site for educational purposes will be forever lost.

AB-7

The attached letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Jeff Bond, UC Berkeley dated July 25, 2005 states:

Our six-meeting series produced consensus on the following general issues:

Retaining some portion of the site for educational use. Community support for retaining educational use was so widespread that we can conclude that the community would like to see a significant portion of the campus used for this purpose. Some important comments on this issue that were presented at several of the meetings included:

If we build housing over this entire site now, we will forever lose the opportunity to use this site for educational purposes.

AB-8

Communities need more than housing and retail to thrive. In order to create a vibrant, community we need to retain public space that serves the community's educational and cultural needs.

Educational and cultural institutions cannot compete for space in the open real estate market.

The neighborhood's density is expected to increase significantly over the next 20 years. (The Planning Department projects that by the year 2025 the population of the Market/Octavia Plan area will increase by 9,875 people which represents 11.7% of the projected growth of the entire city. The Department also projects there will be an increase of 5,960 new households in the Market/Octavia Plan area by 2025, which will represent 14.5% of the projected growth of the entire city. The vast majority of this population will be centered along Market Street between Van Ness and Church Streets.) A neighborhood with this level of density needs to retain a significant amount of public space for educational and cultural purposes.

Historic preservation of existing buildings was an overwhelming winner in the urban design category, with "preserving all buildings for re-use" receiving the most support. Support to preserve the existing buildings seems to have grown after our forum on historic preservation.

Providing "reduced" parking to "no" parking, along with City CarShare was a runaway winner. The community is very concerned that a high-density housing development that provides a great deal of parking will generate a great deal of traffic in a neighborhood that is trying to reduce traffic and create a pedestrian-friendly environment.

Creating a walkable, pedestrian-oriented environment.

On the issue of "housing," opinion seemed fairly evenly divided, with significant support expressed for "no housing," along with wide support for ideas that would include housing as a component of the site. We suspect that a significant portion of the community that favored "no housing" was concerned about the parking and traffic problems that a large, densely populated housing development could present.

AB-8

Since most people chose to express their priorities by supporting the predominantly broad, generalized categories, we were not able to get a good read on priorities for the range of specific programs discussed at our "brainstorming" meeting. We also realize that, except for overwhelming support to retain a portion of the site for educational purposes, we have just begun to examine and discuss other specific programs for the site, and that we need to continue to investigate additional options.

Both our Board and committee would like to reiterate the one overriding principle that had tremendous appeal to the vast majority of community members: the idea that this site should be used to provide a public benefit to the larger community and bring together and serve all elements of our diverse neighborhood and city in a way that celebrates diversity, stimulates learning, and promotes and reinforces a sense of community. Housing and retail alone cannot create this kind of dynamic interplay.

We concur with HVNA regarding goals for the reuse of the Laguna Campus. We therefore request a comprehensive environmental analysis of the impacts of the Laguna Hill Residential Project be incorporated into the EIR for the Neighborhood Plan so that the Planning Commission and Board of Supervisors can understand the impacts of potential loss of the Laguna Campus within the context of the Neighborhood Plan when they vote on whether to certify the EIR.

AB-9

Sincerely,



Martin Hamilton
President

cc: Jack Robertson, A.F. Evans Development, Inc.
Allen Meacham, University of California, Office of the President
Jeff Bond, University of California, Berkeley
Jane Graf, Mercy Housing California
Supervisor Bevan Dufty
Supervisor Ross Mirkarimi
Michael Farrah, Mayor's Office
Charles Edwin Chase, San Francisco Architectural Heritage
Mark Ryser, San Franciscans for Preservation Planning
Susan Brandt-Hawley, Brandt-Hawley Law Group
Arnie Lerner, AIA, Lerner + Associates Architects
Vincent Marsh, Co-Chair, Friends of 1800
Mark Paez, Co-Chair, Friends of 1800
Paul Olsen, HVNA
Patricia Walkup, HVNA

- Attachments: 1) Letter from Martin Hamilton to Paul Maltzer, Environmental Review Officer, Planning Department dated July 29, 2005
- 2) Letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Supervisors Dufty and Mirkarimi dated July 25, 2005
- 3) Letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Jeff Bond, UC Berkeley dated July 25, 2005
- 4) Summary of Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan, Appendix G

¹ The RFQ states, "The Campus is seeking to realize a mix of uses including: Retention or replacement of the UCSF Dental Clinics; Market rate, but affordable housing for UC students, faculty and staff; Market rate, but affordable housing for the general public; Neighborhood serving retail space; and Associated open space and parking necessary to support the proposed project."

² The revisions include changes to Element 6, New Development on Key Sites which states, "Add a new section iii that discusses the opportunity presented by the redevelopment of the UC Berkeley Laguna Street Campus."

³ The Historic Resources Report was requested by the Planning Department in conjunction with the environmental review of the Laguna Hill Residential Project.

⁴ The Policy Guide states, "This document is intended to provide clarity and guidance to the public, UC Berkeley, and the prospective developers on the relevant policies, planning goals, and urban design standards that should be used to design and evaluate a project and related improvements at this site." Further, "The potential re-use of the

UCBE site was not contemplated by the Draft Market & Octavia Neighborhood Plan (Neighborhood Plan) and rezoning effort currently underway. This document extends the principles and policies of the Neighborhood Plan to the site. It identifies relevant policies, planning goals, and urban design standards for consideration by the public, UC Berkeley and prospective developers. They can be used to design and evaluate a project and related improvements at this site and to provide other relevant historical, socioeconomic and procedural information.”

3.0 Written Comments and Responses

Letter AB – Martin Hamilton, New College of California

AB-1

See Response to Comment N-1 regarding the UC Extension site. The Plan does not make recommendations for land use changes on the UC Extension site. The property owners have applied to the City for an independent EIR for the proposed rezoning/redevelopment proposal. The impacts of the proposed development are taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the specific proposal was not conducted as it is not part of this Plan. The decision on whether to approve or disapprove the proposal for the UC Extension site will be made by the Planning Commission and the Board of Supervisors independent of the Market and Octavia Neighborhood Plan decision.

AB-2

See Response to Comment L-9 regarding the impacts on public parks.

AB-3

See Response to Comment N-1 and AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

AB-4

The following historical information about the University of California Berkeley Extension Campus is taken from the Laguna Hill Residential Project, Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meetings. The documentation accompanying the NOP concluded that the UC Extension is a historical resource under the California Environmental Quality Act.⁴²

All of the former UC Extension buildings on the site were constructed between 1924 and 1935 as the campus of the San Francisco State Teachers College, which conveyed the property to the

⁴² City and County of San Francisco, Planning Department, *Case No. 2004.0773E - Laguna Hill Residential Project, Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meetings*, June 2005.

University of California when it relocated to its current campus on 19th Avenue in the 1960s. The buildings generally exhibit the Spanish Colonial Revival style of architecture with red tile roofs and stucco siding. Woods Hall, constructed in 1926, is a two-story L-shaped building located at the northwestern corner on the upper terrace of the site along Buchanan and Haight Streets. Attached to Woods Hall is Woods Hall Annex, constructed in 1935, located along Haight Street and positioned on the lower terrace. Richardson Hall, constructed between 1924 and 1930, is a one and two-story, L-shaped building located on the lower terrace of the site at the corner of Hermann and Laguna Streets. The Laguna Street elevation of Richardson Hall is a two-story auditorium and an attached single-story administration building. Middle Hall, originally built as a gymnasium in 1924 with classroom and office space added later, is a one-and-a-half to two-and-a-half-story building located behind (east of) the west wing of Woods Hall. The Dental Clinic was constructed in the 1970s, and is currently occupied by the UCSF Dental School.

The project site contains four buildings that were built between 1924 and 1935, including Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall, which generally exhibit the Spanish Colonial Revival style of architecture. These buildings have been the subject of a Draft Historic Resources Evaluation (HRE) that analyzes the potential historical and architectural significance of these buildings. The HRE suggests that some or all of the buildings may be eligible for listing in the California Register of Historical Resources, and are thus considered to be historic resources under CEQA (CEQA Guidelines Section 15064.5).⁴³

AB-5

Comment regarding the inclusion of the residential trip generation from the proposed Laguna Hill Residential project in the DEIR transportation analysis is noted.

AB-6

See Response to Comment N-1 and AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

⁴³ Ibid.

3.0 Written Comments and Responses

AB-7

Comment letter from the Hayes Valley Neighborhood Association regarding the UC Extension site is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

AB-8

Comment letter from the Hayes Valley Neighborhood Association regarding the UC Extension site is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

AB-9

Comment regarding the concurrence of the New College of California concurrence with the Hayes Valley Neighborhood Association letters is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.



425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482
TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522
WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

August 8, 2005

Writer's Direct Contact
415/268-6171
SVettel@mofocom

City & County of S.F.
Dept. of City Planning

By Telefacsimile and Mail

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103

AUG 8 2005

OFFICE OF
ENVIRONMENTAL REVIEW

Re: Comments on the Draft Environmental Impact Report for the Market and Octavia
Neighborhood Plan; Planning Department Case No. 2003.0347E and State
Clearinghouse No. 2004012118

Dear Mr. Maltzer:

I am writing on behalf of AF Evans Development, Inc. and Mercy Housing California ("Evans/Mercy"). Evans/Mercy, along with the Regents of the University of California ("UC"), are project sponsors of the proposed Laguna Hill Project ("Project"). The Project is intended to redevelop the UC Extension Laguna Street Campus at 55 Laguna Street (all of Blocks 857 and 870), and create an overall development that will accommodate approximately 450 units of housing, a continued presence of the existing UC dental clinic, retail and community uses. The Project site is located in the proposed Market and Octavia Neighborhood Plan Area ("Plan"). Evans/Mercy submits the following comments on the Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan ("DEIR").

The 55 Laguna Street property currently has height limits of 40 feet along Haight and Buchanan Streets and 80 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. In December 2004, the Planning Department released its "Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus." The Policy Guide (at page 19, copy attached) recommends height limits of 30-45 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. However, Figure 4-4 in the DEIR indicates that the entire Project location is in a proposed height district of "30-40 Feet", and the draft Market and Octavia Neighborhood Plan more specifically indicates a proposed height district of 40 feet for the Project's location. (Plan at p. 30). This significantly lower height limit is also inconsistent with statements elsewhere in the DEIR that recognizes the cumulative

N-1

MORRISON | FOERSTER

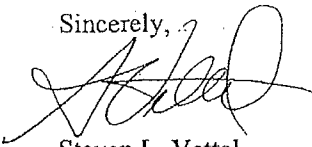
Paul Maltzer
August 8, 2005
Page Two

development in the Plan area may include Evans/Mercy's proposed redevelopment of the Project site.

We believe the two connected blocks containing the Project should not be significantly downzoned as part of the Market and Octavia Neighborhood Plan, particularly while their redevelopment consistent with the Policy Guide is being considered. Rather, current Planning Department policy, as reflected in the Policy Guide, should be carried forward in the DEIR. Accordingly, we request the Market and Octavia Neighborhood Plan EIR evaluate a project alternative that includes height limits at the Project site of up to 50 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets.

Evans/Mercy appreciates the opportunity to comment on the Market and Octavia Neighborhood Plan DEIR. Please feel free to call if you have any questions or concerns.

Sincerely,



Steven L. Vettel

cc: Sarah Zahn
Ramie Dare

N-1

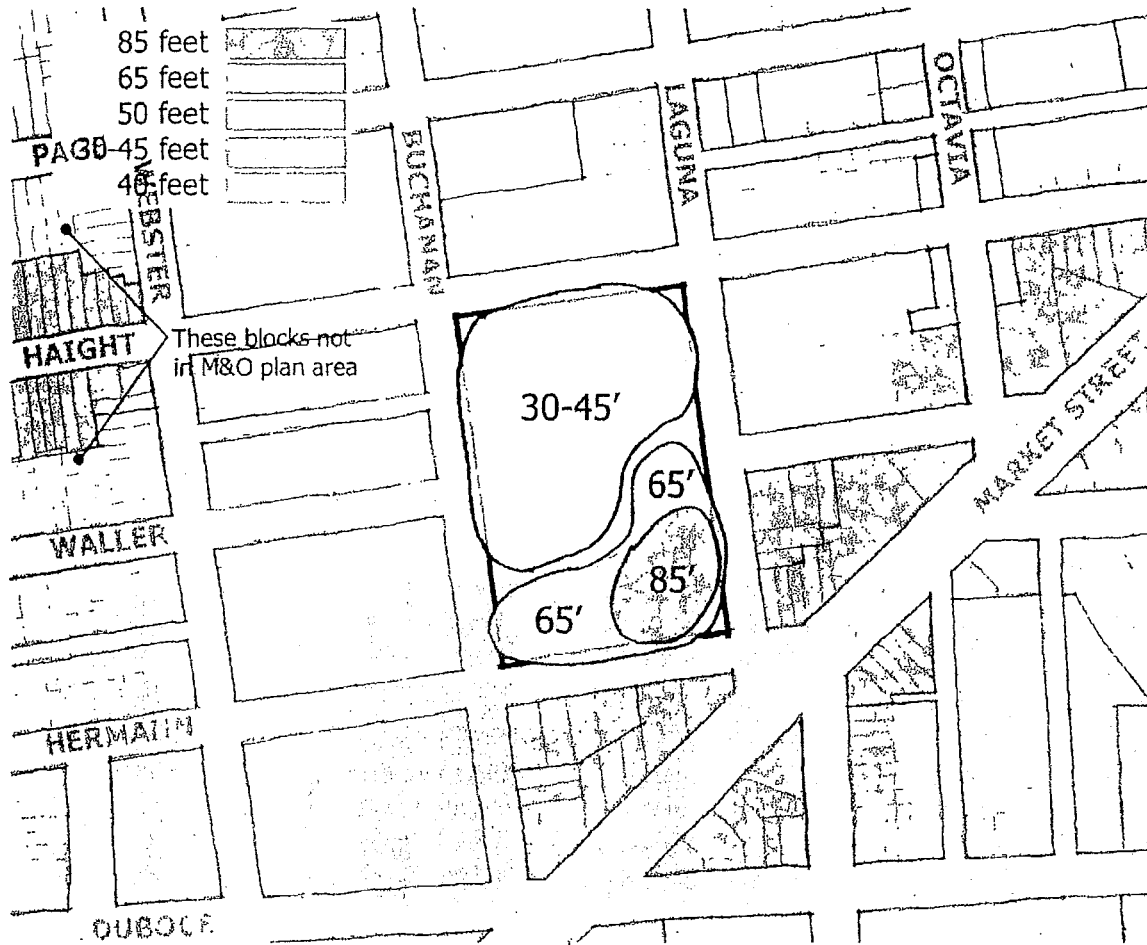
A POLICY GUIDE TO CONSIDERING
REUSE OF THE UNIVERSITY OF CALIFORNIA BERKELEY EXTENSION
LAGUNA STREET CAMPUS



San Francisco Planning Department
Better
Neighborhoods

San Francisco Planning Department
Better Neighborhoods Program
December 2004

ILLUSTRATIVE URBAN FORM CONCEPT



Illustrative Urban Form Concept:

Allowable heights should tier off height districts developed for the Draft Market & Octavia Plan. Again, because of the peculiarities of this site such as large lot size, prevalence of significant historic structures and significant topography more flexibility in allowable heights may be appropriate for this site. The generalized urban form concept above represents one possible mix and orientation of heights in the context of the larger neighborhood. Taller buildings are grouped toward the perimeter of the site, toward Market Street, along Buchanan and Laguna Streets. For example, the adaptive reuse of Richardson Hall or a new structure at the southeast corner of the site could have ground floor retail with residential uses above, requiring greater height than the more strictly residential areas on other parts of the site. Boundaries of these height districts and the allowable heights themselves may shift depending on the extent of ongoing institutional uses (such as the UC Dental Clinic), community facilities, and publicly accessible open spaces at the site.

Please note: some height districts proposed in the Draft Market & Octavia plan (specifically 30/40 foot districts on some mid-block alleys) are not shown in the diagram above for clarity.

3.0 Written Comments and Responses

Letter N – Steven L. Vettel, Morrison Foerster LLP

N-1

Comment regarding the requested height changes is noted. The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. The Policy Guide recommended lower heights on the parcels, to integrate them with surrounding historic structures and the topography of the site, than are currently being proposed under this independent proposal.

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

DIRECTOR'S OFFICE
PHONE: 558-6411

ZONING ADMINISTRATOR
PHONE: 558-6350

PLANNING INFORMATION
PHONE: 558-6377

COMMISSION CALENDAR
INFO: 558-6422

4TH FLOOR
FAX: 558-6426

5TH FLOOR
FAX: 558-6409

MAJOR ENVIRONMENTAL
FAX: 558-5991

INTERNET WEB SITE
SFGOV.ORG/PLANNING

MEMORANDUM: Historic Resource Evaluation Response

MEA Planner: Rana Ahmadi

Project Address: 55 Laguna Street

Block: 870 Lots: 1, 2, 3

Block: 857 Lots: 1, 1A

Case No.: 2004.0773E

Date of Review: May 25, 2006

Planning Department Reviewer:

Mark Luellen

415.558.6478

mark.luellen@sfgov.org

Preparer / Consultant

Name: Rich Sucre

Company: Page & Turnbull, Inc.

Address: 724 Pine Street

Phone: 415.362.5154

Fax:

Email:

Owner / Project Sponsor

Name: Ruthy Bennett

Company: A.F. Evans Development, Inc./

Mercy Housing California

Address: 100 Bush Street, Suite 925

Phone: 510.267.4676

Fax:

Email:

PROPOSED PROJECT

Demolition

Alteration

Project Description:

The proposal is to construct 450 residential units on the existing University of California, Berkeley Extension Campus, which comprises two city blocks in the Hayes Valley Neighborhood. The project includes the construction of seven new buildings, ranging in height from three to eight stories, on the existing surface parking lots within the campus. The project would convert three former classroom buildings (Woods Hall, Woods Halls Annex and Richardson Hall) to residential units. A portion of Richardson Hall (the Administration Wing) would be demolished, as would the existing gymnasium/classroom building (Middle Hall). The project will also include up to 5,000 of retail space located within the Laguna and Hermann Street frontages of Richardson Hall; a community facility located in Richardson Hall; and underground parking containing 314 parking spaces. A publicly accessible park and walkway will be located along the Waller Street alignment. The existing Dental Building, located in the southwest corner of the campus, would remain unaltered and continue its present use.

Pre-Existing Historic Ratings / Surveys

- Woods Hall / Woods Hall Annex is listed in the 1976 Citywide Architectural Survey with a rating of "3" (on a scale of "-2" to "5", with "5" being the most significant).
- Woods Hall / Woods Hall Annex is assigned a California Historical Resource Code of "7N1", which indicates that the property "needs to be reevaluated" and "may become eligible for [National Register] with restoration or when meets other specific conditions."
- Richardson Hall is listed in the 1976 Citywide Architectural Survey with a rating of "3".
- Middle Hall does not have any pre-existing ratings.
- The campus as a whole does not have any pre-existing ratings.

Historic District / Neighborhood Context

The project site is in the Hayes Valley neighborhood of San Francisco and is surrounded by primarily residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height are the predominant uses on the streets immediately surrounding the project site. Institutional uses in the immediate vicinity include the Walden House Adolescent facility, located along Haight Street across from the Woods Hall Annex; the University of California, San Francisco AIDS Health Project building, located to the east of the project site on Laguna Street across from Richardson Hall; and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Hermann Streets to the northwest. Commercial uses in the project vicinity primarily occur along Market Street, about a half block from the southeastern corner of the project site. The site is located within a P (Public) Zoning District and within 80-B and 40-X Height and Bulk Districts. The site is not a contributor to a historic district, although it is adjacent to two potential historic districts identified in the 1996 Hayes Valley Survey (see item no. 6, below).

1.) California Register Criteria of Significance: Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

- **Event:** or Yes No Unable to determine
- **Persons:** or Yes No Unable to determine
- **Architecture:** or Yes No Unable to determine
- **Information Potential:** Further investigation recommended.

District or Context Yes, may contribute to a potential district or significant context

If Yes, Period of significance: 1921-1955

Notes: The Planning Department concurs with the December 2005 Page & Turnbull Historic Resource Evaluation (HRE) regarding the application of the California Register criteria to the project site. Specifically, the Department concurs that the campus as a whole, and Richardson Hall, Woods Hall, and Woods Hall Annex individually, are significant under Criterion 1 (Events) and Criterion 3 (Architecture). Under Criterion 1, the campus and individual buildings and are representative of broad patterns of events relating to the history of state normal schools in California. Additionally, Woods Hall Annex is significant under Criterion 1 as an example of an early WPA project in San Francisco. Under Criterion 3, the campus and individual buildings are architecturally significant because they embody the characteristics of the Spanish Colonial Revival architectural style and are the work of a master architect, State Architect George B. McDougal.

Although the Page & Turnbull report does not specifically make this finding, the Planning Department finds that campus comprises a potential historic district and that Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall are contributors to that district, as are the extant landscape features from the period of significance, including the concrete retaining wall facing Laguna Street.

2.) Integrity is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

location,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	setting,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
design,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	feeling,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
materials,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	association.	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
workmanship	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks			

Notes: The Planning Department partly concurs with the Page & Turnbull HRE regarding the integrity of the project site. The Department agrees that Woods Hall, Woods Hall Annex, and Richardson Hall (both the Classroom wing and the Administration Wing) retain sufficient integrity to be eligible for listing in the California Register.

However, the Department disagrees that Middle Hall and the campus as a whole do not retain sufficient integrity to be eligible for listing in the California Register. While Middle Hall does not appear to be individually eligible for listing, it retains enough of the character-defining features of the Spanish Colonial Revival style of architecture to contribute to the campus district. Although the east façade, which was the most elaborate, has been replaced with a classroom addition, the other facades have not been heavily altered. In addition, while portions of the interior have been remodeled, the original gymnasium, including its character-defining steel trusses and multi-lite steel-sash windows, survive. Likewise, although the setting of the campus has been compromised through the introduction of three surface parking lots and the loss of several wood-frame buildings, the campus as a whole still retains its character-defining quadrangle design and conveys its historic association as a self-contained campus.

3.) DETERMINATION Whether the property is an "historical resource" for purposes of CEQA

<input type="checkbox"/> No Resource Present (Go to 6. below)	<input checked="" type="checkbox"/> Historical Resource Present (Continue to 4.)	<input type="checkbox"/> Category A (1/2)
		<input checked="" type="checkbox"/> Category B
		<input type="checkbox"/> Category C

4.) If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

- The project appears to meet the Secretary of the Interior's Standards. (go to 6. below)
(Optional) See attached explanation of how the project meets standards.
- The project is **NOT** consistent with the Secretary of the Interior's Standards and is a significant impact as proposed. (Continue to 5. if the project is an alteration)

As detailed in the Page & Turnbull HRE, the project is not, on the whole, consistent with the Secretary of the Interior's Standards for Rehabilitation, specifically Standards 1, 2, 5, 9, and 10. The Planning Department concurs that the proposed demolition of the Richardson Hall Administration Wing will result in the removal of historically significant portions of the building and will not be in compliance with Rehabilitation Standards 1, 2, 5, and 9. The Planning Department also concurs that the project does not comply with Standard 10 because the new construction planned for the site will dramatically and permanently alter the setting around each of the remaining buildings.

The Planning Department disagrees that the proposed demolition of Middle Hall is consistent with the Rehabilitation Standards. As discussed above, although altered, Middle Hall retains sufficient integrity to contribute to the campus district. The demolition of the original portion of the building would therefore not comply with Standards 1, 2, 5, and 9. The Planning Department further finds that the new construction would not comply with Standards 1, 2, 9 (in addition to 10) because new construction will impact the spatial relationships, including the quadrangle design, that characterize the existing campus.

5.) Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

In order to avoid a significant adverse impact, the following character-defining features should be retained: Woods Hall, Woods Hall Annex, Richardson Hall (Classroom Wing and Administration Wing), the original portion of Middle Hall, and the campus quadrangle form. The existing parking lots and landscaping are not character-defining features and their removal would not cause a significant impact. To mitigate the adverse effects of the project, the original portion of Middle Hall and Richardson Hall Administration Wing, the quadrangle form, and the concrete retaining wall should be retained.

6.) Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

Yes No Unable to determine

Properties near the perimeter of the campus may be visually affected by any changes to the campus. This area contains a number of historical resources, including portions of two potential historic districts identified in the 1996 Hayes Valley Survey. Located to the east and the west of the project site, these districts have a period of significance that extends from 1870 to 1913, with a theme of Victorian-era and Edwardian-era architecture in San Francisco. Within these potential districts, two groups of buildings, located on Buchanan and Laguna Streets, respectively, have been determined eligible for listing in the National Register by consensus through the Section 106 process and are listed in the California Register. In addition, there are two City Landmarks located near the perimeter of the campus (201 Buchanan Street, Landmark No. 47; and 198 Haight Street, Landmark No. 164), and the U.S. Mint on Hermann Street is individually listed in the National Register.

The project will not have an adverse effect on these off-site historical resources because the visual impact of changes to the campus will not be detrimental to the historic districts or individual resources. The new construction is compatible with the existing neighborhood scale and urban form and will not impact the character-defining features of the off-site resources.

PRESERVATION COORDINATOR REVIEW

Signature _____
Mark Luellen, Preservation Coordinator

Date: _____

cc: S. Banks, Recording Secretary, Landmarks Preservation Advisory Board
V. Byrd, Historic Resource Impact Review File

BRANDT-HAWLEY LAW GROUP

Environment/Preservation

Susan Brandt-Hawley
Paige J. Swartley

Chauvet House PO Box 1659
Glen Ellen, California 95442

Legal Assistants
Sara Hews
Shannen Jones

November 1, 2006

Law Clerk
Rachel Howlett

President Dwight Alexander
and Commissioners
San Francisco Planning Commission
1660 Mission Street, Suite
San Francisco, CA 94103

Re: Market and Octavia Neighborhood Plan EIR

Dear President Alexander and Commissioners:

On behalf of the San Francisco Preservation Consortium, comprised of individuals and neighborhood organizations that support historic preservation and including San Francisco Architectural Heritage, the Duboce Triangle and Mission Dolores Neighborhood Associations, and the Friends of 1800, I would like to bring your attention to a material problem with the Market and Octavia Neighborhood Plan EIR. Fortunately, the problem can easily be remedied.

As I have not appeared before the Commission for quite awhile, as an introductory matter I will briefly note that my law practice focuses on historic preservation issues statewide. Among published CEQA cases handled by this office that involved historic resources are *Preservation Action Council v. City of San Jose* (2006), *Lincoln Place Tenants Association v. City of Los Angeles* (2005), *Architectural Heritage Association v. County of Monterey* (2004), *San Franciscans Upholding the Downtown Plan v. City of San Francisco* (2002), *Friends of Sierra Madre v. City of Sierra Madre* (2001), and *League for Protection of Oakland's Historic etc. Resources v. City of Oakland* (1997).

The Market and Octavia Neighborhood Plan EIR reviews the fascinating history of the Plan area, explains the various architectural and historic resource surveys that have occurred in recent decades, and identifies buildings that have been honored with listing in the National Register of Historic Places, the California Register of Historical Resources, and as City landmarks. The problem is that the EIR's discussion of resource impacts occurred without the benefit of a comprehensive up-to-date survey of the many historical

resources and potential historic districts in the Plan area.

Without a survey, the EIR's analysis of historic resource impacts is without foundation and unless corrected will constitute a failure to proceed in the manner required by law. Similarly, our California Supreme Court held in *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215 that the Forest Practice Act and CEQA were violated by failure to collect adequate information regarding old-growth-dependent species; the failure to proceed in the manner required by law precluded adequate environmental analysis of the impacts of timber harvesting. A parallel scenario involving water resources was addressed in *Cadiz Land Company* (2000) 83 Cal.App.4th 74, where the Court of Appeal found that it was not possible to assess water supply impacts without full knowledge of the underlying water resources that would be affected.

Here, without a current survey, the EIR's conclusions that *no mitigation measures are required* to protect historical resources and that the Plan will have *no significant impacts* on such resources are not supported by substantial evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099.) Relying on the City's broader plans and policies regarding historical preservation cannot ensure that significant impacts to resources will not occur, but the EIR so states in conclusory fashion. In fact, analysis of impacts of the "no project" alternative in Chapter 7 reasonably concedes that increased Plan area density may lead to impacts, and those impacts cannot be quantified or mitigated without a survey that lets this Commission, the public, and the Board of Supervisors know the scope and quality of Plan area resources.

This Commission is constantly confronted with hard choices in the implementation of the City's various specific plans, despite guidance provided by zoning ordinances and the General Plan. Sometimes choices are made to allow important development to go forward despite admitted significant impacts to historical resources. CEQA assists the job of the planning staff and appointed and elected City boards and commissions by requiring environmental review and development of policies and mitigations to inform the hard choices. Here, the Market and Octavia Area Plan has a gap that will lead to future uncertainty as well as the possible loss of unique historic resources that are integral to the Plan area's unique and highly valued neighborhood character, identity, and strong sense of place.

Without an historical resources survey in hand to inform analysis of the Plan's reasonably foreseeable impacts, the Commission does not yet know how best to define the Plan area zoning to assist in planning and its own future decisionmaking, nor whether the Plan should include mitigations to promote preservation; for example, requiring compliance with the *Secretary's Standards for Rehabilitation of Historic Resources* and minimizing incentives to make substantial alterations that impair historic integrity. Perhaps there are blocks in the Plan area containing yet-unsurveyed but qualified historical resources that warrant retention or modification of existing density and related

development standards to reflect the scale of existing development in these historic neighborhoods and potential historic districts. These questions should be addressed now, at the Plan level.

The EIR's inadequacy cannot be cured by interim policies and procedures to allow "extra scrutiny" for projects affecting vintage resources, for many reasons, including the fact that interim measures simply will not meet CEQA's thoughtful and effective mandates. All relevant project information that is required for an adequate, complete EIR "must be in that formal report." (*Environmental Defense Fund, Inc. v. Coastside County Water District* (1972) 27 Cal.App.3d 695, 706; *Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1124.)

As mentioned at the outset of this letter, the good news is that the EIR defect will not be a difficult fix. My understanding is that a City survey of the historical resources in the Plan area is not only in process, it is expected to be complete in April. The Commission could simply require that the EIR's discussion of Environmental Setting and Impacts relative to historical resources be revised to include the results of the survey (which would most appropriately be an appendix to the EIR and to the Plan itself), describe the results, analyze the Plan's potential for significant impacts to the full panoply of identified resources, and suggest mitigation and alternatives if and when it appears that significant impacts may occur. Mitigations may include such things as modifications to zoning controls to reflect the existing historic build-out areas and formal designation of local historic districts. The historical resources section of the EIR would then re-circulate for public and agency comment.

Thank you for considering these comments in your review of this important Plan.

Sincerely yours,

Susan Brandt-Hawley

cc:

San Francisco Board of Supervisors
Landmarks Preservation Advisory Board
Dean Macris, Planning Director
San Francisco Preservation Consortium
Mission Dolores Neighborhood Association
Duboce Triangle Neighborhood Association
San Francisco Architectural Heritage
Hayes Valley Neighborhood Association
San Francisco Historic Preservation Fund
Mayor's Office of Economic and Workforce Development
Dennis Herrera, City Attorney
National Trust for Historic Preservation, Western Regional Office

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov



March 14, 2006

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1660 Mission Street, Fifth Floor
San Francisco, CA 94103

- sent via facsimile (415)-558-5991 and United States Postal Service -

55 Laguna Mixed Use Project Draft Environmental Impact Report (DEIR) # 2005062084

Dear Mr. Maltzer:

The State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. We thank you for the opportunity to comment on the above project. The OHP is in receipt of a National Register nomination for the San Francisco State Teacher's College and we are concerned with the impacts the project may have on the resource. We have also been contacted by Ms. Cynthia Servetnik, a member of the public, regarding the project and my office has been in contact with Rana Ahmadi of your office.

The project is the construction of a mixed-use development at the project site which is the former University of California Berkeley Extension Campus. The land owner is the Regents of the University of California who propose to ground lease the project site to the project sponsors, A.F. Evans Development, Inc. and openhouse. The unoccupied buildings on site include Woods Hall, Woods Hall Annex, Richardson Hall, and Middle Hall. (DEIR I-1)

The San Francisco Planning Department has made the findings that all buildings on the project site, including Richardson Hall, Woods Hall, Woods Hall Annex and Middle Hall, and, in addition, the remnant landscape features dating from 1921-1955 and the retaining wall along Laguna and Haight Street would contribute to a potential campus historic district. Thus, the site and all buildings would be qualifying as a historical resource for purposes of CEQA with Middle Hall not qualifying individually but as a district contributor. (DEIR III.E-11)

The current project would demolish Middle Hall and the Administration Wing of Richardson Hall, including the connector to Richardson Hall, as well as a portion of the retaining wall. The southern wing of Richardson Hall would be rehabilitated for residential units. The east wing and auditorium of Richardson Hall would be converted into retail and community facility space. Since the new retail space would be located at the basement level of Richardson hall, new openings in the retaining wall would be necessary.

The findings made by the City Planning Department are (1) that the project's impacts would result in the campus losing its potential eligibility as a historic district through the proposed demolitions, (2) the construction of seven new buildings between four and eight stories in height in the center of the campus and (3) that also the use of the *Secretary of Interior Standard's for Rehabilitation* would not mitigate impacts below a level of significance because only four out of

the ten standards would be applicable. The City acknowledges that the selection of a project alternative would reduce the impacts to a less-than-significant level.

CEQA contains a "substantive mandate" that public agencies refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. Feasible means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technological factors. (Public Resources Code sec.21001.1; 21061.1)

The OHP endorses the Preservation Alternative. (DEIR VI-3) This alternative would retain all buildings on the site for renovation and adaptive reuse, including Richardson Hall, Middle Hall, Woods Hall, Woods Hall Annex, as well as the retaining wall along Laguna Street. This alternative would construct new in-fill residential in a similar fashion to the proposed project, but a reduced size and density; six new buildings would be constructed. The Preservation Alternative would reduce the project's impacts to historical resources to below a level of significance. All buildings identified as individually significant for the California Register by the City's Planning Department would be retained and by eliminating the through-streets and reducing the overall scale and density from 450 residential units to 332 units, the project impacts to the potential campus as a historic district would also be reduced to a level below significance. The Preservation Alternative provides a feasible alternative to the proposed project and is in compliance with nearly all of the Regent's and project sponsor's objectives. (DEIR VI-8)

OHP also endorses the implementation of the proposed Mitigation Measures HR-1 and 2 (HABS- Level Recordation and Public Interpretation) because they would further reduce the project's impacts on the district level.

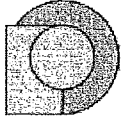
Again, we thank you for the opportunity to comment on the above project. Please understand that our comments herein are specifically related to the environmental review process and adequacy of documents prepared for the environmental review purposes. We do not take positions in support of or against projects, but rather focus on the environmental review process itself.

If you have any further questions, please don't hesitate to contact Michelle C. Messinger, Historian II, CEQA Coordinator Local Government Unit at (916) 653-5099 or at mmessinger@parks.ca.gov.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Cc: Cynthia Servetnick, AICP
Leigh Jordan, Coordinator Northwest Information Center
Mark Luellen, Historic Preservation Coordinator, City of San Francisco
State Clearinghouse



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UC Berkeley Extension Laguna Street Campus

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To: San Francisco Board of Supervisors

Petition to the San Francisco Board of Supervisors to require the Planning Department to convene a CITIZENS ADVISORY COMMITTEE to evaluate the proposed PRIVATIZATION of the UC BERKELEY EXTENSION LAGUNA STREET CAMPUS

WHEREAS, the 5.8 acre tract of property at 55 Laguna Street, known as the UC Berkeley Extension Laguna Street Campus Property (Property), has a history of continuous public use exceeding 150 years; and,

WHEREAS, in the early 1850s, The City of San Francisco gave \$30,000 to the Protestant Orphan Asylum Society to initially purchase the land and to construct a building housing an orphanage which was completed in 1854; and,

WHEREAS, in 1921, The City of San Francisco abandoned Waller Street where it formerly ran through the Property, so as to assist further in the continued public use of the Property which was then owned by the San Francisco State Normal School (later becoming San Francisco State Teachers College, and eventually San Francisco State University); and,

WHEREAS, in the mid-1950s the Property was transferred via a public real property disposition process to the Regents of the University of California, who continued using the Property for educational purposes through 2003; and,

WHEREAS, the Property, with its buildings, constitute a resource of historic merit which is eligible for the National Register of Historic Places and should be preserved to the greatest extent possible; and,

WHEREAS, according to the environmental documents of the Better Neighborhoods Market-Octavia Plan, there will be 19,555 new households within the entire Market-Octavia area by the year 2025, thus increasing dramatically the public's need for additional property zoned for public use; and,

WHEREAS, according to the Better Neighborhoods Market-Octavia Plan proposed revisions dated May 22, 2006 which state, "Any subsequent change in the zoning of the UC Berkeley Laguna Campus should occur in the context of a focused community planning process that involves residents and other stakeholders."

WHEREAS, according to the Better Neighborhoods Market-Octavia Plan proposed revisions dated May 22, 2006 which state, "Any future reuse of the UC Berkeley Laguna Campus should balance the need to reintegrate the site with the neighborhood and to provide housing, especially affordable housing, with the provision of land for public uses such as education, community facilities, and open space."

WHEREAS, the current owner of the Property, The Regents of The University of California, submitted a proposal for environmental review to the City Planning Department Environmental Review Division, seeking to permanently end the public use zoning for this entire Property, and to convert the entire Property to a high-density private residential housing development;

NOW, THEREFORE, we, the undersigned, hereby urge the San Francisco Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee representing interested established neighborhood groups within the Market-Octavia Plan Area to determine the highest and best use of the Property, to make recommendations regarding zoning and redevelopment guidelines for the Property, and to evaluate the requested change to the existing Public Use Zoning for the Property under the current UC Berkeley/A.F. Evans/openhouse proposal within the context of the Market-Octavia Plan.

Sincerely,

The Undersigned

[Click Here to Sign Petition](#)

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The [UC Berkeley Extension Laguna Street Campus](#) Petition to San Francisco Board of Supervisors was **created by and written by Cynthia Servetnick (quoting HVNA in part)** (cynthia.servetnick@gmail.com). This petition is hosted here at www.PetitionOnline.com as a public service. There is no endorsement of this petition, express or implied, by [Artifice, Inc.](#) or our sponsors. For technical support please use our simple [Petition Help](#) form.

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LANDMARKS PRESERVATION ADVISORY BOARD
Case Report for hearing on April 18, 2007

Case No. 2007.0319L
55 Laguna Street
Lots 001, 001A in Assessor's Block 0857
Lots 001, 002, 003 in Assessor's Block
0870
**Landmark Designation of the U.C.
Extension Center at 55 Laguna Street,
formerly San Francisco State
Teacher's College**
Page 1

DEPARTMENT CONTACT

Tara Sullivan-Lenane, (415) 558-6257, tara.sullivan-lenane@sfgov.org

REVIEWED BY

Mark Luellen, Preservation Coordinator

APPLICANT

On February 21, 2007, the Landmarks Preservation Advisory Board ("Landmarks Board") members initiated designation for the U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School, as outlined in Resolution # 609. On April 2, 2007, Roland-Nawi Associates submitted the proposed U.C. Extension Center at 55 Laguna Street, formerly known as San Francisco State Teacher's School, Landmark Designation Report (Attachment A) to the Planning Department.

PROPERTY DESCRIPTION

The U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, consists of five buildings on two city blocks bounded by Buchanan, Hermann, Haight, and Laguna Streets: Middle Hall (1924), Woods Hall (1926), Woods Hall Annex (1935), Richardson Hall (1930, with the Administration Wing constructed in 1924), and the Dental Building (1970).

Block 0857, lot 001 & 001A, and Block 0870 lot 003, is zoned P (Public Use) and is in a 40-X Height and Bulk District. Block 0870, lot 001 & 002 is zoned P (Public Use) and is in an 80-B Height and Bulk District.

Surrounding Land Use and Development

The U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, is located in the southern portion of the Hayes Valley neighborhood. One block from Market Street, the site is surrounded by residential and commercial uses such as RM-2 (Mixed Residential, Moderate Density) District, RH-3 (Residential, House, Three-Family), and NC-3 (Neighborhood Commercial, Moderate Scale).

PROJECT DESCRIPTION

The project is the Landmarks Board consideration of a resolution to recommend or not to recommend landmark designation of the U.C. Extension Center at 55 Laguna Street, formerly San Francisco State

LANDMARKS PRESERVATION ADVISORY BOARD

Case Report for hearing on April 18, 2007

Case No. 2007.0319L

55 Laguna Street

Lots 001, 001A in Assessor's Block 0857

Lots 001, 002, 003 in Assessor's Block
0870

Landmark Designation of the U.C.

**Extension Center at 55 Laguna Street,
formerly San Francisco State**

Teacher's College

Page 2

Teacher's College, (per Planning Code Section 1004.1) and recommending that the Planning Commission disapprove the landmark designation of the U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School, as A San Francisco landmark under Article 10 of the Planning Code (per Planning Code Section 1004.2).

BACKGROUND / PREVIOUS ACTIONS

Historic Surveys

Block 0857, lot 001 & 001A, were listed in the *1976 Architectural Survey* with a rating of "3" (on a scale of "-2" to "5", with "5" being most significant) and were listed in the *Hayes Valley Survey*. Block 0870 lot 001, 002, and 003 are listed in the *1976 Architectural Survey* with a rating of "2" (on a scale of "-2" to "5", with "5" being most significant).

An Environmental Impact Review per the California Environmental Quality Act (CEQA) is currently underway for the site. As part of this review, the Planning Department found that the "campus comprises a potential historic district (per CEQA)."

APPLICABLE PRESERVATION STANDARDS

Planning Code – Article 10

The Planning Code Section 1004 (a)(1) authorizes the landmark designation of "an individual structure or other feature or an integrated group of structures and features on a single lot or site, having special character or special historical, architectural or aesthetic interest or value, as a landmark."

Landmark designation may be initiated by the Board of Supervisors, Planning Commission, Arts Commission, Landmarks Preservation Advisory Board, or by application of the property owner (Section 1004.1). Once initiated, the proposed designation is referred to the Landmarks Board for a report and recommendation to the Planning Commission to approve, disapprove or modify the proposal (Section 1004.2).

After receiving the report and recommendation from the Landmarks Board, the Planning Commission holds a public hearing on the proposed designation, considers the report of the Landmarks Board and approves, disapproves or modifies the proposal within 90 days after the conclusion of the public hearing. Failure to act within this time shall constitute approval (Section 1004.3).

If the Planning Commission approves the designation, a copy of the resolution of approval is transmitted to the Board of Supervisors, which holds a public hearing on the designation and may approve, or modify and approve the designation (Section 1004.4). If the Planning Commission disapproves the proposed

LANDMARKS PRESERVATION ADVISORY BOARD

Case Report for hearing on April 18, 2007

Case No. 2007.0319L

55 Laguna Street

Lots 001, 001A in Assessor's Block 0857

Lots 001, 002, 003 in Assessor's Block
0870**Landmark Designation of the U.C.****Extension Center at 55 Laguna Street,
formerly San Francisco State****Teacher's College**

Page 3

designation, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days (Section 1004.5).

The designating ordinance shall include "the location and boundaries of the landmark site... a description of the characteristics of the landmark... which justify its designation, and a description of the particular features that should be preserved" (Planning Code Section 1004(b)).

NATIONAL REGISTER OF HISTORIC PLACES CRITERIA

The Landmarks Board on June 7, 2000, by Resolution No. 527, adopted the National Register Criteria as its methodology for recommending landmark designation of historic resources.

Under the National Register Criteria, the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, feeling, materials, workmanship, and association, and that are associated with events that have made a significant contribution to the broad patterns of our history; or that are associated with the lives of persons significant in our past or that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may likely yield, information important in prehistory or history.

STAFF ANALYSIS

The Planning Department believes that the content of the U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, designation report to be accurate and valid. The site is significant for its association with the Normal Schools in California, for its association with the expanding role of state and federal government in public education, and for its association with the Works Progress Administration (WPA) and the Federal Arts Project (FAP). The site has been classified as a historic resource under the California Quality Environmental Act (CEQA), which acknowledges this significance.

However, the Planning Department does not support the designation of this site as a landmark per Article 10 of the Planning Code. Designation of the site will conflict with several overriding planning principles and policies for the site, including the re-integration of the site into the surrounding neighborhood, public accessibility, affordable housing, retail development, and flexibility for adaptive re-use of the site. As described in the Market Octavia it is the City's goal to reestablish the pedestrian realm and loss of potential housing units. The Plan also seeks to address these issues by holistically examining the relationship between land uses, transportation and creating whole neighborhoods. Key to the plan's success is a number of pedestrian, transit, open space and other public improvements. For these reasons, the Planning Department feel that the proposed designation is in direct conflict with these goals

LANDMARKS PRESERVATION ADVISORY BOARD

Case Report for hearing on April 18, 2007

Case No. 2007.0319L

55 Laguna Street

Lots 001, 001A in Assessor's Block 0857

Lots 001, 002, 003 in Assessor's Block 0870

Landmark Designation of the U.C.

**Extension Center at 55 Laguna Street,
formerly San Francisco State**

Teacher's College

Page 4

and thereby recommends disapproval of the landmark designation of U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, as a San Francisco Landmark under Article 10 of the Planning Code.

PUBLIC/NEIGHBORHOOD INPUT

As of the date of this report, staff has not received any comments from the public regarding the designation of the U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School as a city landmark.

PROPERTY OWNER INPUT

The Regents of the University of California, owner, and the project sponsor, A.F. Evans Development, Inc., are opposed to this landmark designation.

ENVIRONMENTAL REVIEW STATUS

The Planning Department has determined that actions by regulatory agencies for protection of the environment (specifically here, landmark designation) are exempt from environmental review, pursuant to CEQA Guidelines Section 15308 (Class Eight - Categorical).

LANDMARKS BOARD ACTIONS

In reviewing the designation the U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School as a San Francisco Landmark under Article 10 of the Planning Code, the Landmarks Board must:

- Adopt a resolution (**Attachment B**) recommending that the Planning Commission disapprove the landmark designation of the U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School as a San Francisco Landmark under Article 10 of the Planning Code.

If recommending adoption the Planning Commission, the Landmarks Board must:

- Review the Landmark Designation Report and concur with the information contained in it; specifically, the boundaries of the landmark site, the characteristics of the landmark site that justify its designation under the applicable National Register Criteria and the description of the particular features that should be preserved;

LANDMARKS PRESERVATION ADVISORY BOARD
Case Report for hearing on April 18, 2007

Case No. 2007.0319L
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Lots 001, 001A in Assessor's Block 0857
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0870
**Landmark Designation of the U.C.
Extension Center at 55 Laguna Street,
formerly San Francisco State
Teacher's College**
Page 5

PLANNING DEPARTMENT RECOMMENDATION

The Planning Department does not support the designation of this site as a landmark under Article 10 of the Planning Code. Landmarking the site will conflict with several overriding planning principles and policies for the site, including the re-integration of the site into the surrounding neighborhood, public accessibility, affordable housing, retail development, and flexibility for adaptive re-use of the site. For these reasons, the Planning Department recommends disapproval of the landmark designation of U.C. Extension Center at 55 Laguna Street, formerly San Francisco State Teacher's College, as a San Francisco Landmark under Article 10 of the Planning Code.

Attachments:

- A. U.C. Extension Center at 55 Laguna Street, formerly known as the San Francisco State Teacher's School, Landmark Designation Report.
- B. Draft Landmarks Preservation Advisory Board Resolution recommending Planning Commission disapproval.

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17406

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED MARKET AND OCTAVIA PLAN, AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND ZONING MAPS, AMEDENMENTS TO THE SAN FRANCISCO GENERAL PLAN, ADOPTION OF URBAN DESIGN GUIDELINES, AND AMENDMENTS TO THE WESTRN ADDITION A-2 REDEVELOPMENT PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2003.0347E – Market and Octavia Plan (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Citywide Group of the Department filed for environmental evaluation on 3/26, 2003 and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

b. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on January 24, 2004.

c. On June 25, 2005, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

d. On June 25, 2005, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

e. Notices of availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

2) The Commission held a duly advertised public hearing on the DEIR on July 28, 2005 at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on August 23, 2005.

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on 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, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Plan. This material was presented in a Comments and Responses document, published on September 26, 2006, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.

4) A Final Environmental Impact Report has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law ("FEIR").

5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.

6) On April 5, 2007, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

7) The Planning Commission hereby does find that the FEIR concerning Case File No. 2003.0347E – Market and Octavia Neighborhood Plan reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Final EIR document which includes the Comments and Responses contains no significant new information to the DEIR. In addition, since publication of the DEIR there has been no significant new information that would require recirculation of the document pursuant to CEQA Guideline Section 15088.5; and the Planning Commission hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

8) The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

a. A potentially significant adverse shadow effect on the environment on *the War Memorial Open Space* from Development on Franklin Street and *United Nations Plaza* from towers at the Market Street and Van Ness Avenue intersection.

b. A significant adverse traffic effect on the environment to the following intersections under the year 20205 with Plan conditions: (1) Hayes Street and Van Ness Avenue, (2) Laguna /Market/ Hermann/Guerrero Streets, (3) Market/Sanchez/Fifteenth Streets, (4) Market/Church/ Fourteenth Streets, (5) Mission/Otis/South Van Ness; (6) Hayes/Gough Streets; and (7) Hayes/Franklin Streets.

c. A significant adverse transit effect on the environment as a result of increase in delays at Hayes Street intersections at Van Ness Avenue, Franklin Street, and Gough Street. Degradation to transit service would occur as a result of increase in delays at the intersections above.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee and William Lee

NOES: Moore and Olague

ABSENT: none

EXCUSED: Sugaya

ACTION: Certification of EIR

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17407

ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE MARKET AND OCTAVIA AREA PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESTERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

Whereas, the Planning Department has undertaken a planning and environmental review process for the proposed Market and Octavia Area Plan and provided for appropriate public hearings before the Planning Commission.

Whereas, the Planning Department is seeking to encourage the protection of existing neighborhood character and ensure a mix of housing opportunities, including mid-rise and high-rise residential development at certain intersections, with clear standards and land use controls that together will ensure a safe and attractive neighborhood environment, promote use of a variety of travel modes and develop a system of public improvements in the Market and Octavia Plan Area.

Whereas, the Planning Department facilitated a public planning process, which refined a series of proposals for land use, height, bulk, building design, parking and loading, open space, rear yards, public improvements, and other controls for the Market and Octavia Area. The resulting Market and Octavia Area Plan is a comprehensive proposal for the area, including new Planning Code controls and public improvements funding.

Whereas, the Market and Octavia Area Plan proposes three new zoning districts in the area of San Francisco generally located to the West of the City's Downtown Area and includes portions of Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market Neighborhoods of San Francisco. While residential areas stay residential under the new Residential Transit Oriented (RTO) designation, and neighborhood shopping streets remain under the designation of Neighborhood Commercial Transit (NCT) Districts, a new

residential neighborhood is created under a new special use district called the Van Ness and Market Downtown Residential Special Use District.

Whereas, the actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the Market and Octavia Area Plan and various implementation actions ("Project"), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed Market and Octavia Area Plan, and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

Whereas, the Planning Department on June 25, 2005, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* ("CEQA"), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a public hearing on the DEIR on July 28, 2005.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on September 26, 2006, which together with the DEIR and additional information that became available, constitute the Final Environmental Impact Report ("FEIR")

Whereas, the Planning Commission, on April 5, 2007, by Motion No. 17406, 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 complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17406, found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission certified the FEIR as adequate, accurate, and objective, and reflecting the independent judgment of the Planning Commission in Motion No. 17406.

AND BE IT FURTHER RESOLVED, that the Planning Commission has reviewed and considered the FEIR and hereby adopts the Project Findings attached hereto as Attachment A including a

CITY PLANNING COMMISSION

File No: 2003.0347E
Market & Octavia Area Plan
Motion No.
Page 3 of 3

statement of overriding considerations, and including as Exhibit 1 the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee, William Lee and Sugaya

NOES: Moore and Olague

ABSENT: none

ACTION: Approval of CEQA Findings

ATTACHMENT A

MARKET AND OCTAVIA AREA PLAN

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:
FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND
ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS**

SAN FRANCISCO PLANNING COMMISSION

In determining to approve the proposed Market and Octavia Area Plan and related approval actions (the "Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives 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, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the proposed Project, the environmental review process for the project, the Planning Commission 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;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels;

Section V discusses why a subsequent or supplemental EIR is not required;

Section VI evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support the rejection of the alternatives and access options analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the Planning Commission's actions and its rejection of the Alternatives not incorporated into the Project.

Attached to these findings as Exhibit 1 is the Mitigation Monitoring and Reporting Program for the mitigation measures that have been proposed for adoption. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in the Final EIR that is required to

reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

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

a. Project Description

The Draft EIR analyzed three separate actions: (1) the Market and Octavia Area Plan, published by the San Francisco Planning Department ("Project Sponsor") in December 2002 and as revised September 7, 2006 (the "Plan"); (2) redevelopment of 22 vacant Central Freeway parcels created as a result of the removal of the elevated Central Freeway; and (3) a limited number of near-term public street and open space improvements in the Project Area. At this time, the Planning Commission and Board of Supervisors will only consider the adoption of the Market and Octavia Area Plan and associated implementation actions.

The Plan – which is more extensively described in the Market and Octavia Neighborhood Plan and in the FEIR – is a means for implementing an innovative set of land use controls, urban design guidelines, and public space and transportation system improvements to create a dense, vibrant and transit-oriented neighborhood. The controls encourage new housing and enhance the urban environment in a variety of ways.

On November 16, 2006 in a letter to the Office of Major Environmental Analysis, the project sponsor, the Department, found feasible and recommended as part of the Project mitigation measures 5.7.A, 5.7.B, and 5.7.G of the DEIR. These measures would remove the proposal to make Hayes Street two-ways between Gough Street and Van Ness Avenue. In certifying the EIR and approving the Project, the Planning Commission disagreed with Department staff and found the mitigation measures 5.7.A, 5.7.B, and 5.7.G infeasible for the reasons set forth in Section III. The Commission voted to maintain the proposal to make Hayes Street two-ways between Gough Street and Van Ness as part of the Project.

b. Environmental Review

The Planning Department determined that an Environmental Impact Report ("EIR") was required for the Project. The Planning Department published the Draft EIR and provided public notice of the availability of the Draft EIR for public review and comment on June 25, 2005.

On January 24, 2004, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse. Notices of Availability ("NOA") for the Draft EIR of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

The Planning Commission held a duly noticed public hearing on the Draft EIR on July 28, 2005. At this hearing, opportunity for public comment was given, and public comment was received on the Draft EIR. The Planning Department accepted public comments on the Draft EIR from June 25, 2005 to August 23, 2005.

On May 22, 2006, in response to community input, the Project Sponsor published a document entitled *Proposed Revisions to The Market and Octavia Neighborhood Plan* ("Proposed

Revisions"). On May 23, 2006, the Project Sponsor hosted a community meeting to receive public comment on the *Proposed Revisions*. In response to community input, the Planning Department further revised the *Proposed Revisions* document and finalized it on September 7, 2006.

The Planning Department prepared responses to comments on environmental issues received at the public hearing and in writing, prepared revisions to the text of the Draft EIR in response to comments received or based on additional information that became available during the public comment review period, analyzed the *Proposed Revisions*, and corrected errors in the Draft EIR. This material was presented in the "Comments and Responses" published on September 26, 2006, was distributed to the Planning Commission and to all parties who commented on the Draft EIR, and was available to others upon request at the Planning Department's office. Since the publication of the *Proposed Revisions*, the Planning Commission has held extensive public hearings on the Plan. During the course of these hearings and in response to public comment, the Planning Commission has directed staff to make several revisions to the Plan as described in various staff reports on file with the Planning Commission ("Additional Revisions"). In certifying the EIR, the Planning Commission found that none of the information added after the publication of the DEIR, including the *Proposed Revisions*, the environmental analysis of the *Proposed Revisions*, and the Additional Revisions triggered the need for recirculation of the EIR. Nor does the adoption of the Plan with the *Proposed Revisions* and the Additional Revisions trigger the need for a supplemental or subsequent EIR as discussed in Section V. A Final EIR has been prepared by the Planning Department consisting of the Draft EIR, all comments received during the review process, and the Comments and Responses. The Draft EIR, the Comments and Responses, and all appendices thereto comprise the "EIR" referenced in these findings.

c. Planning Commission Actions

The Planning Commission will take the following actions and approvals to implement the Project.

- Certify the Final EIR.
- Adopt CEQA findings and a Mitigation Monitoring and Reporting Program.
- Determine consistency of the Market and Octavia Neighborhood Plan with the General Plan and Planning Code Section 101.1 Priority Policies, and recommend adoption to the Board of Supervisors.
- Approve adoption of amendments to the General Plan constituting the Market and Octavia Area Plan, pending approval by the Board of Supervisors.
- Approve and recommend to the Board of Supervisors related amendments to the San Francisco Planning Code and Zoning Maps.

d. Location of Records

The record upon which all findings and determinations related to the Project are based includes the following:

- The Plan and the *Proposed Revisions*.
- The EIR, and all documents referenced in or relied upon by the EIR.

- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR.
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and sub consultants who prepared the EIR, or incorporated into reports presented to the Planning Commission.
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- All applications, letters, testimony and presentations presented to the City by the project sponsor and its consultants in connection with the Project.
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.
- For documentary and information purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- The MMRP.
- All other documents comprising the record pursuant to Public Resources Code Section 2116.76(e)

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1660 Mission Street, San Francisco. Linda Avery, Commission Secretary, is the custodian of these documents and materials.

II. Impacts Found Not To Be Significant and Thus Requiring No Mitigation

Based on substantial evidence in the whole record of this proceeding, the City finds that the implementation of the Plan will not result any significant impacts in the following areas: Land Use and Zoning; Population, Housing, and Employment; Urban Design and Visual Quality; Noise; Public Facilities, Services, and Utilities; Hydrology; and Growth Inducement. Each of these topics is analyzed and discussed in detail including, but not limited to, in the EIR at Chapters 4.2, 4.3, 4.4, 4.9, 4.12, 4.13, and 4.14.

III. Findings of Potentially Significant Impacts That Can Be Avoided Or Reduced To A Less Than Significant Level

Finding: The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The findings in this Section III and in Section IV concern mitigation measures set forth in the FEIR. These findings discuss mitigation measures as proposed in the FEIR and recommended for adoption by the Board of Supervisors, which can be implemented by City agencies or departments. Except for minor revisions made to the language of mitigation measures to reflect the fact that the project sponsor is now recommending implementation of measures 5.7.A, 5.7.B, and 5.7.G of the DEIR as shown below, the mitigation measures proposed for adoption in this section are the same as the mitigation measures identified in the FEIR.

As explained previously, **Exhibit 1**, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Chapter V of the EIR that is required to reduce or avoid a significant adverse impact. **Exhibit 1** also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

The Planning Commission finds that, based on the record before it, the mitigation measures proposed for adoption in the FEIR are feasible, with the exception of Mitigation Measures 5.7.A, 5.7.B, and 5.7.G, and the possible exception of Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H, as explained further below, and that they can and should be carried out by the identified agencies at the designated time.

This Planning Commission finds Mitigation Measures 5.7.A, 5.7.B, and 5.7.G infeasible for the following specific economic, legal, social, technological and other reasons. During the course of public hearings and staff presentations on the Plan, the Planning Commission has heard significant public testimony supporting these findings of infeasibility.

The Market and Octavia Plan proposed to convert Hayes Street between Franklin and Laguna to a two way street (the "original project"). The original project was proposed to address the inhospitable pedestrian environment. The proposed mitigation measures 5.7.A, 5.7.B, and 5.7.G maintain the one-way street, leaving unresolved the negative social and economic environment created by the existing conditions. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell, creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; and reducing the tendency for residents to walk for their daily needs.

Specifically, the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for economic reasons due to the negative impacts on the local economic environment. The mitigation measures constrain pedestrian behavior, especially limiting pedestrian comfort with crossing at key intersections. These conditions have a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. An awkward and unsafe pedestrian environment constrains the natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities and unacceptably damages the economic vitality of neighborhood commercial establishments.

In addition the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for social reasons. They create an unhealthy pedestrian environment, which discourages residents and visitors from walking for most trips and increase the likelihood of jay walking and pedestrian-car collisions. Further, the inability to walk to key destinations reduces an individual's ability to form important social networks that create a sense of safety and community in a neighborhood.

The Planning Commission finds that the existing conditions result in negative social and economic circumstances rendering the mitigation measures infeasible. The Planning

Commission acknowledges that because these measures are infeasible and will not be adopted and implemented at this time, the Project will result in significant unavoidable impacts as discussed below and in the EIR.

This Planning Commission urges other agencies to adopt and implement the remaining applicable mitigation measures set forth in the FEIR that are within the jurisdiction and responsibility of such entities. The Planning Commission acknowledges that if such measures are not adopted and implemented, or if Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H are infeasible, the Project may result in additional significant unavoidable impacts.

For all of these reasons, and as discussed in Section VI, the Planning Commission is adopting a Statement of Overriding Considerations as set forth in Section VII.

All mitigation measures identified in the FEIR that will reduce or avoid significant adverse environmental impacts, except Mitigation Measures 5.7.A, 5.7.B, and 5.7.G, are proposed for adoption and are set forth in **Exhibit 1**, in the Mitigation Monitoring and Reporting Program. None of the mitigation measures set forth in the FEIR that are needed to reduce or avoid significant adverse environmental impacts are rejected.

A. Wind

1. Impact – Wind

a) Potentially Significant Impact

The Plan would result in a potentially significant wind impact due to the potential for development of major buildings in the Project Area, particularly those allowed up to 400 feet around the Market Street and Van Ness Avenue Intersection.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures:

Buildings in Excess of 85 feet in Height

To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:

- Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter offered by existing upwind structures as much as possible. Avoid continuous western building faces.
- Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of setbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building.

- Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface.

Avoid narrow gaps between buildings, which may accelerate westerly winds.

- Avoid “breezeways” or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels.

All New Construction

The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:

- New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.
- An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.
- The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.
- Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year.
- For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.

B. Historical Resources

1. Impact – Archaeological: Soils Disturbing Activities in Archaeological Documented Properties

a) Potentially Significant Impact

The proposed higher residential densities, elimination of residential density limits, and increased subsurface excavation associated with infill development on several blocks within the Project Area could have a potentially significant adverse impact on archaeological documented resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures, which shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.

Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:

1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;
2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;
3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources;
4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;
5. Impacts of Proposed Project;
6. Potential Soils Hazards: Update discussion for proposed project;
7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:
 - A. Proposed archaeological testing strategies and their justification
 - B. Expected archaeological resources
 - C. For historic archaeological resources
 1. Historic address or other location identification
 2. Archaeological property type
 - D. For all archaeological resources
 1. Estimate depth below the surface
 2. Expected integrity

3. Preliminary assessment of eligibility to the CRHR
- E. ETP Map
 1. Location of expected archaeological resources
 2. Location of expected project sub-grade impacts
 3. Areas of prior soils disturbance
 4. Archaeological testing locations by type of testing
 5. Base map: 1886/7 Sanborn Fire Insurance Company map.

2. Impact – Archaeological: General Soils Disturbing Activities

a) Potentially Significant Impact

Construction activities on those properties that have no Archeological Assessment Report or for minor soils disturbance in the Mission Dolores Archaeological District could significantly impact archaeological resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

The mitigation measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archaeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).

For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:

The historical uses of the project site based on any previous archaeological documentation and Sanborn maps;

Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR);

If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;

Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;

Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.

Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.

3. Impact – Archaeological: Soils Disturbing Activities in Public Street and Open Space Improvements

a) Potentially Significant Impact

Public street and open space improvements could have a potentially significant impact on archaeological resources as a result of soil disturbances in excess of four feet.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure, which shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Monitoring Program (AMP)

The archaeological monitoring program shall, at a minimum, include the following provisions:

- a) The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with

the project archaeologist, shall determine what project activities shall be archaeologically monitored.

- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.

If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or
- An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact *analysis* procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive

two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

4. Impact – Archaeological: Soils Disturbing Activities in the Mission Dolores Archaeological District

a) Potentially Significant Impact

The increase in residential densities and subsurface basements would increase the potential for soil disturbances, which could adversely affect archaeological resources within the Mission Dolores Archaeological District.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Testing Program

The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or
- A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program

If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;

- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archaeological Data Recovery Program

The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.

- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation

forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.

C. Air Quality

1. Impact – Air Quality: Particulate Emissions During Construction

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term PM₁₀ and PM₂₅ emissions.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures will reduce the level of dust created by construction and thus minimize the impacts on human health.

These measures include:

- Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

2. Impact – Air Quality: Short-Term Exhaust Emissions

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term emissions related to the operation of fossil fuel burning equipment.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure.

To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area, which would reduce impacts to a less than significant level.

- Confine idle time of combustion engine construction equipment at construction sites to five minutes.
- Maintain and properly tune construction equipment in accordance to manufacturer's specifications.
- Use alternative fueled or electrical construction equipment at the project site when feasible.
- Use the minimum practical engine size for construction equipment.
- Equip gasoline-powered construction equipment with catalytic converters when feasible.

D. Hazardous Materials

1. Impact – Hazardous Materials: Construction Activities

a) Potentially Significant Impact

The proposed development would increase the potential for demolition and renovation activities within the Project Area. To the extent that the Plan would encourage new construction, temporary impacts or risks would occur during the demolition phase of development induced by the Plan or project development.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:

- Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends.
- Storage stockpiles shall be minimized, where practical, and properly labeled and secured.
- Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions.
- Activities shall be conducted so as not to track contaminants beyond the regulated area.
- Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate.
- Containments and regulated areas shall be properly maintained.

E. Geology, Soils, Seismicity

1. Impact – Soils: Construction Activities

a) Potentially Significant Impact

Soil exposed during construction may be subject to erosion, which could potentially create a significant environmental impact.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level temporary construction related impacts would be mitigated to a less than significant level through the implementation of Best Management Practices (BMP) erosion control features, which shall be developed with the following objectives and basic strategy:

- Protect disturbed areas through minimization and duration of exposure.
- Control surface runoff and maintain low runoff velocities.
- Trap sediment on-site.
- Minimize length and steepness of slopes.

F. Transportation

1. Impact – Traffic: Hayes and Gough Streets Intersection

a) Potentially Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

2. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Potentially Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound

travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

3. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Potentially Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

IV. Significant Impacts That Cannot Be Avoided Or Reduced To A Less Than Significant Level

Finding: Based on substantial evidence in the whole record of these proceedings, the City finds that, where feasible, changes or alterations have been required, or incorporated into, the Plan to reduce the significant environmental impacts listed below as identified in the FEIR. The City determines that the following significant impacts on the environment, as reflected in the FEIR,

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 City 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.

A. Shadow

1. Impact – Shadow: War Memorial Open Space

a) Significant Impact

Development on Franklin Street could cast mid-afternoon shadows year round on the War Memorial Open space that could result in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation measures, the potentially significant impact listed above may not be reduced or avoided.

2. Impact – Shadow: United Nations Plaza

a) Significant Impact

Incremental shading on United Nations Plaza from towers at the Market Street and Van Ness Avenue intersection would occur in later winter afternoons resulting in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation

measures, the potentially significant impact listed above may not be reduced or avoided.

B. Transportation

1. Impact – Traffic: Laguna/Market/Hermann/Guerrero Streets Intersection

a) Significant Impact

Laguna/Market/Hermann/Guerrero Streets intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

2. Impact – Traffic: Market/Sanchez/Fifteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fifteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the Market/Sanchez/Fifteenth Streets intersection to allow more time for impacted movements may improve conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D. Impacts could be mitigated to a less than significant level if the right-turn pocket was implemented in conjunction

with the signal retiming. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

3. Impact – Traffic: Market/Church/Fourteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fourteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Market/Church/ Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

4. Impact – Traffic: Mission Street/Otis Street/South Van Ness Avenue Intersection

a) Significant Impact

Mission Street/Otis Street/South Van Ness Avenue intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.

It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions. As the

feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

5. Impact – Traffic: Hayes Street/Van Ness Avenue Intersection

a) Significant Impact

Hayes/Van Ness Avenue intersection (LOS F) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).

To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.

The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions. The mitigation measure of reestablishing the westbound travel lane (eliminating the Project's proposed changes to Hayes Street as described below) would substantially reduce, but would not eliminate the significant and unavoidable impact.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

6. Impact – Traffic: Hayes and Gough Streets Intersection

a) Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

7. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

8. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

V. Neither Recirculation Nor a Subsequent or Supplemental EIR Is Required

1. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that it contains additions, clarifications, and modifications, including a description and analysis of the Project, *Proposed Revisions*, and Additional Revisions. The Planning Commission has reviewed and considered the FEIR and all of this information. In certifying the FEIR, the Planning Commission found that the FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the DEIR does not involve a new significant environmental impact, a substantial increase in the severity of a significant environmental impact, or a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Project and that the Project Sponsor declines to adopt. No information indicates that the DEIR was inadequate or conclusory.

2. The Project as it now stands fall within the range of impacts and the range of alternatives studied in the DEIR.

3. The Planning Commission finds that (1) modifications incorporated into the Project and reflected in the Actions will not require important revisions to the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of

previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the Project or the Actions are undertaken which would require major revisions to the FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and (3) no new information of substantial importance to the Project or the Actions has become available which would indicate (a) the Project or the Actions will have significant effect not discussed in the FEIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIR would substantially reduce one or more significant effects on the environment.

VI. Evaluation Of Project Alternatives

This Section describes the Project as well as the Project Alternatives and the reasons for rejecting the Alternative. This Article also outlines the Project's purposes and provides a context for understanding the reasons for selecting or rejecting alternatives, and describes the Project alternative components analyzed in the FEIR.

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of the Project.

A. Reasons for Selection of the Project

As discussed above in Section I, the Project is based on the Project Description analyzed in the FEIR, with the *Project Revisions* finalized in September 2006. In addition to the proposed Project, the FEIR analyzed two Alternatives:

- No Project Alternative – Existing Controls
- Reduced Height/Reduced Density Alternative

These Alternatives are discussed in greater detail in Section 7 of the EIR.

In approving the Project, the Planning Commission has carefully considered the attributes and the environmental effects of the Project and the Alternatives discussed in the FEIR. This consideration, along with reports from City staff and public testimony has resulted in the Project. The Project achieves the objectives as set forth in the FEIR as follows:

The Project is selected because it will promote the greatest achievement of all of the following objectives, which would not be achieved by either the No Project Alternative or the Reduced Height/Reduced Density Alternative.

- Create a dense, vibrant and transit-oriented neighborhood that capitalizes on all of the unique characteristics and development opportunities of the Project Area.

The Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR. The Project creates opportunity to provide more housing in the place where it can best be accommodated, in areas with significant infrastructure investment. The Project seeks to establish a residential intensity that supports the transit uses in the area. When providing more housing, it is often not the accommodation of the people that strains a neighborhood, oftentimes it is the accommodation of the car trips. The Project's controls ensure that some portion of new housing is developed for households that rely on walking, transit and carshare to meet their daily needs. The Project also combines the housing ideas with streetscape and transit improvements that would encourage walking, improve transit and help to return balance to the city streets. In this way the Project gracefully accomplishes the City's goals for housing production to satisfy need.

- Strengthen the community's supply of housing by increasing well-designed infill housing.

While the Market & Octavia Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR, it does so in a very focused manner. The Project does not non-discriminately raise heights. Rather, in roughly 59% of the parcels there is no change in height, roughly 33% of the parcels show a decrease in height by more than 10 feet. Only about 8% of the parcels would see an increase in height and of the total Project area only 3% of the parcels would see an increase of more than 10 feet. The Project is increasing housing supply but in large part it is doing so within the scale of the existing neighborhood fabric. Infill housing would further controlled by the design principles described in the Project that control building aspects such as massing and articulation, activation of the ground floor, curb cuts, alley frontages and supporting open space for residential units.

- Strengthen the economic base of the Project Area and the community by increasing neighborhood-serving retail and service businesses throughout the Project Area.

The Project would transition a large part of the SoMa West area from C-M (Heavy Commercial) to a Neighborhood Commercial Transit (NCT-3) district. C-M districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts with an emphasis on wholesaling, business services, and some light manufacturing and processing. The new NCT district in this area would increase the amount of land for neighborhood-serving retail and businesses. Also, in SoMa West, the remaining land would be rezoned from C3-G (Downtown General Commercial) to C3-G with a special use district overlay called Van Ness and Market Downtown Residential SUD. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence, thereby increasing the purchasing power of the neighborhood. Similarly, but to a lesser scale, the remainder of the Project Area will benefit from a larger consumer base as density increases. Outside of the SoMa West Area, existing neighborhood commercial districts will in large part remain and not expand in scope.

The Project would, by making Hayes Street two-way, enhance the neighborhood commercial vitality of Hayes Valley. Maintaining Hayes Street as one-way limits pedestrian comfort with crossing at key intersections and thus has a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. By slowing traffic and improving the pedestrian environment, the Project improves the

natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities.

- Focus design attention especially on the development need and opportunities in two subareas: (1) reintegrating the vacant Central Freeway parcels into the neighborhood and (2) creating a high-density new neighborhood around South Van Ness Avenue, Market Street and Mission Street that takes advantage of that area's high height potential and elegantly designed residential towers.

The Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Increase the mix of land uses and the density required to create a successful vibrant transit-oriented neighborhood reflecting the unique character of the Project Area.

Similar to the discussion in the above objective, the Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Revise the height districts throughout the Project Area to sculpt an urban form that maximizes housing opportunities mediated by building type, street-level livability, views, and skyline effects.

The new height districts maintain the carefully sculpted heights near the Civic Center to preserve views towards City Hall. The new heights punctuate the new residential neighborhood with 400' towers at the Market and Van Ness intersection. These towers would mark the City's premier intersection of Van Ness Avenue and Market Street and visually mark the edge of downtown with residential towers that are taller yet approximately 50% less bulky than the neighboring office towers. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate. The focal point of towers at Market and Van Ness intersection, would be supported by buildings that are 120-feet, the same height as the tower podiums. 120-feet is the established podium height for most of Market Street as it represents a fundamental urban design principal that streets can comfortably hold buildings as high as the streets are wide. From the Market and Van Ness intersection heights generally taper down both along Market Street and towards the West as intensity of street use lessens. Heights are lowered in front of the Mint to preserve views to the Mint. Key intersections are marked with height that tapers in mid-block. Along east-west alleys, additional controls are placed based upon street width and sun angle to ensure light reaches the sidewalk.

- Improve the area's public streets and open spaces necessary for a vibrant transit oriented neighborhood, including incorporating traffic calming strategies, street tree planning, new park creation, and streetscape improvements.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for “living streets” as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability. The Project's ideas for traffic-calming include corner bulb-outs and reduced distance for pedestrian crossings.

- Improve the operation and convenience of all transportation modes required for a vibrant transit-oriented place, with a focus on transit, bicycle, and pedestrian movement.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City’s downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

- Within the controls required to create a vibrant and transit oriented neighborhood, provide flexibility in the development of the Project Area so that development can respond to market conditions over time.

The Project will enable the creation of new housing units in the Market and Octavia Neighborhood with a level of flexibility in both density controls and in parking controls. Instead of specific parking requirements, the Project sets parking caps and allows for parking provision anywhere from zero spaces per unit up to the parking caps. Further, unbundling parking from housing allows residents to pay separately for costly parking spaces and housing and allows residents to choose whether to pay for parking or not. Like the parking controls, the new density controls provide flexibility in that they no longer regulate density as a factor of lot square but instead only control the form of the building. This will allow for creativity in housing unit types within the form and scale of established neighborhoods.

- Undertake the public improvements proposed in the Plan in a manner that makes them affordable to the City by using innovatively the full range of public financing tools to support the City in meeting its share of the planning and development responsibility for the quality and character of the public realm.

The Project identifies community improvements necessary to accommodate projected growth of residential and commercial development in the Project Area while maintaining and improving community character. The Project, through the Market and Octavia Community Improvements Program Document (dated September 18, 2006) ("Program Document"), incorporated herein by reference, also identifies a number of potential revenue sources to fund community improvements. They include:

- Use of Public agency grants (Federal and State Funding as well as General Fund monies);
- Establishing Community benefit districts, parking benefit districts and other assessment districts and utilizing the funds generated to mitigate development impact;
- Establishing parking and/or curb cut impact fees to mitigate specific impacts generated by the components of a project;

- Sale of Development Credits; and
- Establishing a Development Impact Fee to mitigate the impacts generated by development and utilize the revenue to fund the necessary community improvements.

B. Alternatives Rejected and Reasons for Rejection

The Planning Commission rejects the Alternatives set forth in the FEIR and listed below because the Planning 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 in Section VII below under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives.

The No Project Alternative

The No Project Alternative assumes that the Planning Department would not adopt and implement the Project. Development within the Project Area would take place under the existing zoning regulations and the regulations of the *Western Addition A-2 Redevelopment Plan*, which apply to an area in the northern portion of the Project Area, and would remain in place through 2009.

The No Project Alternative would not be desirable nor meet the Project objectives for the following reasons.

Housing:

- The No Project Alternative would retain the existing one-to-one parking requirements. These requirements have adverse impacts on the City's supply of housing and make housing more expensive. The requirement to couple housing with parking provides less space per site to devote to much-needed housing. Moreover, providing parking with every housing unit increases the cost to construct and provide housing thus making housing less affordable. As detailed in the Housing Element of the General Plan, affordable housing is in great demand in the City and housing for those at all levels of the economic spectrum is much needed.
- Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to the Market & Octavia area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Infill Development:

Under the No Project Alternative, current zoning controls would remain in effect. Current zoning controls permit infill development in existing neighborhoods that is out of character with

the existing housing stock. Existing controls permit much larger and bulkier development than the controls proposed under the Project. The Planning Commission finds that well-designed infill development is a desirable outcome for the City.

Neighborhood-Serving Retail

Under the No Project Alternative, current zoning, especially in the SOMA West Neighborhood (CM and C3-G) does not promote neighborhood-serving retail and service establishments. During the community process, the community identified neighborhood-serving uses as a priority for the neighborhood.

Central Freeway Parcels:

Most of the Central Freeway parcels are currently vacant parcels, many of which are zoned P (Public). Under the No Project Alternative, given their small and unusual size, some of the lots are difficult if not impossible to develop under current zoning. Leaving these lots – which are centrally located in the community – vacant is not a desirable outcome for the City or for members of the community.

High Density Residential Development:

- Under the No Project Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. If development were to occur under these controls, it would be at a similar bulk as existing buildings so would be undifferentiated and would not mark these important intersections.
- Under the No Project Alternative, the current zoning for the area around South Van Ness Avenue, Market Street, and Mission Street generally does not permit residential development. Thus, the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit -- increasing traffic, air pollution, and resulting in a less friendly environment for other modes of travel.
- Under the No Project Alternative, while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Public Streets and Open Spaces:

Under the No Project Alternative, the existing controls provide for no special transit or street improvement strategies. There is no strategy to provide a buffer between the street and current uses. The community emphasized the need to improve the existing character of the streets and to

create transit and street improvement strategies and this need is not met by the No Project Alternative.

Transit Orientation:

Under the No Project Alternative, the existing controls provide for no special emphasis on alternative means of transportation. The current controls and existing situation are geared primarily toward transportation by automobile. This situation is contrary to the City's Transit First Policy.

Flexibility of Land Use Controls:

Under the No Project Alternative, the existing controls provide little flexibility in many of the requirements. For example, generally for each unit in the Project Area parking must be provided at one parking space per one unit—no more and no less. This lack of flexibility does not allow the City and Project Sponsors to account for the current market or current trends. In addition, the current method of establishing density is rigid in that it sets absolute unit caps based upon lot area. This again, restricts the City and Project Sponsors from designing denser or more architecturally interesting projects. The Project has a unit mix requirement to ensure that some larger units get built, but otherwise the density of developments can be flexible within the prescribed building envelope.

Community Infrastructure Improvement:

Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop from approximately \$59,000,000 to approximately \$15,000,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

Reduced Height/Reduced Density Alternative

The Reduced Height/Reduced Density Alternative focuses on reducing the significant transportation and shadow impacts that would occur with the implementation of the Project. The Reduced Height/Reduced Density Alternative proposed would have differed from the proposed project in two areas:

- Hayes Street, which is recommended for conversion to two-way operation between Van Ness Avenue and Octavia Boulevard in the Project, would remain as a one-way street with the current operations.
- Height increases proposed under the Project would be reduced in the area around the Market Street/Van Ness Avenue/South Van Ness Avenue intersection under the Reduced Height/Reduced Density Alternative.

All other policies and recommendations in the Reduced Height/Reduced Density Alternative would remain the same as those of the proposed project.

The Reduced Height/Reduced Density Alternative would not be desirable nor meet the Project objectives for the following reasons:

High Density Residential Development:

Under the Reduced Height/Reduced Density Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Housing and Development in Transit Corridors:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Community Infrastructure Improvement:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop approximately \$2,150,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

C. Environmentally Superior Alternative

The Reduced Height/Reduced Density Alternative is the Environmentally Superior Alternative because it would result in less development in the Market and Octavia Area and fewer potentially significant effects on shadows. Originally, the Reduced Height/Reduced Density Alternative was also expected to result in fewer impacts on transportation, but with the agreement of the Project Sponsor to retain Hayes Street as a one-way street with the current operations, the transit impacts that were improved by this aspect of the Reduced Height/Reduced Density will be reduced in the Project as well. However, for the reasons stated above, this alternative is rejected as infeasible.

VII. Statement Of Overriding Considerations

Pursuant to CEQA section 21081 and CEQA Guideline 15093, the City hereby finds, after consideration of the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. The specific reasons for this finding, based on substantial evidence in the record, constitute the following "Statement of Overriding Considerations."

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specially finds, 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. Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

1. The Project will implement and fulfill the policies and objectives of the General Plan including, but not limited to, the following:

The Market and Octavia planning process built on existing General Plan policies. Analysis of applicable General Plan Objectives and Policies has determined that the proposed action is, on balance, consistent with the General Plan. The proposed actions offer a compelling

articulation and implementation of many of the concepts outlined in the General Plan, especially the Air Quality, Urban Design, Transportation Element, Commerce and Industry, Recreation and Open Space, and Arts Elements. Below are key policies and objectives that support the proposed actions.

NOTE: General Plan Elements are in **CAPITAL BOLD LETTERS**

General Plan Objectives are in CAPITAL LETTERS

General Plan Policies are in Arial italics font

AIR QUALITY ELEMENT

OBJECTIVE 2: REDUCE MOBILE SOURCES OF AIR POLLUTION THROUGH IMPLEMENTATION OF THE TRANSPORTATION ELEMENT OF THE GENERAL PLAN

reducing congestion on roadways;

giving priority to public transit, as mandated by the "Transit First" policy;

encouraging the use of modes of travel other than single occupant vehicles such as transit, carpooling, walking, and bicycling;

managing the supply of parking in the downtown area.

promoting coordination between land use and transportation to improve air quality;

This Objective is satisfied in that the Project seeks to coordinate land use and transportation by encouraging housing in the Project area that is rich in transit infrastructure and support. It encourages development of new housing while maintaining the scale of the existing neighborhood, and encourages establishing a high-density residential neighborhood in SoMa West, near Van Ness, Market, and Mission Streets.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City's downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

POLICY 3.2 Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

This Policy is satisfied in that the Project will encourage the development of new housing, neighborhood services, open space and sustainable transportation in the Market and Octavia neighborhood generally including the intersections of Market and Church Streets, Market Street and Van Ness Avenue, and the new Octavia Boulevard and parcels within walking distance of these areas. The Project will ensure that new development regenerates the neighborhood fabric where the Central Freeway once stood and transforms the SoMa West area into a full-service neighborhood. The Project supports the General Plan's vision of building where growth can be

accommodated by transit and services, encouraging public transit use over travel by private automobile, and expanding housing opportunities adjacent to the downtown area.

POLICY 3.6 Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

This Policy is met in that the Project establishes a monitoring program that will provide feedback on the Project's impacts and allow for corrections and revisions if necessary. In order to track implementation, the Planning Department will monitor key indicators. The Project's performance will be tracked relative to benchmarks informed by existing neighborhood conditions and professional standards. If monitoring surveys indicate an imbalance in growth and relevant infrastructure and support, the Planning Department may recommend policy changes to balance development with infrastructure. Appropriate responses may include temporary or permanent alterations to Market and Octavia Neighborhood Plan policies, or heightened prioritization of plan area improvements.

URBAN DESIGN ELEMENT

POLICY 1.6 Make centers of activity more prominent through design of street features and by other means.

This Policy is satisfied in that significant change is envisioned for the "SoMa West" area, which lies between Market Street, South Van Ness Avenue, Mission Street and the Central Freeway. For more than three decades the city's General Plan has proposed that this area become a mixed-use residential neighborhood adjacent to the downtown. The Project carries this policy forward by encouraging relatively high-density mixed-use residential development in the SoMa West area. Element 7, "A New Neighborhood in SoMa West," proposes an bold program of capital improvement to create a public realm of streets and open spaces appropriate for the evolution of the public life of the area, and to serve as the catalyst for the development of a new mixed-use residential neighborhood.

In addition to these changes to the streets, the Project seeks to reinforce the hierarchy of the City's built form by concentrating height and bulk where core transit services converge. The Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) will encourage the development of a transit-oriented, high-density, mixed-use neighborhood around the intersection of Van Ness Avenue and Market Street, adjacent to downtown. This district will still have the area's most intensive commercial uses, including offices, but balances those with a new residential presence. Residential towers will be permitted along the Market / Mission Street corridor, provided they meet urban design standards. Residential towers, if built, would be clustered around the intersection of Market Street and Van Ness Avenue, with heights ranging from 160 – 400 feet.

TRANSPORTATION ELEMENT

Policy 1.1 Involve citizens in planning and developing transportation facilities and services, and in further defining objectives and policies as they relate to district plans and specific projects.

This policy is satisfied in that, starting in 2000, the Planning Department initiated a public planning process, the Better Neighborhoods Program, which developed a series of policies and proposals including those for land use, height, bulk, building design, density, transportation, and parking in the Market and Octavia area. As a part of this program, the Department has held numerous public meetings, and has briefed the Planning Commission and other public bodies and neighborhood organizations. A partial list of these public meetings can be found in the EIR and can be found on the Planning Departments website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/I_ExSum_A-1_A-2.pdf and are incorporated herein by reference.

OBJECTIVE 23: IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

OBJECTIVE 26: CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.

These Objectives are satisfied in the that the Project states that the streets in the Project area afford the greatest opportunity to create new public parks and plazas. That is why streets are included in the discussion of public open spaces. For this reason, the Project takes advantage of opportunities within public right-of-ways. Most noteworthy, Octavia Boulevard itself is conceived in part as a linear open space, as with all great boulevards, that will draw walkers, sitters, and cyclists. In addition, modest but gracious public open spaces are designated within former street right-of-ways that are availed through major infrastructure changes, along with a series of smaller open spaces, for the most part occurring within widened sidewalks areas.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for "living streets," as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project also calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability.

Finally, the Project asserts that the pedestrian friendliness of the street can be improved through architectural design and siting for new construction. Specifically, the design and use of a building's ground floor has a direct influence on the pedestrian experience. Ground floor uses in the area are devoted to retail, service, and public uses in mixed-use buildings and to residential units and lobbies in apartment buildings. These uses provide an active and visually interesting edge to the public life of the street, which is especially important on neighborhood commercial streets. Parking, which has become a common street-facing use in more recent buildings, dilutes the visual interest and vitality of the street. This Project maintains a strong presumption against permitting surface-level parking as a street-facing use; rather, it encourages retail, residential, and other active uses facing the street.

2. The Project will further the City's housing goals as established in the Housing Element of the General Plan and elsewhere. While not directly part of the current approvals, the Project will facilitate the development of the Central Freeway parcels. As discussed in the EIR and in the

plan, the development of these 22 parcels by the Redevelopment Agency is expected to produce 450 units of affordable units, with the majority (405 units) provided as affordable rental units. In addition, the remaining market rate parcels would have a 15 percent inclusionary housing obligation as proposed by the City for all Central Freeway parcels. Thus, the total proportion of development on the Central Freeway parcels would result in 50 to 60 percent of the units being affordable. Other market rate development in the area will be subject to the City's Residential Inclusionary Affordable Housing Program and will provide from 10% to 20% of the units as affordable depending on the nature and timing of development. In addition, the Project changes the density controls and allows both infill and in-law units, thus offering greater opportunity to provide increased housing diversity for people at the lower end of the economic spectrum. Moreover, decoupling the cost of parking from the cost of housing will decrease the cost of housing for people who do not need parking.

3. The Project will generate substantial financial benefits for the City. For instance, the Project will provide direct funding to the City for development of community infrastructure in the Project Area through the new fee program. The Project will also indirectly benefit the City financially through increased revenue to the City and receipt of additional grant funds for the Project Area. These financial benefits and the resulting community infrastructure benefits are detailed in the Program Document, which is incorporated herein by reference. The Program Document asserts that the projected costs for planned improvements are relatively in balance with the projected revenue opportunities. Below is a summary of the primary projected revenue sources. It should be noted that this table does not include some dedicated funds such as the Market and Octavia Bike lane, any funds secured for the Van Ness Bus Rapid Transit project, or any projections for competitive public grants and San Francisco General Fund revenues. These sources should be able to cover the remaining 15% of costs, which amounts to approximately \$38 million over a 20-year period.

Summary Table of Projected Revenue

	Projected Revenue	Percent of Total Need (\$253.7 million)
Market and Octavia Community Improvements Fee		
Residential	\$59,600,000	23.5%
Commercial	\$8,600,000	3.4%
Van Ness FAR Bonus	\$17,290,000	6.8%
Existing Development Fees	\$20,630,000	8.1%
Future Impact Fees	\$33,050,000	13.0%
Public Funds		0.0%
Dedicated Revenue	\$49,250,000	19.4%
Existing Revenue Opportunities		0.0%
Future Revenue Opportunities	\$28,280,000	11.1%
Total	\$216,700,000	85.4%

4. Implementation of the Project will promote enhanced quality of life in the Project Area. The Project seeks to enhance the neighborhood quality of life through a program of housing people, balancing transportation choices, and building whole neighborhoods as described below.

Housing People: Market and Octavia's diverse local population creates the vitality, safety, community and vitality of the place. Housing a diverse group of people means providing a variety of housing opportunities: different housing types, as well as ranges of affordability, provided in a safe and attractive setting.

Balancing Transportation Choices: The Market and Octavia area has a physical fabric that enables people to access much of what they need on foot and supports frequent and reliable transit service. Over time, this fabric has been successful because it supports a range of travel modes and enables people to choose between them as their needs dictate. It shows in people's behavior; about half of the households in the Market and Octavia area own zero cars. Automobiles do play an important role here, but should not dominate to the point of undermining this longstanding fabric or the viability of other travel modes.

Building 'Whole' Neighborhoods: Urban places like Market and Octavia work well because they support a critical mass of people and activities, which in turn makes it possible to provide a full range of services and amenities. As these neighborhoods grow, there is an opportunity and a need to provide new and additional services, more parkland and improved streets to nurture and strengthen public life.

5. Implementation of the Project will promote enhanced community facilities and open space for new residents of the area. Key community facilities and open spaces identified by the community and the Planning Department in the Market and Octavia Plan and implemented in the Project include:

New Community Parks and Public Open Space

Patricia's Green in Hayes Valley has been established as a new public open space, providing a tranquil park setting for neighborhood residents, businesses and visitors, and establishing a neighborhood focus for the community. The Project calls for establishing a new open space north of Valencia Street, by utilizing the McCoppin Street right-of-way and potentially incorporating an adjacent privately-owned parcel. The Project calls for a new park to be established at Brady Street, by converting existing surface parking lots and portions of public right-of-way into a new public park to establish a neighborhood oasis.

Community Services and Facilities

The Project calls for providing funds to improve library services and incorporating public art in the design of streets and other public improvements. Project Implementation also calls for funding for childcare facilities and recreational facilities to achieve appropriate levels of service.

Benefits to Commerce and the Pedestrian Environment in Hayes Valley

The Project calls for implementing Hayes Street as a two-way street. This part of the Project improves pedestrian crossings at key intersections including Hayes and Gough, Gough and Fell, and Oak and Franklin; alleviates high-speed automobile travel through key neighborhood intersections; creates more friendly pedestrian environment through the reduction of noise and pollution; increases the tendency for residents to walk for their daily needs; and improves pedestrian access to neighborhood commercial establishments. Maintenance of a safe and healthy pedestrian environment far outweighs the significant transportation impacts of converting the street to two-way. A healthy pedestrian environment reduces incidents of pedestrian collisions and increases residents and visitors ability to walk to most services. Walking to services and facilities creates a social network, a safety network, and a sense of place for residents and visitors. Individual users experience both physical and mental health benefits through exercise. Local commerce is inhibited by unhealthy pedestrian conditions and enhanced by healthy pedestrian conditions.

6. Implementation of the Project will enable enhanced infrastructure and streetscape improvements in the area. Key infrastructure and streetscape improvements identified by the community and the Planning Department in the Market & Octavia Plan include:

Streetscape Improvements

The Project calls for establishing “living streets and alleys” in residential areas. Improvements would include installing traffic-calming features to slow vehicular speeds and improve pedestrian safety. Narrowing traffic lanes and concentrating parking can increase neighborhood use and enjoyment by providing space for unified street tree plantings and vegetation, seating and play areas, bicycle lane improvements and other public benefits.

Pedestrian Improvements

The Project calls for variety of pedestrian improvements to more equitably allocate street space to all users. The Project includes reclaiming portions of traffic lanes for pedestrian use where there is excess vehicular capacity to establish wider sidewalks, mid-block and corner bulb-outs. These areas can be developed with plaza improvements. Corner bulbs also make streets safer by reducing the distance that pedestrians have to travel to cross an intersection.

Having considered these Project benefits and considerations, the Planning Commission finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects that cannot be mitigated to insignificant levels are therefore acceptable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
A. Shadow				
<p>A1. Parks and Open Space not Subject to Section 295</p> <p>New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the <i>Planning Code</i>.</p> <p>In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.</p> <p>Implementation of this mitigation measure would reduce but may not eliminate potentially significant shadow impacts. The potential for a significant and unavoidable impact would still exist.</p>	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department & Recreation and Parks Department	Considered complete upon design review by Planning Department
B. Wind				
<p>B1. Buildings in Excess of 85 feet in Height</p> <p>To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:</p> <ul style="list-style-type: none"> • Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter 	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department	Considered complete upon design review by Planning Department

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MARKET & OCTAVIA NEIGHBORHOOD PLAN
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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>offered by existing upwind structures as much as possible. Avoid continuous western building faces.</p> <ul style="list-style-type: none"> • Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of stepbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building. • Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface. • Avoid narrow gaps between buildings, which may accelerate westerly winds. • Avoid “breezeways” or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
<p>B2. All New Construction</p> <p>The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:</p> <ul style="list-style-type: none"> • New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time 	<p>Project Sponsor or each subsequent development project</p>	<p>During project design & development phase</p>	<p>Planning Department</p>	<p>Considered complete upon design review by Planning Department</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.</p> <ul style="list-style-type: none"> • An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question. • The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site. • Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year. • For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
C. Archaeological				
C1. Soil Disturbing Activities in Archaeologically	Project Sponsor of each	Prior to project approval	Planning Department	Considered complete

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Documented Properties</p> <p>This measure shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.</p> <p>Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:</p> <ol style="list-style-type: none"> 1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities; 2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants; 3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources; 4. Integrity and Significance: Eligibility of identified expected resources for listing to the California 	<p>subsequent development project and archaeological consultant</p>		<p>(ERO) shall determine further mitigation required, following completion of final addendum to ARD/TP.</p>	<p>upon Planning Department review of approval of addendum to ARD/TP or as appropriate approval of Final Archaeological Resources Report (FARR).</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;</p> <p>5. Impacts of Proposed Project;</p> <p>6. Potential Soils Hazards: Update discussion for proposed project;</p> <p>7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:</p> <p style="padding-left: 20px;">A. Proposed archaeological testing strategies and their justification</p> <p style="padding-left: 20px;">B. Expected archaeological resources</p> <p style="padding-left: 20px;">C. For historic archaeological resources</p> <p style="padding-left: 40px;">1. Historic address or other location identification</p> <p style="padding-left: 40px;">2. Archaeological property type</p> <p style="padding-left: 20px;">D. For all archaeological resources</p> <p style="padding-left: 40px;">1. Estimate depth below the surface</p> <p style="padding-left: 40px;">2. Expected integrity</p> <p style="padding-left: 40px;">3. Preliminary assessment of eligibility to the CRHR</p> <p style="padding-left: 20px;">E. ETP Map</p> <p style="padding-left: 40px;">1. Location of expected archaeological resources</p> <p style="padding-left: 40px;">2. Location of expected project sub-grade</p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>impacts</p> <p>3. Areas of prior soils disturbance</p> <p>4. Archaeological testing locations by type of testing</p> <p>5. Base map: 1886/7 Sanborn Fire Insurance Company map</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C2. General Soil Disturbing Activities</p> <p>This measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archaeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).</p> <p>For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:</p> <ol style="list-style-type: none"> 1. The historical uses of the project site based on any previous archaeological documentation and Sanborn maps; 2. Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would 	<p>Project Sponsor of each subsequent development project and archaeological consultant</p>	<p>Prior to project approval</p>	<p>Planning Department (ERO) shall determine what further resource is present or mitigation evaluation of potential archeological effects is required based on the Final PASS.</p>	<p>Considered complete upon Planning Department review of Preliminary Archaeological Sensitivity Study if no ARD/TP required. If an ARD/TP is required, considered complete upon submittal of Final Archaeological Resources Report (FARR).</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>potentially be eligible for listing in the California Register of Historical Resources (CRHR);</p> <p>3. If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;</p> <p>4. Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;</p> <p>5. Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.</p> <p>Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C3. Soil Disturbing Activities in Public Street and Open Space Improvements</p> <p>This measure shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.</p>	DPW	Prior to any soil disturbing activities	Project sponsor to submit all plans and reports shall be submitted to ERO	Considered complete upon review and approval of final archeological

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Monitoring Program (AMP)</u></p> <p>The archaeological monitoring program shall, at a minimum, include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with the project archaeologist, shall determine what project activities shall be archaeologically monitored. 2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; 	<p>Project sponsor and archeological consultant.</p>	<p>If Planning Department (ERO) determines monitoring program required.</p>	<p>Planning Department (ERO)</p>	<p>monitoring report.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <p>4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</p> <p>5. If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.</p> <p>If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> • The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or • An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. 				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to 	<p>Archeological consultant</p>	<p>If ERO requires archeological recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.</p> <ul style="list-style-type: none"> • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains, Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public Resources Code</i> §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i> §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><u>Final Archaeological Resources Report.</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological fieldwork and data</p>		

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>		analysis		
<p>C4. Soil Disturbing Activities in the Mission Dolores Archaeological District</p> <p>This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.</p> <p>The project sponsor shall retain the services of a qualified</p>	Project Sponsor of each subsequent development project and archaeological consultant	Prior to project construction	Planning Department (ERO)	Considered complete upon submittal of Final Archaeological Resources Report (FARR).

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any</p>	<p>Archeological consultant</p>	<p>Prior to project construction</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ol style="list-style-type: none"> 1. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or 2. A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. 	<p>Project sponsor and archeological consultant</p>	<p>If Planning Department (ERO) determines monitoring program required</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <p>2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;</p> <p>3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <p>4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ ecofactual material as warranted for analysis;</p> <p>5. If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/ excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in</p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of 	<p>Archeological consultant</p>	<p>If ERO requires archeological data recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>proposed field strategies, procedures, and operations.</p> <ul style="list-style-type: none"> • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains and Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public</i></p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p><i>Resources Code §5097.98</i>). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines §15064.5(d)</i>). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological date fieldwork and data analysis</p>		

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
D. Transportation				
<p>D1. Traffic Mitigation Measure for Hayes and Gough Streets Intersection (LOS C to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van</p>	Not Adopted	Not applicable.	Not applicable.	Not applicable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level.</p>				
<p>D2. Traffic Mitigation Measure for Hayes and Franklin Streets Intersection (LOS D to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	Not Adopted.	Not applicable.	Not applicable.	Not applicable.
<p>D3. Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak hour)¹</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal	MTA	To be determined by MTA.

¹ Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>		<p>traffic management operations to respond to changing traffic conditions.</p>		
<p>D4. Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour) ²</p> <p>Minor changes to the signal timing at the intersection of Market/Sanchez/Fifteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D.</p> <p>Impacts could be mitigated to a less than significant level if</p>	<p>MTA and Public Works</p>	<p>Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..</p>	<p>MTA</p>	<p>Feasibility to be determined by MTA.</p>

² Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>the right-turn pocket was implemented in conjunction with the signal retiming.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D5. Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)²</p> <p>Minor changes to the signal timing at the intersection of Market/Church/Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..	MTA	Feasibility to be determined by MTA.
<p>D6. Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)³</p> <p>Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..	MTA	Feasibility to be determined by MTA.

³ Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D7. Traffic Mitigation Measure for Hayes Street/Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)</p> <p>At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).</p> <p>To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p>	Not Adopted.	Not applicable.	Not applicable.	Not applicable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p> <p>This mitigation measure would substantially reduce, but would not eliminate the significant and unavoidable impact.</p>				
<p>D8. Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue (LOS F to LOS F with increased delays); Franklin Street (LOS D to LOS F); and Gough Street (LOS C to LOS F) PM peak hour</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	Not Adopted.	Not Applicable	Not applicable.	Not Applicable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
E. Air Quality				
<p>E1. Construction Mitigation Measure for Particulate Emissions</p> <p>Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures include:</p> <p>Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.</p> <p>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</p> <p>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</p> <p>Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).</p> <p>Limit traffic speeds on unpaved roads to 15 mph.</p> <p>Install sandbags or other erosion control measures to prevent</p>	Project Sponsor	During demolition, excavation, and construction	Construction Contractor and Department of Building Inspection (DBI)	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

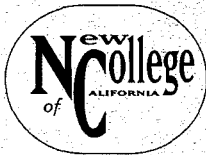
Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>silt runoff to public roadways.</p> <p>Replant vegetation in disturbed areas as quickly as possible.</p> <p>Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</p> <p>Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</p> <p>Implementation of these mitigation measures would reduce impacts to a less than significant level.</p>				
<p>E2. Construction Mitigation Measure for Short-Term Exhaust Emissions</p> <p>To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area:</p> <ul style="list-style-type: none"> • Confine idle time of combustion engine construction equipment at construction sites to five minutes. • Maintain and properly tune construction equipment in accordance to manufacturer's specifications. • Use alternative fueled or electrical construction equipment at the project site when feasible. • Use the minimum practical engine size for construction equipment. • Equip gasoline-powered construction equipment with catalytic converters when feasible. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	<p>Project Sponsor</p>	<p>During demolition, excavation, and construction</p>	<p>Department of Building Inspection (DBI)</p>	<p>Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
F. Hazardous Materials				
<p>F1. Program or Project Level Mitigation Measures</p> <p>Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:</p> <ul style="list-style-type: none"> • Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends. • Storage stockpiles shall be minimized, where practical, and properly labeled and secured. • Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions. • Activities shall be conducted so as not to track contaminants beyond the regulated area. • Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate. • Containments and regulated areas shall be properly maintained. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI
G. Geology, Soils, and Seismicity				
<p>G1. Construction Related Soils Mitigation Measure</p> <p>Program or project level temporary construction related impacts would be mitigated through the implementation of the following measures:</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy:</p> <p>Protect disturbed areas through minimization and duration of exposure.</p> <p>Control surface runoff and maintain low runoff velocities.</p> <p>Trap sediment on-site.</p> <p>Minimize length and steepness of slopes.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>				



NEW COLLEGE OF CALIFORNIA
 OPERATING ACCOUNT
 777 VALENCIA STREET
 SAN FRANCISCO, CA 94110
 (415) 437-3400

STERLING BANK & TRUST, FSB
 2122 MARKET STREET
 SAN FRANCISCO, CA 94114
 74-7184/2724

031136

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 4/24/2007 31136

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Four hundred and 00/100 Dollars

PAY

TO THE
 ORDER
 OF

SAN FRANCISCO PLANNING DEPARTMENT

VOID AFTER 120 DAYS

AUTHORIZED SIGNATURE

MP

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25 April 2007

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SAN FRANCISCO
2007 APR 25 PM 2:17

President Aaron Peskin and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Re: Appeal of the Planning Commission's Certification of the Market and Octavia Neighborhood Plan Final EIR and Findings to the Board of Supervisors

Dear President Aaron Peskin and Supervisors:

On behalf of the San Francisco Preservation Consortium, we hereby submit this appeal of the Planning Commission's certification of the Market and Octavia Neighborhood Plan Final EIR and Findings.


The EIR's discussion of resource impacts occurred without the benefit of a comprehensive up-to-date historic resources inventory of the many historical resources and potential historic districts in the Plan area.

Without such a survey, the EIR's conclusions that no mitigation measures are required to protect historical resources and that the Plan will have no significant impacts on such resources are not supported by substantial evidence.

The EIR's inadequacy cannot be cured by interim policies and procedures to allow "extra scrutiny" for projects affecting vintage resources, for many reasons, including the fact that interim measures simply will not meet CEQA's thoughtful and effective mandates.

Lacking a completed Historic Resources Inventory of the Market and Octavia Neighborhood Plan Area, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding historical resources.

Sincerely,



F. Joseph Butler, AIA, Chair
San Francisco Preservation Consortium

cc: San Francisco Planning Commission
Landmarks Preservation Advisory Board
Dean Macris, Planning Director
Paul Maltzer, Environmental Review Officer Dennis Herrera, City Attorney San Francisco Historic Preservation Fund Mayor's Office of Economic and Workforce Development San Francisco Architectural Heritage San Francisco Preservation Consortium Duboce Triangle Neighborhood Association Mission Dolores Neighborhood Association Hayes Valley Neighborhood Association San Francisco Victorian Alliance Friends of 1800 Milford Wayne Donaldson, State Historic Preservation Officer National Trust for Historic Preservation, Western Regional Office

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17406

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED MARKET AND OCTAVIA PLAN, AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND ZONING MAPS, AMEDENMENTS TO THE SAN FRANCISCO GENERAL PLAN, ADOPTION OF URBAN DESIGN GUIDELINES, AND AMENDMENTS TO THE WESTRN ADDITION A-2 REDEVELOPMENT PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2003.0347E – Market and Octavia Plan (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 et. seq., (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Citywide Group of the Department filed for environmental evaluation on 3/26, 2003 and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

b. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on January 24, 2004.

c. On June 25, 2005, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

d. On June 25, 2005, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

e. Notices of availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

2) The Commission held a duly advertised public hearing on the DEIR on July 28, 2005 at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on August 23, 2005.

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on 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, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Plan. This material was presented in a Comments and Responses document, published on September 26, 2006, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.

4) A Final Environmental Impact Report has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law ("FEIR").

5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.

6) On April 5, 2007, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

7) The Planning Commission hereby does find that the FEIR concerning Case File No. 2003.0347E – Market and Octavia Neighborhood Plan reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Final EIR document which includes the Comments and Responses contains no significant new information to the DEIR. In addition, since publication of the DEIR there has been no significant new information that would require recirculation of the document pursuant to CEQA Guideline Section 15088.5; and the Planning Commission hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

8) The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

a. A potentially significant adverse shadow effect on the environment on *the War Memorial Open Space* from Development on Franklin Street and *United Nations Plaza* from towers at the Market Street and Van Ness Avenue intersection.

b. A significant adverse traffic effect on the environment to the following intersections under the year 20205 with Plan conditions: (1) Hayes Street and Van Ness Avenue, (2) Laguna /Market/ Hermann/Guerrero Streets, (3) Market/Sanchez/Fifteenth Streets, (4) Market/Church/ Fourteenth Streets, (5) Mission/Otis/South Van Ness; (6) Hayes/Gough Streets; and (7) Hayes/Franklin Streets.

c. A significant adverse transit effect on the environment as a result of increase in delays at Hayes Street intersections at Van Ness Avenue, Franklin Street, and Gough Street. Degradation to transit service would occur as a result of increase in delays at the intersections above.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee and William Lee

NOES: Moore and Olague

ABSENT: none

EXCUSED: Sugaya

ACTION: Certification of EIR

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17407

ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE MARKET AND OCTAVIA AREA PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESTERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

Whereas, the Planning Department has undertaken a planning and environmental review process for the proposed Market and Octavia Area Plan and provided for appropriate public hearings before the Planning Commission.

Whereas, the Planning Department is seeking to encourage the protection of existing neighborhood character and ensure a mix of housing opportunities, including mid-rise and high-rise residential development at certain intersections, with clear standards and land use controls that together will ensure a safe and attractive neighborhood environment, promote use of a variety of travel modes and develop a system of public improvements in the Market and Octavia Plan Area.

Whereas, the Planning Department facilitated a public planning process, which refined a series of proposals for land use, height, bulk, building design, parking and loading, open space, rear yards, public improvements, and other controls for the Market and Octavia Area. The resulting Market and Octavia Area Plan is a comprehensive proposal for the area, including new Planning Code controls and public improvements funding.

Whereas, the Market and Octavia Area Plan proposes three new zoning districts in the area of San Francisco generally located to the West of the City's Downtown Area and includes portions of Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market Neighborhoods of San Francisco. While residential areas stay residential under the new Residential Transit Oriented (RTO) designation, and neighborhood shopping streets remain under the designation of Neighborhood Commercial Transit (NCT) Districts, a new

residential neighborhood is created under a new special use district called the Van Ness and Market Downtown Residential Special Use District.

Whereas, the actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the Market and Octavia Area Plan and various implementation actions ("Project"), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed Market and Octavia Area Plan, and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

Whereas, the Planning Department on June 25, 2005, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* ("CEQA"), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a public hearing on the DEIR on July 28, 2005.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on September 26, 2006, which together with the DEIR and additional information that became available, constitute the Final Environmental Impact Report ("FEIR")

Whereas, the Planning Commission, on April 5, 2007, by Motion No. 17406, 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 complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17406, found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission certified the FEIR as adequate, accurate, and objective, and reflecting the independent judgment of the Planning Commission in Motion No. 17406.

AND BE IT FURTHER RESOLVED, that the Planning Commission has reviewed and considered the FEIR and hereby adopts the Project Findings attached hereto as Attachment A including a

statement of overriding considerations, and including as Exhibit 1 the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee, William Lee and Sugaya

NOES: Moore and Olague

ABSENT: none

ACTION: Approval of CEQA Findings

ATTACHMENT A

MARKET AND OCTAVIA AREA PLAN

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

In determining to approve the proposed Market and Octavia Area Plan and related approval actions (the "Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives 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, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the proposed Project, the environmental review process for the project, the Planning Commission 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;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels;

Section V discusses why a subsequent or supplemental EIR is not required;

Section VI evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support the rejection of the alternatives and access options analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the Planning Commission's actions and its rejection of the Alternatives not incorporated into the Project.

Attached to these findings as Exhibit 1 is the Mitigation Monitoring and Reporting Program for the mitigation measures that have been proposed for adoption. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in the Final EIR that is required to

reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

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

a. Project Description

The Draft EIR analyzed three separate actions: (1) the Market and Octavia Area Plan, published by the San Francisco Planning Department ("Project Sponsor") in December 2002 and as revised September 7, 2006 (the "Plan"); (2) redevelopment of 22 vacant Central Freeway parcels created as a result of the removal of the elevated Central Freeway; and (3) a limited number of near-term public street and open space improvements in the Project Area. At this time, the Planning Commission and Board of Supervisors will only consider the adoption of the Market and Octavia Area Plan and associated implementation actions.

The Plan – which is more extensively described in the Market and Octavia Neighborhood Plan and in the FEIR – is a means for implementing an innovative set of land use controls, urban design guidelines, and public space and transportation system improvements to create a dense, vibrant and transit-oriented neighborhood. The controls encourage new housing and enhance the urban environment in a variety of ways.

On November 16, 2006 in a letter to the Office of Major Environmental Analysis, the project sponsor, the Department, found feasible and recommended as part of the Project mitigation measures 5.7.A, 5.7.B, and 5.7.G of the DEIR. These measures would remove the proposal to make Hayes Street two-ways between Gough Street and Van Ness Avenue. In certifying the EIR and approving the Project, the Planning Commission disagreed with Department staff and found the mitigation measures 5.7.A, 5.7.B, and 5.7.G infeasible for the reasons set forth in Section III. The Commission voted to maintain the proposal to make Hayes Street two-ways between Gough Street and Van Ness as part of the Project.

b. Environmental Review

The Planning Department determined that an Environmental Impact Report ("EIR") was required for the Project. The Planning Department published the Draft EIR and provided public notice of the availability of the Draft EIR for public review and comment on June 25, 2005.

On January 24, 2004, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse. Notices of Availability ("NOA") for the Draft EIR of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

The Planning Commission held a duly noticed public hearing on the Draft EIR on July 28, 2005. At this hearing, opportunity for public comment was given, and public comment was received on the Draft EIR. The Planning Department accepted public comments on the Draft EIR from June 25, 2005 to August 23, 2005.

On May 22, 2006, in response to community input, the Project Sponsor published a document entitled *Proposed Revisions to The Market and Octavia Neighborhood Plan* ("Proposed

Revisions"). On May 23, 2006, the Project Sponsor hosted a community meeting to receive public comment on the *Proposed Revisions*. In response to community input, the Planning Department further revised the *Proposed Revisions* document and finalized it on September 7, 2006.

The Planning Department prepared responses to comments on environmental issues received at the public hearing and in writing, prepared revisions to the text of the Draft EIR in response to comments received or based on additional information that became available during the public comment review period, analyzed the *Proposed Revisions*, and corrected errors in the Draft EIR. This material was presented in the "Comments and Responses" published on September 26, 2006, was distributed to the Planning Commission and to all parties who commented on the Draft EIR, and was available to others upon request at the Planning Department's office. Since the publication of the *Proposed Revisions*, the Planning Commission has held extensive public hearings on the Plan. During the course of these hearings and in response to public comment, the Planning Commission has directed staff to make several revisions to the Plan as described in various staff reports on file with the Planning Commission ("Additional Revisions"). In certifying the EIR, the Planning Commission found that none of the information added after the publication of the DEIR, including the *Proposed Revisions*, the environmental analysis of the *Proposed Revisions*, and the Additional Revisions triggered the need for recirculation of the EIR. Nor does the adoption of the Plan with the *Proposed Revisions* and the Additional Revisions trigger the need for a supplemental or subsequent EIR as discussed in Section V. A Final EIR has been prepared by the Planning Department consisting of the Draft EIR, all comments received during the review process, and the Comments and Responses. The Draft EIR, the Comments and Responses, and all appendices thereto comprise the "EIR" referenced in these findings.

c. Planning Commission Actions

The Planning Commission will take the following actions and approvals to implement the Project.

- Certify the Final EIR.
- Adopt CEQA findings and a Mitigation Monitoring and Reporting Program.
- Determine consistency of the Market and Octavia Neighborhood Plan with the General Plan and Planning Code Section 101.1 Priority Policies, and recommend adoption to the Board of Supervisors.
- Approve adoption of amendments to the General Plan constituting the Market and Octavia Area Plan, pending approval by the Board of Supervisors.
- Approve and recommend to the Board of Supervisors related amendments to the San Francisco Planning Code and Zoning Maps.

d. Location of Records

The record upon which all findings and determinations related to the Project are based includes the following:

- The Plan and the *Proposed Revisions*.
- The EIR, and all documents referenced in or relied upon by the EIR.

- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR.
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and sub consultants who prepared the EIR, or incorporated into reports presented to the Planning Commission.
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- All applications, letters, testimony and presentations presented to the City by the project sponsor and its consultants in connection with the Project.
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.
- For documentary and information purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- The MMRP.
- All other documents comprising the record pursuant to Public Resources Code Section 2116.76(e)

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1660 Mission Street, San Francisco. Linda Avery, Commission Secretary, is the custodian of these documents and materials.

II. Impacts Found Not To Be Significant and Thus Requiring No Mitigation

Based on substantial evidence in the whole record of this proceeding, the City finds that the implementation of the Plan will not result any significant impacts in the following areas: Land Use and Zoning; Population, Housing, and Employment; Urban Design and Visual Quality; Noise; Public Facilities, Services, and Utilities; Hydrology; and Growth Inducement. Each of these topics is analyzed and discussed in detail including, but not limited to, in the EIR at Chapters 4.2, 4.3, 4.4, 4.9, 4.12, 4.13, and 4.14.

III. Findings of Potentially Significant Impacts That Can Be Avoided Or Reduced To A Less Than Significant Level

Finding: The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The findings in this Section III and in Section IV concern mitigation measures set forth in the FEIR. These findings discuss mitigation measures as proposed in the FEIR and recommended for adoption by the Board of Supervisors, which can be implemented by City agencies or departments. Except for minor revisions made to the language of mitigation measures to reflect the fact that the project sponsor is now recommending implementation of measures 5.7.A, 5.7.B, and 5.7.G of the DEIR as shown below, the mitigation measures proposed for adoption in this section are the same as the mitigation measures identified in the FEIR.

As explained previously, **Exhibit 1**, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Chapter V of the EIR that is required to reduce or avoid a significant adverse impact. **Exhibit 1** also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

The Planning Commission finds that, based on the record before it, the mitigation measures proposed for adoption in the FEIR are feasible, with the exception of Mitigation Measures 5.7A, 5.7.B, and 5.7G, and the possible exception of Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H, as explained further below, and that they can and should be carried out by the identified agencies at the designated time.

This Planning Commission finds Mitigation Measures 5.7.A, 5.7.B, and 5.7.G infeasible for the following specific economic, legal, social, technological and other reasons. During the course of public hearings and staff presentations on the Plan, the Planning Commission has heard significant public testimony supporting these findings of infeasibility.

The Market and Octavia Plan proposed to convert Hayes Street between Franklin and Laguna to a two way street (the "original project"). The original project was proposed to address the inhospitable pedestrian environment. The proposed mitigation measures 5.7.A, 5.7.B, and 5.7.G maintain the one-way street, leaving unresolved the negative social and economic environment created by the existing conditions. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell, creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; and reducing the tendency for residents to walk for their daily needs.

Specifically, the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for economic reasons due to the negative impacts on the local economic environment. The mitigation measures constrain pedestrian behavior, especially limiting pedestrian comfort with crossing at key intersections. These conditions have a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. An awkward and unsafe pedestrian environment constrains the natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities and unacceptably damages the economic vitality of neighborhood commercial establishments.

In addition the mitigation measures 5.7.A, 5.7.B, and 5.7.G are infeasible for social reasons. They create an unhealthy pedestrian environment, which discourages residents and visitors from walking for most trips and increase the likelihood of jay walking and pedestrian-car collisions. Further, the inability to walk to key destinations reduces an individual's ability to form important social networks that create a sense of safety and community in a neighborhood.

The Planning Commission finds that the existing conditions result in negative social and economic circumstances rendering the mitigation measures infeasible. The Planning

Commission acknowledges that because these measures are infeasible and will not be adopted and implemented at this time, the Project will result in significant unavoidable impacts as discussed below and in the EIR.

This Planning Commission urges other agencies to adopt and implement the remaining applicable mitigation measures set forth in the FEIR that are within the jurisdiction and responsibility of such entities. The Planning Commission acknowledges that if such measures are not adopted and implemented, or if Transportation Measures 5.7.C, 5.7.D, 5.7.E, 5.7.F, and 5.7.H are infeasible, the Project may result in additional significant unavoidable impacts.

For all of these reasons, and as discussed in Section VI, the Planning Commission is adopting a Statement of Overriding Considerations as set forth in Section VII.

All mitigation measures identified in the FEIR that will reduce or avoid significant adverse environmental impacts, except Mitigation Measures 5.7.A, 5.7.B, and 5.7.G, are proposed for adoption and are set forth in **Exhibit 1**, in the Mitigation Monitoring and Reporting Program. None of the mitigation measures set forth in the FEIR that are needed to reduce or avoid significant adverse environmental impacts are rejected.

A. Wind

1. Impact – Wind

a) Potentially Significant Impact

The Plan would result in a potentially significant wind impact due to the potential for development of major buildings in the Project Area, particularly those allowed up to 400 feet around the Market Street and Van Ness Avenue Intersection.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures:

Buildings in Excess of 85 feet in Height

To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:

- Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter offered by existing upwind structures as much as possible. Avoid continuous western building faces.
- Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of setbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building.

- Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface.

Avoid narrow gaps between buildings, which may accelerate westerly winds.

- Avoid “breezeways” or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels.

All New Construction

The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:

- New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.
- An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.
- The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.
- Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year.
- For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.

B. Historical Resources

1. Impact – Archaeological: Soils Disturbing Activities in Archaeological Documented Properties

a) Potentially Significant Impact

The proposed higher residential densities, elimination of residential density limits, and increased subsurface excavation associated with infill development on several blocks within the Project Area could have a potentially significant adverse impact on archaeological documented resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measures, which shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.

Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:

1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;
2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;
3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources;
4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;
5. Impacts of Proposed Project;
6. Potential Soils Hazards: Update discussion for proposed project;
7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:
 - A. Proposed archaeological testing strategies and their justification
 - B. Expected archaeological resources
 - C. For historic archaeological resources
 1. Historic address or other location identification
 2. Archaeological property type
 - D. For all archaeological resources
 1. Estimate depth below the surface
 2. Expected integrity

3. Preliminary assessment of eligibility to the CRHR
- E. ETP Map
1. Location of expected archaeological resources
 2. Location of expected project sub-grade impacts
 3. Areas of prior soils disturbance
 4. Archaeological testing locations by type of testing
 5. Base map: 1886/7 Sanborn Fire Insurance Company map.

2. Impact – Archaeological: General Soils Disturbing Activities

a) Potentially Significant Impact

Construction activities on those properties that have no Archeological Assessment Report or for minor soils disturbance in the Mission Dolores Archaeological District could significantly impact archaeological resources.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

The mitigation measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archaeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).

For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:

The historical uses of the project site based on any previous archaeological documentation and Sanborn maps;

Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR);

If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;

Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;

Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.

Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.

3. Impact – Archaeological: Soils Disturbing Activities in Public Street and Open Space Improvements

a) Potentially Significant Impact

Public street and open space improvements could have a potentially significant impact on archaeological resources as a result of soil disturbances in excess of four feet.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure, which shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Monitoring Program (AMP)

The archaeological monitoring program shall, at a minimum, include the following provisions:

- a) The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with

two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

4. Impact – Archaeological: Soils Disturbing Activities in the Mission Dolores Archaeological District

a) Potentially Significant Impact

The increase in residential densities and subsurface basements would increase the potential for soil disturbances, which could adversely affect archaeological resources within the Mission Dolores Archaeological District.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less than significant level with the following mitigation measure. Further evaluation of the archaeological resources at the project level may be required.

This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.

The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in *CEQA Guidelines* §15064.5 (a)(c).

Archaeological Testing Program

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact *analysis* procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive

the project archaeologist, shall determine what project activities shall be archaeologically monitored.

- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.

If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or
- An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or
- A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program

If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;

- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (*Public Resources Code* §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*CEQA Guidelines* §15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.

Final Archaeological Resources Report

The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation

- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archaeological Data Recovery Program

The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.

forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.

C. Air Quality

1. Impact – Air Quality: Particulate Emissions During Construction

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term PM₁₀ and PM₂₅ emissions.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures will reduce the level of dust created by construction and thus minimize the impacts on human health.

These measures include:

- Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

2. Impact – Air Quality: Short-Term Exhaust Emissions

a) Potentially Significant Impact

Construction activities in the Project Area and on specific projects would result in short-term emissions related to the operation of fossil fuel burning equipment.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure.

To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area, which would reduce impacts to a less than significant level.

- Confine idle time of combustion engine construction equipment at construction sites to five minutes.
- Maintain and properly tune construction equipment in accordance to manufacturer's specifications.
- Use alternative fueled or electrical construction equipment at the project site when feasible.
- Use the minimum practical engine size for construction equipment.
- Equip gasoline-powered construction equipment with catalytic converters when feasible.

D. Hazardous Materials

1. Impact – Hazardous Materials: Construction Activities

a) Potentially Significant Impact

The proposed development would increase the potential for demolition and renovation activities within the Project Area. To the extent that the Plan would encourage new construction, temporary impacts or risks would occur during the demolition phase of development induced by the Plan or project development.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:

- Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends.
- Storage stockpiles shall be minimized, where practical, and properly labeled and secured.
- Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions.
- Activities shall be conducted so as not to track contaminants beyond the regulated area.
- Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate.
- Containments and regulated areas shall be properly maintained.

E. Geology, Soils, Seismicity

1. Impact – Soils: Construction Activities

a) Potentially Significant Impact

Soil exposed during construction may be subject to erosion, which could potentially create a significant environmental impact.

b) Mitigation Measure and Conclusion

The City finds the potentially significant impact listed above will be reduced to a less-than-significant level with the following mitigation measure. Program or project level temporary construction related impacts would be mitigated to a less than significant level through the implementation of Best Management Practices (BMP) erosion control features, which shall be developed with the following objectives and basic strategy:

- Protect disturbed areas through minimization and duration of exposure.
- Control surface runoff and maintain low runoff velocities.
- Trap sediment on-site.
- Minimize length and steepness of slopes.

F. Transportation

1. Impact – Traffic: Hayes and Gough Streets Intersection

a) Potentially Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

2. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Potentially Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound

travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

3. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Potentially Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

IV. Significant Impacts That Cannot Be Avoided Or Reduced To A Less Than Significant Level

Finding: Based on substantial evidence in the whole record of these proceedings, the City finds that, where feasible, changes or alterations have been required, or incorporated into, the Plan to reduce the significant environmental impacts listed below as identified in the FEIR. The City determines that the following significant impacts on the environment, as reflected in the FEIR,

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 City 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.

A. Shadow

1. Impact – Shadow: War Memorial Open Space

a) Significant Impact

Development on Franklin Street could cast mid-afternoon shadows year round on the War Memorial Open space that could result in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation measures, the potentially significant impact listed above may not be reduced or avoided.

2. Impact – Shadow: United Nations Plaza

a) Significant Impact

Incremental shading on United Nations Plaza from towers at the Market Street and Van Ness Avenue intersection would occur in later winter afternoons resulting in a potentially significant impact.

b) Mitigation Measure and Conclusion

New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the *Planning Code*. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. Even with mitigation

measures, the potentially significant impact listed above may not be reduced or avoided.

B. Transportation

1. Impact – Traffic: Laguna/Market/Hermann/Guerrero Streets Intersection

a) Significant Impact

Laguna/Market/Hermann/Guerrero Streets intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

2. Impact – Traffic: Market/Sanchez/Fifteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fifteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the Market/Sanchez/Fifteenth Streets intersection to allow more time for impacted movements may improve conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D. Impacts could be mitigated to a less than significant level if the right-turn pocket was implemented in conjunction

with the signal retiming. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

3. Impact – Traffic: Market/Church/Fourteenth Streets Intersection

a) Significant Impact

Market/Sanchez/Fourteenth Streets intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Market/Church/ Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals. As the feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

4. Impact – Traffic: Mission Street/Otis Street/South Van Ness Avenue Intersection

a) Significant Impact

Mission Street/Otis Street/South Van Ness Avenue intersection (LOS E) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.

It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions. As the

feasibility of the signal timing changes has not been fully assessed and the secondary affects noted above have not been fully analyzed, the potential for a significant and unavoidable impact would still exist.

5. Impact – Traffic: Hayes Street/Van Ness Avenue Intersection

a) Significant Impact

Hayes/Van Ness Avenue intersection (LOS F) would experience increased delays in the PM peak hour, resulting in a significant and unavoidable impact.

b) Mitigation Measure and Conclusion

At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).

To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.

The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions. The mitigation measure of reestablishing the westbound travel lane (eliminating the Project's proposed changes to Hayes Street as described below) would substantially reduce, but would not eliminate the significant and unavoidable impact.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

6. Impact – Traffic: Hayes and Gough Streets Intersection

a) Significant Impact

The Hayes/Gough Street intersection would degrade from LOS C to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of the following mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

7. Impact – Traffic: Hayes and Franklin Streets Intersection

a) Significant Impact

The Hayes/Franklin Street intersection would degrade from LOS D to LOS F in the PM peak hour, resulting in a significant and unavoidable impact, unless the existing traffic configuration is maintained.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

8. Impact – Transit: Operational Delays and Service Disruption to MUNI 21 Hayes Line

a) Significant Impact

Severe operational delays and service disruptions affecting MUNI's 21-Hayes line due to severe delays experienced at three successive intersections with two-way Hayes.

b) Mitigation Measure and Conclusion

The City finds that implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level. To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.

This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the two-way Hayes portion of the Plan could not be implemented on Hayes Street.

As discussed above, the Planning Commission finds this mitigation measure to be infeasible and does not adopt it.

V. Neither Recirculation Nor a Subsequent or Supplemental EIR Is Required

1. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that it contains additions, clarifications, and modifications, including a description and analysis of the Project, *Proposed Revisions*, and *Additional Revisions*. The Planning Commission has reviewed and considered the FEIR and all of this information. In certifying the FEIR, the Planning Commission found that the FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the DEIR does not involve a new significant environmental impact, a substantial increase in the severity of a significant environmental impact, or a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Project and that the Project Sponsor declines to adopt. No information indicates that the DEIR was inadequate or conclusory.

2. The Project as it now stands fall within the range of impacts and the range of alternatives studied in the DEIR.

3. The Planning Commission finds that (1) modifications incorporated into the Project and reflected in the Actions will not require important revisions to the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of

previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the Project or the Actions are undertaken which would require major revisions to the FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and (3) no new information of substantial importance to the Project or the Actions has become available which would indicate (a) the Project or the Actions will have significant effect not discussed in the FEIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIR would substantially reduce one or more significant effects on the environment.

VI. Evaluation Of Project Alternatives

This Section describes the Project as well as the Project Alternatives and the reasons for rejecting the Alternative. This Article also outlines the Project's purposes and provides a context for understanding the reasons for selecting or rejecting alternatives, and describes the Project alternative components analyzed in the FEIR.

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of the Project.

A. Reasons for Selection of the Project

As discussed above in Section I, the Project is based on the Project Description analyzed in the FEIR, with the *Project Revisions* finalized in September 2006. In addition to the proposed Project, the FEIR analyzed two Alternatives:

- No Project Alternative – Existing Controls
- Reduced Height/Reduced Density Alternative

These Alternatives are discussed in greater detail in Section 7 of the EIR.

In approving the Project, the Planning Commission has carefully considered the attributes and the environmental effects of the Project and the Alternatives discussed in the FEIR. This consideration, along with reports from City staff and public testimony has resulted in the Project. The Project achieves the objectives as set forth in the FEIR as follows:

The Project is selected because it will promote the greatest achievement of all of the following objectives, which would not be achieved by either the No Project Alternative or the Reduced Height/Reduced Density Alternative.

- Create a dense, vibrant and transit-oriented neighborhood that capitalizes on all of the unique characteristics and development opportunities of the Project Area.

The Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR. The Project creates opportunity to provide more housing in the place where it can best be accommodated, in areas with significant infrastructure investment. The Project seeks to establish a residential intensity that supports the transit uses in the area. When providing more housing, it is often not the accommodation of the people that strains a neighborhood, oftentimes it is the accommodation of the car trips. The Project's controls ensure that some portion of new housing is developed for households that rely on walking, transit and carshare to meet their daily needs. The Project also combines the housing ideas with streetscape and transit improvements that would encourage walking, improve transit and help to return balance to the city streets. In this way the Project gracefully accomplishes the City's goals for housing production to satisfy need.

- Strengthen the community's supply of housing by increasing well-designed infill housing.

While the Market & Octavia Project creates a dense, transit-oriented neighborhood by permitting more residential development than would be allowed under current controls (no project alternative) and more than under the alternative analyzed in this EIR, it does so in a very focused manner. The Project does not non-discriminately raise heights. Rather, in roughly 59% of the parcels there is no change in height, roughly 33% of the parcels show a decrease in height by more than 10 feet. Only about 8% of the parcels would see an increase in height and of the total Project area only 3% of the parcels would see an increase of more than 10 feet. The Project is increasing housing supply but in large part it is doing so within the scale of the existing neighborhood fabric. Infill housing would further controlled by the design principles described in the Project that control building aspects such as massing and articulation, activation of the ground floor, curb cuts, alley frontages and supporting open space for residential units.

- Strengthen the economic base of the Project Area and the community by increasing neighborhood-serving retail and service businesses throughout the Project Area.

The Project would transition a large part of the SoMa West area from C-M (Heavy Commercial) to a Neighborhood Commercial Transit (NCT-3) district. C-M districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts with an emphasis on wholesaling, business services, and some light manufacturing and processing. The new NCT district in this area would increase the amount of land for neighborhood-serving retail and businesses. Also, in SoMa West, the remaining land would be rezoned from C3-G (Downtown General Commercial) to C3-G with a special use district overlay called Van Ness and Market Downtown Residential SUD. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence, thereby increasing the purchasing power of the neighborhood. Similarly, but to a lesser scale, the remainder of the Project Area will benefit from a larger consumer base as density increases. Outside of the SoMa West Area, existing neighborhood commercial districts will in large part remain and not expand in scope.

The Project would, by making Hayes Street two-way, enhance the neighborhood commercial vitality of Hayes Valley. Maintaining Hayes Street as one-way limits pedestrian comfort with crossing at key intersections and thus has a negative impact on an important economic engine to the neighborhood. Local shops, restaurants and services must be able to serve both residents and visitors. By slowing traffic and improving the pedestrian environment, the Project improves the

natural connection of Hayes Valley's neighborhood commercial district, especially with neighboring Civic Center facilities.

- Focus design attention especially on the development need and opportunities in two subareas: (1) reintegrating the vacant Central Freeway parcels into the neighborhood and (2) creating a high-density new neighborhood around South Van Ness Avenue, Market Street and Mission Street that takes advantage of that area's high height potential and elegantly designed residential towers.

The Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Increase the mix of land uses and the density required to create a successful vibrant transit-oriented neighborhood reflecting the unique character of the Project Area.

Similar to the discussion in the above objective, the Project devotes attention to each of the Central Freeway parcels, developing lot-specific design guidelines for each parcel. The parcel-specific controls are tailored to the unique parcel attributes from the narrow boulevard parcels less than 20 feet wide to the large block sized parcels between Oak and Fell Streets. At SoMa West, the Project positions 400' mixed-use towers at the Market and Van Ness intersection and transit hub. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate.

- Revise the height districts throughout the Project Area to sculpt an urban form that maximizes housing opportunities mediated by building type, street-level livability, views, and skyline effects.

The new height districts maintain the carefully sculpted heights near the Civic Center to preserve views towards City Hall. The new heights punctuate the new residential neighborhood with 400' towers at the Market and Van Ness intersection. These towers would mark the City's premier intersection of Van Ness Avenue and Market Street and visually mark the edge of downtown with residential towers that are taller yet approximately 50% less bulky than the neighboring office towers. At the Mission and South Van Ness smaller mixed-used residential towers are planned where the Van Ness Bus Rapid Transit line would terminate. The focal point of towers at Market and Van Ness intersection, would be supported by buildings that are 120-feet, the same height as the tower podiums. 120-feet is the established podium height for most of Market Street as it represents a fundamental urban design principal that streets can comfortably hold buildings as high as the streets are wide. From the Market and Van Ness intersection heights generally taper down both along Market Street and towards the West as intensity of street use lessens. Heights are lowered in front of the Mint to preserve views to the Mint. Key intersections are marked with height that tapers in mid-block. Along east-west alleys, additional controls are placed based upon street width and sun angle to ensure light reaches the sidewalk.

- Improve the area's public streets and open spaces necessary for a vibrant transit oriented neighborhood, including incorporating traffic calming strategies, street tree planning, new park creation, and streetscape improvements.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for “living streets” as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability. The Project's ideas for traffic-calming include corner bulb-outs and reduced distance for pedestrian crossings.

- Improve the operation and convenience of all transportation modes required for a vibrant transit-oriented place, with a focus on transit, bicycle, and pedestrian movement.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City's downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

- Within the controls required to create a vibrant and transit oriented neighborhood, provide flexibility in the development of the Project Area so that development can respond to market conditions over time.

The Project will enable the creation of new housing units in the Market and Octavia Neighborhood with a level of flexibility in both density controls and in parking controls. Instead of specific parking requirements, the Project sets parking caps and allows for parking provision anywhere from zero spaces per unit up to the parking caps. Further, unbundling parking from housing allows residents to pay separately for costly parking spaces and housing and allows residents to choose whether to pay for parking or not. Like the parking controls, the new density controls provide flexibility in that they no longer regulate density as a factor of lot square but instead only control the form of the building. This will allow for creativity in housing unit types within the form and scale of established neighborhoods.

- Undertake the public improvements proposed in the Plan in a manner that makes them affordable to the City by using innovatively the full range of public financing tools to support the City in meeting its share of the planning and development responsibility for the quality and character of the public realm.

The Project identifies community improvements necessary to accommodate projected growth of residential and commercial development in the Project Area while maintaining and improving community character. The Project, through the Market and Octavia Community Improvements Program Document (dated September 18, 2006) ("Program Document"), incorporated herein by reference, also identifies a number of potential revenue sources to fund community improvements. They include:

- Use of Public agency grants (Federal and State Funding as well as General Fund monies);
- Establishing Community benefit districts, parking benefit districts and other assessment districts and utilizing the funds generated to mitigate development impact;
- Establishing parking and/or curb cut impact fees to mitigate specific impacts generated by the components of a project;

- Sale of Development Credits; and
- Establishing a Development Impact Fee to mitigate the impacts generated by development and utilize the revenue to fund the necessary community improvements.

B. Alternatives Rejected and Reasons for Rejection

The Planning Commission rejects the Alternatives set forth in the FEIR and listed below because the Planning 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 in Section VII below under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives.

The No Project Alternative

The No Project Alternative assumes that the Planning Department would not adopt and implement the Project. Development within the Project Area would take place under the existing zoning regulations and the regulations of the *Western Addition A-2 Redevelopment Plan*, which apply to an area in the northern portion of the Project Area, and would remain in place through 2009.

The No Project Alternative would not be desirable nor meet the Project objectives for the following reasons.

Housing:

- The No Project Alternative would retain the existing one-to-one parking requirements. These requirements have adverse impacts on the City's supply of housing and make housing more expensive. The requirement to couple housing with parking provides less space per site to devote to much-needed housing. Moreover, providing parking with every housing unit increases the cost to construct and provide housing thus making housing less affordable. As detailed in the Housing Element of the General Plan, affordable housing is in great demand in the City and housing for those at all levels of the economic spectrum is much needed.
- Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to the Market & Octavia area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Infill Development:

Under the No Project Alternative, current zoning controls would remain in effect. Current zoning controls permit infill development in existing neighborhoods that is out of character with

the existing housing stock. Existing controls permit much larger and bulkier development than the controls proposed under the Project. The Planning Commission finds that well-designed infill development is a desirable outcome for the City.

Neighborhood-Serving Retail

Under the No Project Alternative, current zoning, especially in the SOMA West Neighborhood (CM and C3-G) does not promote neighborhood-serving retail and service establishments. During the community process, the community identified neighborhood-serving uses as a priority for the neighborhood.

Central Freeway Parcels:

Most of the Central Freeway parcels are currently vacant parcels, many of which are zoned P (Public). Under the No Project Alternative, given their small and unusual size, some of the lots are difficult if not impossible to develop under current zoning. Leaving these lots – which are centrally located in the community – vacant is not a desirable outcome for the City or for members of the community.

High Density Residential Development:

- Under the No Project Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. If development were to occur under these controls, it would be at a similar bulk as existing buildings so would be undifferentiated and would not mark these important intersections.
- Under the No Project Alternative, the current zoning for the area around South Van Ness Avenue, Market Street, and Mission Street generally does not permit residential development. Thus, the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit -- increasing traffic, air pollution, and resulting in a less friendly environment for other modes of travel.
- Under the No Project Alternative, while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Public Streets and Open Spaces:

Under the No Project Alternative, the existing controls provide for no special transit or street improvement strategies. There is no strategy to provide a buffer between the street and current uses. The community emphasized the need to improve the existing character of the streets and to

create transit and street improvement strategies and this need is not met by the No Project Alternative.

Transit Orientation:

Under the No Project Alternative, the existing controls provide for no special emphasis on alternative means of transportation. The current controls and existing situation are geared primarily toward transportation by automobile. This situation is contrary to the City's Transit First Policy.

Flexibility of Land Use Controls:

Under the No Project Alternative, the existing controls provide little flexibility in many of the requirements. For example, generally for each unit in the Project Area parking must be provided at one parking space per one unit—no more and no less. This lack of flexibility does not allow the City and Project Sponsors to account for the current market or current trends. In addition, the current method of establishing density is rigid in that it sets absolute unit caps based upon lot area. This again, restricts the City and Project Sponsors from designing denser or more architecturally interesting projects. The Project has a unit mix requirement to ensure that some larger units get built, but otherwise the density of developments can be flexible within the prescribed building envelope.

Community Infrastructure Improvement:

Under the No Project Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 4400 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop from approximately \$59,000,000 to approximately \$15,000,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

Reduced Height/Reduced Density Alternative

The Reduced Height/Reduced Density Alternative focuses on reducing the significant transportation and shadow impacts that would occur with the implementation of the Project. The Reduced Height/Reduced Density Alternative proposed would have differed from the proposed project in two areas:

- Hayes Street, which is recommended for conversion to two-way operation between Van Ness Avenue and Octavia Boulevard in the Project, would remain as a one-way street with the current operations.
- Height increases proposed under the Project would be reduced in the area around the Market Street/Van Ness Avenue/South Van Ness Avenue intersection under the Reduced Height/Reduced Density Alternative.

All other policies and recommendations in the Reduced Height/Reduced Density Alternative would remain the same as those of the proposed project.

The Reduced Height/Reduced Density Alternative would not be desirable nor meet the Project objectives for the following reasons:

High Density Residential Development:

Under the Reduced Height/Reduced Density Alternative while projects may be developed around South Van Ness Avenue, Market Street, and Mission Street, the existing bulk controls allow bulk that is 50% more bulky than the proposed Project. The bulk combined with the reduced height would mean that, if development were to occur under these controls, it would be at a similar height and bulk and would be undifferentiated from existing buildings. Such development would not visually or architecturally mark these important intersections.

Housing and Development in Transit Corridors:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. Thus, not only would fewer much-needed housing units result, but the City's residential growth which under the Project was allocated to this area, which is rich in transit, would be allocated to less transit-friendly areas of the City. This result would necessitate more travel by automobile than by public transit, straining the City's already over-taxed roadways.

Community Infrastructure Improvement:

Under the Reduced Height/Reduced Density Alternative, the restriction on heights around South Van Ness Avenue, Market Street, and Mission Street would result in the potential for 215 fewer residential units. This would result in less density in the area and less revenue from the Community Infrastructure Fee. The decreased density and lower fee revenue would allow for fewer community improvements in the area. The projected revenue from the Market and Octavia Community Improvement Fee would drop approximately \$2,150,000.

One-Way Hayes Street

Under the No Project Alternative, Hayes Street would remain one-way. This would have a continuing negative effect on pedestrian safety and the pedestrian environment as well as a negative effect on the commercial vitality of the Hayes Street neighborhood. The negative effects of maintaining Hayes Street as one way include: constraining pedestrian crossings at key intersections including Hayes and Gough, and Gough and Fell; creating conditions for high-speed automobile travel through key neighborhood intersections; creating an unfriendly pedestrian environment due to noise and pollution; reducing the tendency for residents to walk for their daily needs, and reducing the economic vitality of commercial establishments in Hayes Valley.

C. Environmentally Superior Alternative

The Reduced Height/Reduced Density Alternative is the Environmentally Superior Alternative because it would result in less development in the Market and Octavia Area and fewer potentially significant effects on shadows. Originally, the Reduced Height/Reduced Density Alternative was also expected to result in fewer impacts on transportation, but with the agreement of the Project Sponsor to retain Hayes Street as a one-way street with the current operations, the transit impacts that were improved by this aspect of the Reduced Height/Reduced Density will be reduced in the Project as well. However, for the reasons stated above, this alternative is rejected as infeasible.

VII. Statement Of Overriding Considerations

Pursuant to CEQA section 21081 and CEQA Guideline 15093, the City hereby finds, after consideration of the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. The specific reasons for this finding, based on substantial evidence in the record, constitute the following "Statement of Overriding Considerations."

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specially finds, 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. Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

1. The Project will implement and fulfill the policies and objectives of the General Plan including, but not limited to, the following:

The Market and Octavia planning process built on existing General Plan policies. Analysis of applicable General Plan Objectives and Policies has determined that the proposed action is, on balance, consistent with the General Plan. The proposed actions offer a compelling

articulation and implementation of many of the concepts outlined in the General Plan, especially the Air Quality, Urban Design, Transportation Element, Commerce and Industry, Recreation and Open Space, and Arts Elements. Below are key policies and objectives that support the proposed actions.

NOTE: General Plan Elements are in **CAPITAL BOLD LETTERS**

General Plan Objectives are in CAPITAL LETTERS

General Plan Policies are in Arial italics font

AIR QUALITY ELEMENT

OBJECTIVE 2: REDUCE MOBILE SOURCES OF AIR POLLUTION THROUGH IMPLEMENTATION OF THE TRANSPORTATION ELEMENT OF THE GENERAL PLAN

reducing congestion on roadways;

giving priority to public transit, as mandated by the "Transit First" policy;

encouraging the use of modes of travel other than single occupant vehicles such as transit, carpooling, walking, and bicycling;

managing the supply of parking in the downtown area.

promoting coordination between land use and transportation to improve air quality;

This Objective is satisfied in that the Project seeks to coordinate land use and transportation by encouraging housing in the Project area that is rich in transit infrastructure and support. It encourages development of new housing while maintaining the scale of the existing neighborhood, and encourages establishing a high-density residential neighborhood in SoMa West, near Van Ness, Market, and Mission Streets.

The Project establishes policies to balance transportation choices in the neighborhood, which is located at a crossroads between residential neighborhoods and the City's downtown commercial district. Transportation policies call for reducing dependence on private automotive vehicle use and improving infrastructure to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. It includes policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing patterns.

POLICY 3.2 Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

This Policy is satisfied in that the Project will encourage the development of new housing, neighborhood services, open space and sustainable transportation in the Market and Octavia neighborhood generally including the intersections of Market and Church Streets, Market Street and Van Ness Avenue, and the new Octavia Boulevard and parcels within walking distance of these areas. The Project will ensure that new development regenerates the neighborhood fabric where the Central Freeway once stood and transforms the SoMa West area into a full-service neighborhood. The Project supports the General Plan's vision of building where growth can be

accommodated by transit and services, encouraging public transit use over travel by private automobile, and expanding housing opportunities adjacent to the downtown area.

POLICY 3.6 Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

This Policy is met in that the Project establishes a monitoring program that will provide feedback on the Project's impacts and allow for corrections and revisions if necessary. In order to track implementation, the Planning Department will monitor key indicators. The Project's performance will be tracked relative to benchmarks informed by existing neighborhood conditions and professional standards. If monitoring surveys indicate an imbalance in growth and relevant infrastructure and support, the Planning Department may recommend policy changes to balance development with infrastructure. Appropriate responses may include temporary or permanent alterations to Market and Octavia Neighborhood Plan policies, or heightened prioritization of plan area improvements.

URBAN DESIGN ELEMENT

POLICY 1.6 Make centers of activity more prominent through design of street features and by other means.

This Policy is satisfied in that significant change is envisioned for the "SoMa West" area, which lies between Market Street, South Van Ness Avenue, Mission Street and the Central Freeway. For more than three decades the city's General Plan has proposed that this area become a mixed-use residential neighborhood adjacent to the downtown. The Project carries this policy forward by encouraging relatively high-density mixed-use residential development in the SoMa West area. Element 7, "A New Neighborhood in SoMa West," proposes an bold program of capital improvement to create a public realm of streets and open spaces appropriate for the evolution of the public life of the area, and to serve as the catalyst for the development of a new mixed-use residential neighborhood.

In addition to these changes to the streets, the Project seeks to reinforce the hierarchy of the City's built form by concentrating height and bulk where core transit services converge. The Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) will encourage the development of a transit-oriented, high-density, mixed-use neighborhood around the intersection of Van Ness Avenue and Market Street, adjacent to downtown. This district will still have the area's most intensive commercial uses, including offices, but balances those with a new residential presence. Residential towers will be permitted along the Market / Mission Street corridor, provided they meet urban design standards. Residential towers, if built, would be clustered around the intersection of Market Street and Van Ness Avenue, with heights ranging from 160 – 400 feet.

TRANSPORTATION ELEMENT

Policy 1.1 Involve citizens in planning and developing transportation facilities and services, and in further defining objectives and policies as they relate to district plans and specific projects.

This policy is satisfied in that, starting in 2000, the Planning Department initiated a public planning process, the Better Neighborhoods Program, which developed a series of policies and proposals including those for land use, height, bulk, building design, density, transportation, and parking in the Market and Octavia area. As a part of this program, the Department has held numerous public meetings, and has briefed the Planning Commission and other public bodies and neighborhood organizations. A partial list of these public meetings can be found in the EIR and can be found on the Planning Departments website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/I_ExSum_A-1_A-2.pdf and are incorporated herein by reference.

OBJECTIVE 23: IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

OBJECTIVE 26: CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.

These Objectives are satisfied in the that the Project states that the streets in the Project area afford the greatest opportunity to create new public parks and plazas. That is why streets are included in the discussion of public open spaces. For this reason, the Project takes advantage of opportunities within public right-of-ways. Most noteworthy, Octavia Boulevard itself is conceived in part as a linear open space, as with all great boulevards, that will draw walkers, sitters, and cyclists. In addition, modest but gracious public open spaces are designated within former street right-of-ways that are availed through major infrastructure changes, along with a series of smaller open spaces, for the most part occurring within widened sidewalks areas.

The Project establishes policies calling for the improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by establishing a set of standards for "living streets," as well as encouraging wider sidewalks and increased street tree plantings. Such improvements to streets and alleys would improve open space opportunities for existing and new residents. The Project also calls for providing additional open space in the form of new neighborhood-oriented parks. The proposed new neighborhood parks and improvements to public rights-of-way in the area will help ensure that restorative space is within an easy walk from housing and improve livability.

Finally, the Project asserts that the pedestrian friendliness of the street can be improved through architectural design and siting for new construction. Specifically, the design and use of a building's ground floor has a direct influence on the pedestrian experience. Ground floor uses in the area are devoted to retail, service, and public uses in mixed-use buildings and to residential units and lobbies in apartment buildings. These uses provide an active and visually interesting edge to the public life of the street, which is especially important on neighborhood commercial streets. Parking, which has become a common street-facing use in more recent buildings, dilutes the visual interest and vitality of the street. This Project maintains a strong presumption against permitting surface-level parking as a street-facing use; rather, it encourages retail, residential, and other active uses facing the street.

2. The Project will further the City's housing goals as established in the Housing Element of the General Plan and elsewhere. While not directly part of the current approvals, the Project will facilitate the development of the Central Freeway parcels. As discussed in the EIR and in the

plan, the development of these 22 parcels by the Redevelopment Agency is expected to produce 450 units of affordable units, with the majority (405 units) provided as affordable rental units. In addition, the remaining market rate parcels would have a 15 percent inclusionary housing obligation as proposed by the City for all Central Freeway parcels. Thus, the total proportion of development on the Central Freeway parcels would result in 50 to 60 percent of the units being affordable. Other market rate development in the area will be subject to the City's Residential Inclusionary Affordable Housing Program and will provide from 10% to 20% of the units as affordable depending on the nature and timing of development. In addition, the Project changes the density controls and allows both infill and in-law units, thus offering greater opportunity to provide increased housing diversity for people at the lower end of the economic spectrum. Moreover, decoupling the cost of parking from the cost of housing will decrease the cost of housing for people who do not need parking.

3. The Project will generate substantial financial benefits for the City. For instance, the Project will provide direct funding to the City for development of community infrastructure in the Project Area through the new fee program. The Project will also indirectly benefit the City financially through increased revenue to the City and receipt of additional grant funds for the Project Area. These financial benefits and the resulting community infrastructure benefits are detailed in the Program Document, which is incorporated herein by reference. The Program Document asserts that the projected costs for planned improvements are relatively in balance with the projected revenue opportunities. Below is a summary of the primary projected revenue sources. It should be noted that this table does not include some dedicated funds such as the Market and Octavia Bike lane, any funds secured for the Van Ness Bus Rapid Transit project, or any projections for competitive public grants and San Francisco General Fund revenues. These sources should be able to cover the remaining 15% of costs, which amounts to approximately \$38 million over a 20-year period.

Summary Table of Projected Revenue

	Projected Revenue	Percent of Total Need (\$253.7 million)
Market and Octavia Community Improvements Fee		
Residential	\$59,600,000	23.5%
Commercial	\$8,600,000	3.4%
Van Ness FAR Bonus	\$17,290,000	6.8%
Existing Development Fees	\$20,630,000	8.1%
Future Impact Fees	\$33,050,000	13.0%
Public Funds		0.0%
Dedicated Revenue	\$49,250,000	19.4%
Existing Revenue Opportunities		0.0%
Future Revenue Opportunities	\$28,280,000	11.1%
Total	\$216,700,000	85.4%

4. Implementation of the Project will promote enhanced quality of life in the Project Area. The Project seeks to enhance the neighborhood quality of life through a program of housing people, balancing transportation choices, and building whole neighborhoods as described below.

Housing People: Market and Octavia's diverse local population creates the vitality, safety, community and vitality of the place. Housing a diverse group of people means providing a variety of housing opportunities: different housing types, as well as ranges of affordability, provided in a safe and attractive setting.

Balancing Transportation Choices: The Market and Octavia area has a physical fabric that enables people to access much of what they need on foot and supports frequent and reliable transit service. Over time, this fabric has been successful because it supports a range of travel modes and enables people to choose between them as their needs dictate. It shows in people's behavior; about half of the households in the Market and Octavia area own zero cars. Automobiles do play an important role here, but should not dominate to the point of undermining this longstanding fabric or the viability of other travel modes.

Building 'Whole' Neighborhoods: Urban places like Market and Octavia work well because they support a critical mass of people and activities, which in turn makes it possible to provide a full range of services and amenities. As these neighborhoods grow, there is an opportunity and a need to provide new and additional services, more parkland and improved streets to nurture and strengthen public life.

5. Implementation of the Project will promote enhanced community facilities and open space for new residents of the area. Key community facilities and open spaces identified by the community and the Planning Department in the Market and Octavia Plan and implemented in the Project include:

New Community Parks and Public Open Space

Patricia's Green in Hayes Valley has been established as a new public open space, providing a tranquil park setting for neighborhood residents, businesses and visitors, and establishing a neighborhood focus for the community. The Project calls for establishing a new open space north of Valencia Street, by utilizing the McCoppin Street right-of-way and potentially incorporating an adjacent privately-owned parcel. The Project calls for a new park to be established at Brady Street, by converting existing surface parking lots and portions of public right-of-way into a new public park to establish a neighborhood oasis.

Community Services and Facilities

The Project calls for providing funds to improve library services and incorporating public art in the design of streets and other public improvements. Project Implementation also calls for funding for childcare facilities and recreational facilities to achieve appropriate levels of service.

Benefits to Commerce and the Pedestrian Environment in Hayes Valley

The Project calls for implementing Hayes Street as a two-way street. This part of the Project improves pedestrian crossings at key intersections including Hayes and Gough, Gough and Fell, and Oak and Franklin; alleviates high-speed automobile travel through key neighborhood intersections; creates more friendly pedestrian environment through the reduction of noise and pollution; increases the tendency for residents to walk for their daily needs; and improves pedestrian access to neighborhood commercial establishments. Maintenance of a safe and healthy pedestrian environment far outweighs the significant transportation impacts of converting the street to two-way. A healthy pedestrian environment reduces incidents of pedestrian collisions and increases residents and visitors' ability to walk to most services. Walking to services and facilities creates a social network, a safety network, and a sense of place for residents and visitors. Individual users experience both physical and mental health benefits through exercise. Local commerce is inhibited by unhealthy pedestrian conditions and enhanced by healthy pedestrian conditions.

6. Implementation of the Project will enable enhanced infrastructure and streetscape improvements in the area. Key infrastructure and streetscape improvements identified by the community and the Planning Department in the Market & Octavia Plan include:

Streetscape Improvements

The Project calls for establishing "living streets and alleys" in residential areas. Improvements would include installing traffic-calming features to slow vehicular speeds and improve pedestrian safety. Narrowing traffic lanes and concentrating parking can increase neighborhood use and enjoyment by providing space for unified street tree plantings and vegetation, seating and play areas, bicycle lane improvements and other public benefits.

Pedestrian Improvements

The Project calls for variety of pedestrian improvements to more equitably allocate street space to all users. The Project includes reclaiming portions of traffic lanes for pedestrian use where there is excess vehicular capacity to establish wider sidewalks, mid-block and corner bulb-outs. These areas can be developed with plaza improvements. Corner bulbs also make streets safer by reducing the distance that pedestrians have to travel to cross an intersection.

Having considered these Project benefits and considerations, the Planning Commission finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects that cannot be mitigated to insignificant levels are therefore acceptable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
A. Shadow				
<p>A1. Parks and Open Space not Subject to Section 295</p> <p>New buildings and additions to existing buildings in the Project Area where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the <i>Planning Code</i>.</p> <p>In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.</p> <p>Implementation of this mitigation measure would reduce but may not eliminate potentially significant shadow impacts. The potential for a significant and unavoidable impact would still exist.</p>	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department & Recreation and Parks Department	Considered complete upon design review by Planning Department
B. Wind				
<p>B1. Buildings in Excess of 85 feet in Height</p> <p>To minimize adverse wind impacts related to new development, the following design guidelines shall be required as part of the proposed Plan for buildings in excess of 85 feet in height:</p> <ul style="list-style-type: none"> Where possible, align long axis or faces of the buildings along a west-east alignment to reduce exposure of the wide faces of the building to westerly winds. Utilize wind shelter 	Project Sponsor or each subsequent development project	During project design & development phase	Planning Department	Considered complete upon design review by Planning Department

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<p>offered by existing upwind structures as much as possible. Avoid continuous western building faces.</p> <ul style="list-style-type: none"> • Articulate and modulate southwest, west and northwest building faces through the use of architectural techniques such as surface articulation, variation of planes, wall surfaces and heights, as well as the placement of stepbacks and other features. Substantial setbacks in west-facing facades (at lower levels) are an effective means of reducing the amount of ground-level wind induced by a building. • Utilize properly located landscaping to mitigate winds in all pedestrian open spaces. Porous materials (vegetation, hedges, screens, latticework, perforated or expanded metal) offer superior wind shelter compared to a solid surface. • Avoid narrow gaps between buildings, which may accelerate westerly winds. • Avoid “breezeways” or notches at the upwind corners of the building, which may focus wind energy at pedestrian levels. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
<p>B2. All New Construction</p> <p>The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:</p> <ul style="list-style-type: none"> • New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time 	<p>Project Sponsor or each subsequent development project</p>	<p>During project design & development phase</p>	<p>Planning Department</p>	<p>Considered complete upon design review by Planning Department</p>

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<p>between 7:00 AM and 6:00 PM, the comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.</p> <ul style="list-style-type: none"> • An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question. • The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site. • Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year. • For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians. <p>Implementation of these guidelines, together with current City and County of San Francisco requirements for wind tunnel testing of proposed building designs for wind impacts, would generally reduce Plan, project, and cumulative wind impacts to a less than significant level.</p>				
C. Archaeological				
C1. Soil Disturbing Activities in Archaeologically	Project Sponsor of each	Prior to project approval	Planning Department	Considered complete

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Documented Properties</p> <p>This measure shall apply to those properties within the Project Area for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this Mitigation Measure include all lots within the following Assessor's Blocks: 817, 831, 832, 838, 839, 853, 855, 3502, 3503, 3507, 3513, and 3514, which also include the Central Freeway Parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V.</p> <p>Any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:</p> <ol style="list-style-type: none"> 1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities; 2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants; 3. Identification of potential archaeological resources: Discussion of any identified potential prehistoric or historical archaeological resources; 4. Integrity and Significance: Eligibility of identified expected resources for listing to the California 	<p>subsequent development project and archaeological consultant</p>		<p>(ERO) shall determine further mitigation required, following completion of final addendum to ARD/TP.</p>	<p>upon Planning Department review of approval of addendum to ARD/TP or as appropriate approval of Final Archaeological Resources Report (FARR).</p>

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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archaeological resources that are identified;</p> <p>5. Impacts of Proposed Project;</p> <p>6. Potential Soils Hazards: Update discussion for proposed project;</p> <p>7. Archaeological Testing Plan (if archaeological testing is determined warranted): the Archaeological Testing Plan (ATP) shall include:</p> <p style="padding-left: 20px;">A. Proposed archaeological testing strategies and their justification</p> <p style="padding-left: 20px;">B. Expected archaeological resources</p> <p style="padding-left: 20px;">C. For historic archaeological resources</p> <p style="padding-left: 40px;">1. Historic address or other location identification</p> <p style="padding-left: 40px;">2. Archaeological property type</p> <p style="padding-left: 20px;">D. For all archaeological resources</p> <p style="padding-left: 40px;">1. Estimate depth below the surface</p> <p style="padding-left: 40px;">2. Expected integrity</p> <p style="padding-left: 40px;">3. Preliminary assessment of eligibility to the CRHR</p> <p style="padding-left: 20px;">E. ETP Map</p> <p style="padding-left: 40px;">1. Location of expected archaeological resources</p> <p style="padding-left: 40px;">2. Location of expected project sub-grade</p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>impacts</p> <p>3. Areas of prior soils disturbance</p> <p>4. Archaeological testing locations by type of testing</p> <p>5. Base map: 1886/7 Sanborn Fire Insurance Company map</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C2. General Soil Disturbing Activities</p> <p>This measure shall apply to any project involving any soils-disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified MEA staff. This mitigation measure shall also apply to projects within the Mission Dolores Archaeological District (MDAD) involving only minor soils disturbance (three feet or less below the existing surface).</p> <p>For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:</p> <ol style="list-style-type: none"> 1. The historical uses of the project site based on any previous archaeological documentation and Sanborn maps; 2. Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would 	<p>Project Sponsor of each subsequent development project and archaeological consultant</p>	<p>Prior to project approval</p>	<p>Planning Department (ERO) shall determine what further resource is present or mitigation evaluation of potential archeological effects is required based on the Final PASS.</p>	<p>Considered complete upon Planning Department review of Preliminary Archaeological Sensitivity Study if no ARD/TP required. If an ARD/TP is required, considered complete upon submittal of Final Archaeological Resources Report (FARR).</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>potentially be eligible for listing in the California Register of Historical Resources (CRHR);</p> <p>3. If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources;</p> <p>4. Assessment of potential project effects in relation to the depth of any identified potential archaeological resource;</p> <p>5. Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.</p> <p>Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>C3. Soil Disturbing Activities in Public Street and Open Space Improvements</p> <p>This measure shall apply to the proposed public street and open space improvement projects proposed in the Plan involving soils disturbance in excess of four feet in depth.</p>	DPW	Prior to any soil disturbing activities	Project sponsor to submit all plans and reports shall be submitted to ERO	Considered complete upon review and approval of final archeological

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Monitoring Program (AMP)</u></p> <p>The archaeological monitoring program shall, at a minimum, include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archaeological Monitoring Program (AMP) reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with the project archaeologist, shall determine what project activities shall be archaeologically monitored. 2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; 	<p>Project sponsor and archeological consultant.</p>	<p>If Planning Department (ERO) determines monitoring program required.</p>	<p>Planning Department (ERO)</p>	<p>monitoring report.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <p>4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</p> <p>5. If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect potentially damaging activity until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.</p> <p>If the ERO, in consultation with the archaeological consultant, determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> • The proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or • An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. 				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to 	<p>Archeological consultant</p>	<p>If ERO requires archeological recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.</p> <ul style="list-style-type: none"> • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains, Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public Resources Code</i> §5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i> §15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><u>Final Archaeological Resources Report.</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological fieldwork and data</p>		

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>evaluates the historical of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive two copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>		analysis		
<p>C4. Soil Disturbing Activities in the Mission Dolores Archaeological District</p> <p>This measure applies to any project within the Mission Dolores Archaeological District (MDAD) involving installation of foundations, construction of a subgrade or partial subgrade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in substantial soils disturbance.</p> <p>The project sponsor shall retain the services of a qualified</p>	Project Sponsor of each subsequent development project and archaeological consultant	Prior to project construction	Planning Department (ERO)	Considered complete upon submittal of Final Archaeological Resources Report (FARR).

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> §15064.5 (a)(c).</p> <p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit, as determined by the ERO, either an Archaeological Research Design/Testing Plan (ARD/TP) or an Archaeological Testing Plan (ATP) to the ERO for review and approval. The archaeological testing program shall be conducted in accordance with the approved ARD/TP or ATP. The ARD/TP or ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any</p>	<p>Archeological consultant</p>	<p>Prior to project construction</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ol style="list-style-type: none"> 1. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or 2. A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ol style="list-style-type: none"> 1. The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. 	<p>Project sponsor and archeological consultant</p>	<p>If Planning Department (ERO) determines monitoring program required</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ol style="list-style-type: none"> 2. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; 3. The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; 4. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; 5. If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in 				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of 	<p>Archeological consultant</p>	<p>If ERO requires archeological data recovery program</p>	<p>Planning Department (ERO)</p>	

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>proposed field strategies, procedures, and operations.</p> <ul style="list-style-type: none"> • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains and Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (<i>Public</i></p>				

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p><i>Resources Code §5097.98</i>). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines §15064.5(d)</i>). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archaeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archaeological research value and would be eligible to the CRHR.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation</p>	<p>Project sponsor and archeological consultant</p>	<p>Following archeological date fieldwork and data analysis</p>		

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>Implementation of these mitigation measures would reduce the archaeological impacts to a less than significant level at a program level and at a project level for soils disturbing activities in archaeological documented properties or for public street and open space improvements. Further evaluation of archaeological resources may be required for soils disturbing activities in areas where no archaeological assessment report has been prepared or in the Mission Dolores Archaeological District.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level</p>				
<p>D. Transportation</p>				
<p>D1. Traffic Mitigation Measure for Hayes and Gough Streets Intersection (LOS C to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Gough Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS C.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van</p>	<p>Not Adopted</p>	<p>Not applicable.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection level of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level.</p>				
<p>D2. Traffic Mitigation Measure for Hayes and Franklin Streets Intersection (LOS D to LOS F PM peak hour)</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would improve to LOS D.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	Not Adopted.	Not applicable.	Not applicable.	Not applicable.
<p>D3. Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak hour) ¹</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal	MTA	To be determined by MTA.

¹ Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>To improve operating conditions to acceptable levels and mitigate impacts, new protected left-turns could be provided for northbound Guerrero Street and southwest-bound Market Street. At both locations, the left-turn movements already have pockets; as such, new signals would be required to provide the protected left-turn phases. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>		<p>traffic management operations to respond to changing traffic conditions.</p>		
<p>D4. Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour) ²</p> <p>Minor changes to the signal timing at the intersection of Market/Sanchez/Fifteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>The addition of a right-turn pocket on the westbound approach on Fifteenth Street, in conjunction with the signal retiming, would improve intersection operations to LOS D.</p> <p>Impacts could be mitigated to a less than significant level if</p>	<p>MTA and Public Works</p>	<p>Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..</p>	<p>MTA</p>	<p>Feasibility to be determined by MTA.</p>

² Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>the right-turn pocket was implemented in conjunction with the signal retiming.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D5. Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour) ²</p> <p>Minor changes to the signal timing at the intersection of Market/Church/Fourteenth Streets to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic coordination along Market Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..	MTA	Feasibility to be determined by MTA.
<p>D6. Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour) ³</p> <p>Minor changes to the signal timing at the intersection of Mission Street/Otis Street/South Van Ness Avenue to allow more time for impacted movements may improve intersection conditions. Implementation of signal timing changes would be dependent upon an assessment of transit and traffic</p>	MTA and Public Works	Feasibility to be determined as part MTA's normal traffic management operations to respond to changing traffic conditions..	MTA	Feasibility to be determined by MTA.

³ Because feasibility is uncertain, there may be significant adverse impact.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>coordination along South Van Ness Avenue and Mission Street to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p> <p>It may be possible to add right-turn pockets to the southbound approach on Mission Street and the northbound approach on South Van Ness Avenue in conjunction with the signal timing changes. Under 2025 with Plan conditions, with this change, the level of service would be LOS F with less delay than under 2025 without Plan conditions.</p> <p>As the feasibility of the signal timing changes has not been fully assessed, the potential for a significant and unavoidable impact would still exist.</p>				
<p>D7. Traffic Mitigation Measure for Hayes Street/Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)</p> <p>At the intersection of Hayes Street and Van Ness Avenue, under 2025 without Plan conditions the intersection would operate at LOS F. Under 2025 with Plan conditions, delay would increase due to configurations changes and as the Plan would add vehicles to impacted movements (northbound and southbound through on Van Ness Avenue).</p> <p>To partially mitigate these impacts, the westbound travel lane could be reestablished, which would eliminate the Plan's proposed changes to Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p>	Not Adopted.	Not applicable.	Not applicable.	Not applicable.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>The mitigation measure would improve the level of service at the intersections of Hayes Street with Van Ness Avenue, Franklin Street, and Gough Street to 2025 without Plan conditions.</p> <p>This mitigation measure would substantially reduce, but would not eliminate the significant and unavoidable impact.</p>				
<p>D8. Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue (LOS F to LOS F with increased delays); Franklin Street (LOS D to LOS F); and Gough Street (LOS C to LOS F) PM peak hour</p> <p>To mitigate the 2025 with Plan and 2025 with Central Freeway Parcel/Near-Term Transportation Improvements intersection operating conditions at the intersections of Hayes and Franklin Streets, an additional westbound travel lane would be required. With the reestablished westbound travel lane (and no eastbound lanes), 2025 with Plan conditions at this intersection would ameliorate MUNI delays west of Van Ness Avenue and would mitigate this transit impact.</p> <p>This mitigation measure would effectively eliminate the Plan's proposed changes along Hayes Street (which would provide an eastbound lane on Hayes Street between Gough Street and Van Ness Avenue by eliminating a westbound lane). As such, in order to maintain acceptable intersection levels of service operations, the Plan could not be implemented on Hayes Street.</p> <p>Implementation of this mitigation measure would reduce Plan, project and cumulative impacts to a less than significant level</p>	<p>Not Adopted.</p>	<p>Not Applicable</p>	<p>Not applicable.</p>	<p>Not Applicable.</p>

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
E. Air Quality				
<p>E1. Construction Mitigation Measure for Particulate Emissions</p> <p>Program or project level construction activities in the Project Area shall be required to implement particulate emission mitigations recommended by the BAAQMD. These measures include:</p> <p>Water all active construction areas at least twice daily. To meet the City's Ordinance 175-91 requirements for the use of non-potable water for dust control, established May 6, 1991, contractors shall be required to obtain reclaimed water from the Clean Water Program for this purpose.</p> <p>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</p> <p>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</p> <p>Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).</p> <p>Limit traffic speeds on unpaved roads to 15 mph.</p> <p>Install sandbags or other erosion control measures to prevent</p>	Project Sponsor	During demolition, excavation, and construction	Construction Contractor and Department of Building Inspection (DBI)	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>silt runoff to public roadways.</p> <p>Replant vegetation in disturbed areas as quickly as possible.</p> <p>Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</p> <p>Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</p> <p>Implementation of these mitigation measures would reduce impacts to a less than significant level.</p>				
<p>E2. Construction Mitigation Measure for Short-Term Exhaust Emissions</p> <p>To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area:</p> <ul style="list-style-type: none"> • Confine idle time of combustion engine construction equipment at construction sites to five minutes. • Maintain and properly tune construction equipment in accordance to manufacturer's specifications. • Use alternative fueled or electrical construction equipment at the project site when feasible. • Use the minimum practical engine size for construction equipment. • Equip gasoline-powered construction equipment with catalytic converters when feasible. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	Project Sponsor	During demolition, excavation, and construction	Department of Building Inspection (DBI)	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
F. Hazardous Materials				
<p>F1. Program or Project Level Mitigation Measures</p> <p>Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include:</p> <ul style="list-style-type: none"> • Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends. • Storage stockpiles shall be minimized, where practical, and properly labeled and secured. • Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions. • Activities shall be conducted so as not to track contaminants beyond the regulated area. • Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate. • Containments and regulated areas shall be properly maintained. <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI
G. Geology, Soils, and Seismicity				
<p>G1. Construction Related Soils Mitigation Measure</p> <p>Program or project level temporary construction related impacts would be mitigated through the implementation of the following measures:</p>	Project Sponsor	During construction	Project sponsor/DBI	On-site monitoring by project sponsor & DBI

EXHIBIT 1
MARKET & OCTAVIA NEIGHBORHOOD PLAN
CASE # 2003.0347E
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
<p>Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy:</p> <p>Protect disturbed areas through minimization and duration of exposure.</p> <p>Control surface runoff and maintain low runoff velocities.</p> <p>Trap sediment on-site.</p> <p>Minimize length and steepness of slopes.</p> <p>Implementation of the mitigation measure would reduce impacts to a less than significant level.</p>				

F. JOSEPH BUTLER 1048 Union Street 19
 San Francisco
 California 94133
 ARCHITECT 415 776 9416

EXPLANATION	AMOUNT


3486

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Four Hundred *[wavy line]* DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	CHECK AMOUNT
25 Apr	City & County of San Francisco	EIR M/O Appeal	3486	\$ 400 ⁰⁰

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SF Preservation Consortium 180+220
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F. Joseph Butler MP

⑈003486⑈ ⑆121042882⑆0588 589804⑈

FROM: Mary Miles (#230395)
Attorney at Law, and
Coalition for Adequate Review (CFAR)
364 Page Street, No. 36
San Francisco, CA 94102
(415) 863-2310

TO: Gloria Young, Clerk and [copy by U.S. Mail] TO:
San Francisco Board of Supervisors Environmental Review Officer
Room 244, City Hall San Francisco Planning Dept.
1 Dr. Carlton B. Goodlett Place 1660 Mission, 5th Floor
San Francisco, CA 94102 San Francisco, CA 94103

DATE: April 25, 2007

NOTICE OF APPEAL TO SAN FRANCISCO
BOARD OF SUPERVISORS

of

**All Motions, Resolutions, Findings, and/or Other Actions
by the San Francisco Planning Commission on April 5, 2007, on
the "Market and Octavia Better Neighborhoods Plan" and its
"Final Environmental Impact Report"
Case No. 2003.0347**

Pursuant to the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§21000 *et seq.*; and §21151; the California Government Code §65000 *et seq.*, and the San Francisco Administrative Code §31.16, this is Notice of Appeal the following actions of the San Francisco Planning Commission to the San Francisco Board of Supervisors: **All motions, resolutions, findings, and other actions by the San Francisco Planning Commission on April 5, 2007, on the "Market and Octavia Better Neighborhoods Plan" and its "Final Environmental Impact Report" ("FEIR" or "EIR").** This Appeal is submitted in the public interest.

Appellants have diligently requested certified copies of the Planning Commission's above-described motions and resolutions, proposed legislation and addenda. However, the lead agency, the San Francisco Planning Department, has refused to make publicly available accurate, certified copies of the Planning Commission's legislation. By failing to timely make these documents available to the Appellants and the general public, the lead agency has denied the public the right to informed participation in appeal of such actions to the Board in violation

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of CEQA, a principle purpose of which is to assure informed decision-making and informed public participation in that decision-making.

By refusing to make publicly available properly certified copies of the legislation adopted on April 5, 2007 by the Planning Commission, the lead agency has violated these basic requirements. Instead, the lead agency has stated that it did not create the documents that are the subject of this Appeal until April 19, 2007, and has refused the Appellant's requests before and after that date to produce properly certified copies, while claiming that appeal of these matters is due by April 25, 2007.

To provide adequate time and opportunity for the public to appeal, the date for appealing the Commission's acts must be continued to at least twenty days *after* properly certified hard copies of the Commission's enactments are made publicly available, which has not occurred at the time of this Notice of Appeal.

Grounds for this Appeal lie in the lead agency's violations of the California Public Resources Code, the California Government Code, the San Francisco Administrative, Planning, and Zoning Codes, San Francisco General Plan, and such other laws, local codes, and constitutional provisions as may apply. The lead agency and Planning Commission have abused their discretion and failed to proceed in a manner required by law under the California Environmental Quality Act ("CEQA") and such other statutes, codes and constitutional provisions that may apply, by approving the Project, its Final Environmental Impact Report ("FEIR") for this Project, by failing to recirculate or make available in a coherent form that document after issuing thousands of pages of substantive revisions, and other acts. Appellants have not been given the opportunity to state more specific grounds, because the lead agency has not provided accurate, certified copies of the Planning Commission's legislation at issue to the Appellants and the public after many requests. Upon receipt of those documents and adequate time to review them, the Appellants will submit written comment supporting this Appeal.

Appellants request the following:

1. That the date for appealing any Commission actions on the above-described Project to the Board of Supervisors must be continued until 20 days *after* Appellants receive true, accurate, complete, properly certified, signed, dated (with date of signature) hard copies of all motions and other actions taken by the Planning Commission on April 5, 2007 on the Market and Octavia Better Neighborhoods Plan; and

2. That any hearing before the Board of Supervisors or any committee of the Board be scheduled at least 90 days after the continued date of appeal to

provide adequate time and opportunity for the public and decision-makers to consider and give informed input on the thousands of pages of documents on this Project and the "FEIR"; and

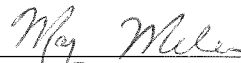
3. That no action be taken by the Board of Supervisors on the above-described Project until Paragraphs 1 and 2 herein have been implemented; and
4. That the EIR on this Project be returned to the lead agency until such time as it is brought into compliance with CEQA and other laws and codes; and
5. That the EIR be recirculated in a coherent form for a new period of public comment, after revision to comply with CEQA; and
6. That this Appeal be granted upon fair hearing; and
7. Such other appropriate remedies as Appellants and the public request.

Appellants will submit public comment to the Board of Supervisors on this Appeal and other actions taken by the Planning Commission on or before final hearing on this Project before the Board. The Board of Supervisors is required to consider *de novo* all the issues and facts raised on the Project and its environmental review.

With this Appeal, Appellants do not waive the right to present any and all issues and public comment in any further proceedings on the above-described Project, including but not limited to proceedings on this Appeal and any other proceedings before the Board of Supervisors, and any proceedings and/or litigation beyond that. Regardless of this Appeal, Appellants and other members of the public have the right to present public comment on all matters pertaining to the Project before the Board of Supervisors during all proceedings on the above-described matter. The public's right to participate in these proceedings has already been violated, and the Appellants and the public cannot be lawfully restricted in further proceedings to matters raised in these proceedings.

Appellants also apply for a fee waiver under the San Francisco Administrative Code §31.22(a)(4), enclose with this Appeal a "Neighborhood Organization Fee Waiver Request Form," and request the prompt return of the \$400.00 remitted with this Appeal.

DATED: April 25, 2007



Mary Miles

FROM: Mary Miles (#230395)
Attorney at Law
and
Coalition for Adequate Review
364 Page Street, No. 36
San Francisco, CA 94102
(415) 863-2310

TO: Gloria Young, Clerk
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Market and Octavia Better Neighborhoods Plan, Case No. 2003.0347

DATE: April 25, 2007

**FEE WAIVER REQUEST
APPEAL TO BOARD OF SUPERVISORS**

Dear Ms. Young:

Pursuant to the San Francisco Administrative Code, §31.22(a)(4), this is a request for a waiver of the \$400 fee charged for appealing the actions of the San Francisco Planning Commission's approval of the EIR on the Market and Octavia Better Neighborhoods Plan project on April 5, 2007. This Request accompanies our Notice of Appeal.

I represent the Coalition for Adequate Review ("Coalition" or "CFAR"), which meets all the criteria for a fee waiver as follows:

(a) Coalition for Adequate Review has been in existence for 24 months prior to the appeal filing date, as shown by previously submitted written public comment to the Board and the Planning Commission on other projects, which are a matter of record. For example, in February, 2005, CFAR submitted written comment to the Planning Commission on the Bicycle Plan and later filed an Appeal before the Board, followed by litigation on that Project. If copies of any of these documents are needed, please let me know.

(b) Coalition for Adequate Review is on the Planning Department's neighborhood organization notification list.

(c) Coalition for Adequate Review can demonstrate to the Planning Director through public comment already submitted to the Planning Commission that the organization is affected by the proposed project. Indeed, the proposed project is a matter of regional and

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statewide concern, affecting many groups and people, including the Appellants. (*See, e.g.*, 14 Cal. Code Regs. [“CEQA Guidelines”] §15206.) If you require a copy of our Comment to the Commission, please let me know.

For the above reasons, I request a fee waiver for this Appeal and the return of my check for \$400 submitted with this Appeal. If this Request for Fee Waiver is rejected, please advise me in writing of your reasons and any procedures for further appeal of your decision.

Sincerely,

A handwritten signature in cursive script that reads "Mary Miles".

Mary Miles
Attorney for Appellants

ATTACHMENT: Neighborhood Organization Fee Waiver Request Form



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department will not deposit the check which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- CEQA Appeals to the Board of Supervisors (including EIR's, NegDec's, CatEx's, and GRE's)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

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

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: MARY MILES	Address of Project: CITYWIDE
Neighborhood Organization: COALITION FOR ADEQUATE REVIEW	Planning Case No: 2003-0347
Applicant's Address: 364 PAGE ST #36	Building Permit No: -
Applicant's Daytime Phone No: (415) 863-2310	Date of Decision: 4/5/07 (BUT NO COPIES)
Applicant's Email Address:	AVAILABLE

DCP STAFF USE ONLY	
<input type="checkbox"/> appellant authorization	Planner's Name: _____
<input type="checkbox"/> current organization registration	Date: _____
<input type="checkbox"/> minimum organization age	Planner's Signature: _____
<input type="checkbox"/> project impact on organization	

WAIVER APPROVED

WAIVER DENIED

MARY ANN MILES
364 PAGE ST, APT 36
SAN FRANCISCO, CA 94102-5624

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4/25/07

DATE

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APPEAL - MARKET-OCTAVIA PLAN
FOR #2003-0347

M.A. Miles

MP

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Received from the Clerk's Office, Board of Supervisors, the amount of Four Hundred Dollars (\$400.00), representing filing fee for Market/Octavia Neighborhood Plan FEIR Appeal, paid by appellant Martin Hamilton, on behalf of New College of California

Planning Department

By:

David Siler 5/4/07



NEW COLLEGE OF CALIFORNIA
OPERATING ACCOUNT
 777 VALENCIA STREET
 SAN FRANCISCO, CA 94110
 (415) 437-3400

STERLING BANK & TRUST, FSB
 2122 MARKET STREET
 SAN FRANCISCO, CA 94114
 74-7184/2724

031136

CHECK DATE
 4/24/2007

CHECK NO.
 31136

CHECK AMOUNT
 \$**400.00

PAY ****Four hundred and 00/100 Dollars****

TO THE ORDER OF **SAN FRANCISCO PLANNING DEPARTMENT**

VOID AFTER 120 DAYS

[Handwritten Signature]

 AUTHORIZED SIGNATURE MP

⑈031136⑈ ⑆272471849⑆ 856131150507⑈

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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Received from the Clerk's Office, Board of Supervisors, the amount of Four Hundred Dollars (\$400.00), representing filing fee for Market/Octavia Neighborhood Plan FEIR Appeal, paid by appellant F. Joseph Butler, on behalf of the SF Preservation Consortium

Planning Department
By:

David Paul 5/4/07

F. JOSEPH BUTLER 1048 Union Street 19
 San Francisco
 California 94133
 ARCHITECT 415 776 9416

EXPLANATION	AMOUNT

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25 Apr	City & County of San Francisco	ER M/O Appeal	3486

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SF Preservation Consortium 100+220

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SFPC FOS

F. Joseph Butler MP

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City Hall
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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Received from the Clerk's Office, Board of Supervisors, the amount of Four Hundred Dollars (\$400.00), representing filing fee for Market/Octavia Neighborhood Plan FEIR Appeal, paid by appellant Mary Miles, representing the Coalition for Adequate Review

Planning Department
By:

Paul S. ... 5/4/07

MARY ANN MILES
364 PAGE ST, APT 36
SAN FRANCISCO, CA 94102-5624

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APPEAL - MARKET - OCTAVIA PLAN

FOR #2003-0347

M.A. Miles

MP

⑆ 121042882⑆ 6112301475⑈ 01403



City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco NOTICE OF PUBLIC HEARING Board of Supervisors

General Notice

Transmitted: 05-11-2007

A public hearing will be held on 5/22/2007, at 4:00 p.m., or as soon as possible after this time, at Legislative Chamber, Room 250, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

The Board of Supervisors will hold a public hearing relative to the listed subjects. All interested parties are cordially invited to attend. Persons who are unable to attend the hearing may submit written comments regarding this matter prior to the beginning of the hearing. These comments will become part of the official public record.

Mail comments for the listed file to: Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

070560 [Public Hearing - Appeal of Final Environmental Impact Report for Market and Octavia Neighborhood Plan]

Hearing of persons interested in or objecting to the Planning Commission's April 5, 2007, certification of a Final Environmental Impact Report identified as Planning File No. 2003.0347E, through its Motion No. 17406, for a proposed Market and Octavia Plan, amendments to the San Francisco Planning Code and Zoning Maps, amendments to the San Francisco General Plan, adoption of Urban Design Guidelines, and amendments to the Western Addition A-2 Redevelopment Plan. The Plan area is generally located to the West of the City's Downtown area and includes portions of Civic Center, Hayes Valley, Western Addition, South of Market, Inner Mission, the Castro, Duboce Triangle, Eureka Valley, and Upper Market Neighborhoods of San Francisco. (Appellants: Martin Hamilton on behalf of New College of California, F. Joseph Butler on behalf of the San Francisco Preservation Consortium and Mary Miles representing the Coalition for Adequate Review.)


Gloria L. Young, Clerk of the Board

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

mailed 5/11/07

Paul
Maltzer/CTYPLN/SFGOV
05/07/2007 04:38 PM

To Joy Lamug/BOS/SFGOV@SFGOV
cc Aksel Olsen/CTYPLN/SFGOV@SFGOV
bcc
Subject distribution list market octavia

History:  This message has been replied to.

Joy

Here is a copy of the last distribution list that we used for the EIR for Market Octavia. This list already includes two of the current appellants (Martin Hamilton and Mary Miles) but does not include the third appellant, Joe Butler.

Aksel

If you have any other interested groups or individuals who you think belong on the distribution list, please forward that info to Joy.

Paul



c&r dist list.doc

Patricia Walkup
Hayes Valley Neighborhood Association
P.O. Box 423978
San Francisco, CA 94142-3978

Paul Olsen, President
Hayes Valley Neighborhood Association
PO Box 423978
San Francisco, CA 94142-3978

Joe Curtin, President
Castro Area Planning & Action
584 Castro St.
PMB 169
San Francisco, CA 94114-2588

James W. Haas, Chairman
Civic Pride
633 Battery St. 5th Floor
San Francisco, CA 94111

David Silverman
Reuben & Junius, LLP
235 Pine St. Suite 1600
San Francisco, CA 94104

Charles Marsteller
Co-Coordinator Van Ness Neighbors
835 Turk St. #608
San Francisco, CA 94102

Molly Hopp
Co-Coordinator Van Ness Neighbors
601 Van Ness Ave. #75
San Francisco, CA 94102

Pamela S. Duffy
Coblentz, Patch, Duffy & Bass, LLP
One Ferry Building, Suite 200
San Francisco, CA 94111-4213

Jared Braiterman, PhD
269 Clinton Park
San Francisco, CA 94103

James Lowe
S.F. Municipal Railway
1 South Van Ness, 3rd Floor
San Francisco, CA 94103

Rob Anderson
1516 McAllister St.
San Francisco, CA 94115

Morrison Foerster
Scott B. Birkey
425 Market St.
San Francisco, CA 94105-2482

Tim Colen
San Francisco Housing Action Coalition
995 Market Street # 1525
San Francisco, CA 94103

Neil Sekhri
Farella, Brawn & Martel, LLP
Russ Building
235 Montgomery St.
San Francisco, CA 94104

Eric Edenfield, President
400 Oak St. Homeowners Assoc.
400 Oak St.
San Francisco, CA 94102

Timothy C. Sable
District Branch Chief
Department of Transportation
111 Grand Ave.
PO Box 23660
Oakland, CA 94623-0660

Terry Roberts, Director
State Clearinghouse & Planning Unit
State of California
Governor's Office of Planning & Research
1400 Tenth St. PO Box 3044
Sacramento, CA 95812-3044

Duboce Triangle Neighborhood Assoc.
Gregg Wilcox, President
C/O PMB #301
2261 Market St.
San Francisco, CA 94114

Adam Hagen, President
Eureka Valley Neighborhood Assoc.
C/O PMB #301
2261 Market St.
San Francisco, CA 94114

Merchants of Upper Market and Castro
Paul Moffett, President
C/O PMB #301
2261 Market St.
San Francisco, CA 94114

Martin Hamilton, President
New College of California
777 Valencia St.
San Francisco, CA 94110

Jason Henderson
Hayes Valley Neighborhood Assoc.
300 Buchanan St. #503
San Francisco, CA 94102

Steven L. Vettel
Morrison Foerster
425 Market St.
San Francisco, CA 94105-2482

Andrew W. Ingersoll
Farella Brawn & Martel, LLP
Russ Building
235 Montgomery St.
San Francisco, CA 94104

Robert Meyers, AIA
Robert Meyers Associates
120 Montgomery St. Suite 2290
San Francisco, CA 94104

Kate Heartley
Development Specialist
San Francisco Redevelopment Agency
1 South Van Ness Avenue, 5th Floor.
San Francisco, CA 94103

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

Judy Berkowitz, President
Coalition for S.F. Neighborhoods
PO Box 320098
San Francisco, CA 94132

Robin F. Levitt, Architect
Robin F. Levitt
225 Lily St.
San Francisco, CA 94102

Liza Zayas-Chien
San Francisco Redevelopment Agency
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

Kimberly Smith
Cassidy, Shimko, Dawson
20 California St. Suite 500
San Francisco, CA 94111

Christopher Pederson
201 Laguna St. #9
San Francisco, CA 94102

Anna C. Shimko
Cassidy, Shimko, Dawson
20 California St. Suite 500
San Francisco, CA 94111

Malik Looper, Director
Community & Business Services
Goodwill Industries
1500 Mission St.
San Francisco, CA 94103

Mary Miles
Coalition for Adequate Review (CFAR)
364 Page St.
San Francisco, CA 94102

Curt Holzinger
215½ Henry Street
San Francisco, CA 94114

F. Joseph Butler, AIA, Chair
San Francisco Preservation Consortium
1048 Union Street 19
San Francisco, CA 94133

Cheryl Adams
Deputy City Attorney

Susan Cleveland-Knowles
Deputy City Attorney

Kate Stacy
Deputy City Attorney

Paul Maltzer
Environmental Review Officer
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dean Macris, Acting Director
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Larry Badiner
Zoning Administrator
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

AnMarie Rodgers, MLA
Citywide Policy Planner
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tara Sullivan-Lenane
Preservation Planner
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Elaine Warren
Deputy City Attorney

Mark Paez
408 Duboce Avenue
Apt. B
San Francisco, CA 94117