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Planning Commission Motion No. 20292
CEQA Findings

HEARING DATE: SEPTEMBER 27, 2018

Record No.:	**2015-010013ENVDNXVARSHD**
Project Address:	**30 OTIS STREET**
Zoning:	C-3-G (Downtown – General) Zoning District NCT-3 Moderate-Scale Neighborhood Commercial Transit Zoning District 85/250-R-2 Height and Bulk District 85-X Height and Bulk District Van Ness & Market Downtown Residential Special Use District
Block/Lot:	Block 3505; Lots 010, 012, 013, 016, and 018
Project Sponsor:	Jessie Stuart, Align Real Estate 255 California Street, Suite 525 San Francisco, CA 94111
Staff Contact:	Andrew Perry – (415) 575-9017 andrew.perry@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE 30 OTIS STREET PROJECT TO DEMOLISH FIVE EXISTING BUILDINGS AND CONSTRUCT A 9-STORY (85-FOOT TALL) PODIUM ACROSS THE ENTIRE SITE AND A 26-STORY (250-FOOT TALL) TOWER WITH 416 DWELLING UNITS, APPROXIMATELY 2,199 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 15,993 SQUARE FEET OF ARTS AND ACTIVITIES SPACE, APPROXIMATELY 31,290 SQUARE FEET OF USEABLE OPEN SPACE, 256 BICYCLE PARKING SPACES (224 CLASS 1, 32 CLASS 2), AND 95 VEHICULAR PARKING SPACES AND THREE CAR-SHARE SPACES WITHIN THE DOWNTOWN–GENERAL (C-3-G) ZONING DISTRICT, THE MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT (NCT-3), THE 85/250-R-2 AND 85-X HEIGHT AND BULK DISTRICTS, AND THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT.

PREAMBLE

The 30 Otis Street Project ("Project") comprises a project site of 36,042-square-feet (sf) along Otis Street, 12th Street, Colusa Alley, and Chase Court in the South of Market neighborhood (Assessors Block 3505, Lots 10, 12, 13, 16, and 18). Five commercial buildings, ranging from one to three stories, currently exist on the site.

The Project would merge the lots, demolish the existing buildings, and construct a residential building with ground-floor retail and arts activity uses. The proposed building would comprise a 9-story podium

structure extending across the entire site and a 26-story single tower in the southeastern portion of the building, at the corner of Otis and 12th streets. The proposed building would range from 85 to 250 feet in height, and would be approximately 474,381 square feet (sf) (398,365 gross square feet [gsf] per the San Francisco Planning Code). The proposed building would include 416 residential units, ranging from studios to two-bedroom units; 2,199 sf of ground-floor retail space in three separate spaces; 15,993 sf of arts activities space (occupied by the City Ballet School, which currently operates on the site in the 30 Otis Street building) with studios and a theater; and approximately 31,290 sf of open space provided on the ground floor and residential terraces. The project would expand the existing 15-foot-wide sidewalk on the west side of 12th Street to create an approximately 7,200-sf public plaza, ranging from 17 to 77 feet wide, at the corner of 12th Street and South Van Ness Avenue. The Project would provide 95 residential parking spaces and three car-share spaces in two basement levels. The Project would include 224 Class 1 bicycle parking spaces and 32 Class 2 spaces.

The building at 14-18 Otis Street has been determined individually eligible for the California Register of Historic Resources.

The Project site is located in a Downtown General Commercial (C-3-G) and Neighborhood Commercial Transit (NCT-3) districts and 85/250 R-2 and 85-X Height and Bulk Districts.

The Project requires a Planning Code section 309 downtown project authorization for the construction of a new building in a Downtown (C-3) Zoning District; exceptions to Planning Code section 148 for ground-level wind currents and section 249.33(b)(5) for lot coverage; an in-kind improvement agreement under Planning Code section 421.3(d) for community improvements for neighborhood infrastructure within the Market and Octavia Plan area, and Planning Code section 424.3(c) for community improvements for the neighborhood infrastructure within the Van Ness and Market Downtown Residential Special Use District (Neighborhood Infrastructure Fee); general plan referral for sidewalk changes, and 15-foot, 6-inch curb cut; variances from the Planning Code's requirements for an awning that functions as a wind canopy (Planning Code section 136.1), exposure (Planning Code section 140), and ground-floor height requirements (Planning Code section 145.1); an exemption from requirements to height for elevator overrun above 16 feet (Planning Code section 260(b)(1)(B)); and, a modification to rear yard requirements in the NCT District (Planning Code section 134).

The Project Sponsors filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department ("Department") on September 28, 2015.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation/Initial Study – Community Plan Evaluation ("NOP/IS-CPE") on February 9, 2018, which notice solicited comments regarding the scope of the EIR for the Project. The NOP/IS-CPE and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the Project.

During the 30-day public scoping period that ended on March 12, 2018, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in the preparation of the DEIR.

The Department prepared the DEIR, which describes the Project and the environmental setting, analyzes potential impacts, identifies mitigation measures for impacts found to be significant or potentially significant, and evaluates alternatives to the Project. The DEIR assesses the potential construction and operational impacts of the Project on the environment, and the potential cumulative impacts associated with the Project in combination with other past, present, and future actions with potential for impacts on the same resources. The analysis of potential environmental impacts in the DEIR utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The Environmental Planning Division's guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Department published a DEIR for the project on June 13, 2018, and circulated the DEIR to local, state, and federal agencies and to interested organizations and individuals for public review. On June 13, 2018, the Department also distributed notices of availability of the DEIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the Project area. The Planning Commission ("Commission") held a public hearing on July 19, 2018, to solicit testimony on the DEIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the DEIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the DEIR until July 27, 2018.

The San Francisco Planning Department then prepared the Response to Comments on DEIR document ("RTC"). The RTC document was published on September 13, 2018, and includes copies of all of the comments received on the DEIR and written responses to each comment.

During the period between publication of the DEIR and the RTC document, the Project Sponsors initiated revisions to the Project that reduce the number of residential units and reduce the arts and activities and the retail space on the ground floor ("Preferred Project"). The Preferred Project would provide 416 residential units versus the 423 residential units analyzed in the DEIR. The arts and activities space would be reduced from 16,600 square feet to 15,993 square feet, and the ground-floor retail space would be reduced from 5,585 square feet to 2,199 square feet. The amount of open space on the ground floor and residential terraces would be increased from 23,000 square feet to 31,902 square feet. In addition to these use changes, the amount of residential parking provided would increase from 71 spaces to 95 spaces, with still three car-share spaces being provided. The number of Class 1 bicycle spaces would decrease from 361 to 224, while the number of Class 2 spaces would remain at 32.

These changes would not result in increases to the height, width, or length of the building. Therefore, the Preferred Project fits within the building envelope previously analyzed in the DEIR. As a result, the

Preferred Project was fully studied in the DEIR and RTC document. The "Project" as analyzed under the Final EIR and these CEQA Findings includes the Project and the Preferred Project.

In addition to describing and analyzing the physical and environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification and modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the DEIR. The Final EIR (FEIR), which includes the DEIR, the RTC document, the Appendices to the DEIR and RTC document, and all of the supporting information, has been reviewed and considered. The RTC document and appendices and all supporting information do not add significant new information to the DEIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the FEIR (or any portion thereof) under CEQA. The RTC document and appendices and all supporting information contain no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project sponsor, or (4) that the DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Commission reviewed and considered the FEIR for the Project and found the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the California Environmental Quality Act (Public Resources Code section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code.

The Commission found the FEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the DEIR, and certified the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by its Motion No. 20291.

The Commission, in certifying the FEIR, found that the Project described in the FEIR will have the following significant and unavoidable environmental impacts:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
- Cause potentially significant delays to transit during project construction due to construction activities substantially interfering with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas.
- Combine with past, present, and reasonably foreseeable future projects in the vicinity of the project site to result in potentially hazardous conditions and significant delays to transit due to contributing considerably to significant cumulative construction-related transportation impacts,

with substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas.

- Combine with past, present and reasonably foreseeable future projects to alter wind in a manner that would substantially affect public areas in the vicinity of the project site.

The Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2015-010013ENV, 30 Otis Street Project, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 27, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2015-010013ENV, 30 Otis Street Project to consider the approval of the Project. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants and other interested parties.

The Commission has reviewed the entire record of this proceeding, the Environmental Findings, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the alternatives, mitigation measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed Mitigation Monitoring and Reporting Program ("MMRP") attached as Attachment B and incorporated fully by this reference, which material was made available to the public.

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

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of September 27, 2018.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards

NAYS: None

ABSENT: None

ADOPTED: September 27, 2018

ATTACHMENT A

California Environmental Quality Act Findings

PREAMBLE

In determining to approve the project described in Section I, below, the ("Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, separate and apart from the Commission's certification of the Project's Final Environmental Impact Report, which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

Section I provides a description of the Project, Project objectives, the environmental review process for the Project, the City and County of San Francisco ("City") approval actions to be taken, and the location and custodian of the record.

Section II identifies the Project's less-than-significant impacts that do not require mitigation.

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.

Section IV identifies significant impacts that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures.

Sections III and IV set forth findings as to the mitigation measures identified in the Final Environmental Impact Report. (The Draft Environmental Impact Report ["DEIR"] and the Comments and Responses document ["RTC document"] together comprise the Final Environmental Impact Report ["FEIR"]). Attachment B to the Planning Commission Motion contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce a significant adverse impact and is deemed feasible, identifies the parties

responsible for carrying out the measure and reporting on its progress, and presents a schedule for implementation of each measure listed.

Section V evaluates the alternatives to the Project that were analyzed in the Environmental Impact Report ("EIR") and the economic, legal, social, technological and other considerations that support the approval of the Project and discusses the reasons for the rejection of the Project Alternatives, or elements thereof.

Section VI sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

The MMRP for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091 and 15097. Attachment B provides a table setting forth each mitigation measure identified in the FEIR that would reduce a significant adverse impact and has been adopted as a condition of approval of the Project. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures adopted as conditions of approval is set forth in Attachment B.

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

I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

A. Project Description

The project site is on the north side of Otis Street at the intersection of Otis Street, 12th Street, and South Van Ness Avenue (U.S. 101), in San Francisco's South of Market (SoMa) neighborhood. The site comprises five adjacent lots (Assessor's Parcel Numbers 3505-010, 3505-012, 3505-013, 3505-016, and 3505-018) with frontage along Otis Street, 12th Street, Colusa Place, and Chase Court. Five commercial buildings, ranging from one to three stories, currently occupy the entire extent of their respective five lots.

The project sponsor, Align Otis, LLC, proposes to merge the five lots into one lot, demolish the existing buildings, and construct a residential building with ground-floor retail and arts activity use. The Project would include a 9-story podium structure extending across the entire site and a 26-story single tower in the southeastern portion of the building, approximately at the corner of Otis and 12th streets. The proposed building would range from 85 to 250 feet in height, and would be approximately 474,381 square feet (sf) (398,365 gross square feet [gsf] per the San Francisco Planning Code). The proposed building would include 416 residential units, ranging from studios to two-bedroom units; 2,199 sf ground-floor retail space in three separate spaces; 15,993 sf of arts activities space (occupied by the City Ballet School, which currently operates on the site in the 30 Otis Street building) with studios and a theater; and approximately 31,902 sf of open space provided on the ground floor and residential terraces. The project

would expand the existing 15-foot-wide sidewalk on the west side of 12th Street to create an approximately 7,200-sf public plaza, ranging from 17 to 77 feet wide, at the corner of 12th Street and South Van Ness Avenue. The Project would provide 95 residential parking spaces and three car-share spaces in two basement levels. The Project would include 224 Class 1 bicycle parking spaces and 32 Class 2 spaces.[1] Project construction would span approximately 22 months.

B. Project Objectives

The FEIR discusses several project objectives identified by the Project Sponsors.

- To redevelop a large, underused site in a transit-oriented, urban infill location with a range of dwelling units, ground-floor commercial and retail uses, open space amenities, and arts activity space for the City Ballet School.
- To provide modern and upgraded facilities for the City Ballet School, including performance space, studios, offices, changing rooms, reception lobby, and storage.
- To create studio and performance spaces that can be used as new community amenity space for rent to the public by the City Ballet School, when the ballet school is not in use.
- To create a mixed-use project consistent with the Market-Octavia Plan, the Van Ness and Market Downtown Residential Special Use District, the C-3-G Zoning District and Neighborhood Commercial-Transit-3 (NCT-3) Zoning District controls, and the San Francisco General Plan's housing, urban design, transportation, and other elements.
- To build a substantial number of residential units on site to help alleviate the current housing shortage in San Francisco and the greater Bay Area; as well as to contribute to the General Plan's Housing Element goals and the Association of Bay Area Governments' Regional Housing Needs Allocation for the City and County of San Francisco.
- To promote the construction, retention, and rehabilitation of affordable housing units in San Francisco, by participating in the City's Inclusionary Affordable Housing Program.
- To provide an attractive, usable, and pedestrian-friendly plaza at the corner of 12th and Otis streets.
- To provide neighborhood services on the ground floor for residents, neighbors, and nearby workers.
- To construct streetscape improvements and retail that serve neighborhood residents and workers, and enliven pedestrian activity on Otis Street and 12th Street.

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[1] Planning Code section 155.1(a) defines Class 1 bicycle spaces as "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees." Class 2 spaces are "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use."

- To produce a high-quality architectural and landscape design that encourages variety, is compatible with its surrounding context, and demonstrates exemplary commitment to the principles of environmental sustainability through its transportation planning, energy and water usage, materials selection, indoor environmental quality, and waste management.
- To construct a high-quality project that includes a sufficient number of residential units and amount of commercial space to make the redevelopment of the site economically feasible, produce a reasonable return on investment for the project sponsor and its investors, attract investment capital and construction financing, and generate sufficient revenue to subsidize the project's reconstructed City Ballet School.

C. Project Approvals

The Project would require approvals from several authorities, including those listed below:

Actions by the Planning Commission

- Approval of an application for a Planning Code section 309 downtown project authorization for the construction of a new building in a Downtown (C-3) Zoning District and for granting exceptions to Planning Code section 148 for ground-level wind currents and section 249.33(b)(5) for lot coverage.
- Findings under Section 295 of the Planning Code, in consultation with the Recreation and Park Commission and after receiving the recommendation of the General Manager of the Recreation and Parks Department, that the net new shadow cast by the Project on the proposed park at 11th and Natoma Streets would not be adverse.
- Approval of an *in-kind improvement agreement* under Planning Code section 421.3(d) for community improvements for neighborhood infrastructure within the Market and Octavia Plan area, and Planning Code section 424.3(c) for community improvements for the neighborhood infrastructure within the Van Ness and Market Downtown Residential Special Use District (Neighborhood Infrastructure Fee).
- General plan referral for sidewalk changes, and 15-foot, 6-inch curb cut.

Actions by the Zoning Administrator

- Granting of variances from the Planning Code's requirements for an awning that functions as a wind canopy (Planning Code section 136.1), exposure (Planning Code section 140), and ground-floor height requirements (Planning Code section 145.1(c)(4)).
- Granting of an exemption from requirements to height for elevator overrun above 16 feet (Planning Code section 260(b)(1)(B)).
- Granting of a modification to rear yard requirements in the NCT District (Planning Code section 134(e)(1)).

Actions by other City Departments

- Approval of site, demolition, grading, and building permits (Planning Department and Department of Building Inspection).
- Approval of permits for streetscape improvements in the public right-of-way, including new curb cuts on 12th Street, sidewalk widening, and tree removal and planting (San Francisco Public Works).
- Approval of project compliance with the stormwater design guidelines (San Francisco Public Utilities Commission).
- Approval of an erosion and sediment control plan (San Francisco Public Utilities Commission).
- Approval of a site mitigation plan, dust control plan, enhanced ventilation proposal, and issuance of a certification of registration for a diesel backup generator (San Francisco Department of Public Health).
- Approval of all proposed changes in parking and loading zones, and Class 2 bicycle parking. Coordination and approval on construction-related changes to the transportation network, including potential traffic, street and parking changes, sidewalk and/or lane closures (San Francisco Municipal Transportation Agency).

Actions by other Government Agencies

- Approval of permit for installation, operation, and testing of a diesel backup generator (Bay Area Air Quality Management District).

D. Environmental Review

The Project Sponsors filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department ("Department") on September 28, 2015.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation/Initial Study – Community Plan Evaluation ("NOP/IS-CPE") on February 9, 2018, which notice solicited comments regarding the scope of the EIR for the Project. The NOP/IS-CPE and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the Project.

During the 30-day public scoping period that ended on March 12, 2018, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the DEIR.

The Department prepared the DEIR, which describes the Project and the environmental setting, analyzes potential impacts, identifies mitigation measures for impacts found to be significant or potentially significant, and evaluates alternatives to the Project. The DEIR assesses the potential construction and

operational impacts of the Project on the environment, and the potential cumulative impacts associated with the Project in combination with other past, present, and future actions with potential for impacts on the same resources. The analysis of potential environmental impacts in the DEIR utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The Environmental Planning Division's guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Department published a DEIR for the project on June 13, 2018 and circulated the DEIR to local, state, and federal agencies and to interested organizations and individuals for public review. On June 13, 2018, the Department also distributed notices of availability of the DEIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on July 19, 2018, to solicit testimony on the DEIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the DEIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the DEIR until July 27, 2018.

The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR. The Planning Commission recognizes that minor changes have been made to the Project and additional evidence has been developed after publication of the DEIR. Specifically, during the period between publication of the DEIR and the RTC document, the Project Sponsors initiated revisions to the Project that reduce the number of residential units and reduce the arts and activities and the retail space on the ground floor ("Preferred Project"). The Preferred Project would provide 416 residential units versus the 423 residential units analyzed in the DEIR. The arts and activities space would be reduced from 16,600 square feet to 15,993 square feet, and the ground-floor retail space would be reduced from 5,585 square feet to 2,199 square feet. The amount of open space on the ground floor and residential terraces would be increased from 23,000 square feet to 31,290 square feet. In addition to these use changes, the amount of residential parking provided would increase from 71 spaces to 95 spaces, with still three car-share spaces being provided. The number of Class 1 bicycle spaces would decrease from 361 to 224, while the number of Class 2 spaces would remain at 32. These changes would not result in increases to the height, width, or length of the building. Therefore, the Preferred Project fits within the building envelope previously analyzed in the DEIR.

The Preferred Project was fully studied in the DEIR and RTC document (see Section B, "Project Description Revisions and Draft EIR Analysis," in the RTC document).

This material was presented in the RTC document, published on September 13, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

The Department prepared the RTC. The RTC document was published on September 13, 2018, and includes copies of all of the comments received on the DEIR and written responses to each comment.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document all as required by law. The IS-CPE is incorporated by reference thereto. As described in the FEIR, the refinements discussed above would result in either no changes to the impact conclusions or a reduction in the severity of the impact presented in the DEIR. The "Project" as analyzed under the Final EIR and these CEQA Findings include the Project and the Preferred Project.

Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the FEIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5, subd. (a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Here, the FEIR includes supplemental data and information that was developed after publication of the DEIR to further support the information presented in the DEIR. None of this supplemental information affects the conclusions or results in substantive changes to the information presented in the DEIR, or to the significance of impacts as disclosed in the DEIR. Nor does it add any new mitigation measures or alternatives that the project sponsor declined to implement. The Commission finds that none of the

changes and revisions in the FEIR substantially affects the analysis or conclusions presented in the DEIR; therefore, recirculation of the DEIR for additional public comments is not required.

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

On September 27, 2018, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on September 27, 2018, by adoption of its Motion No. 20291.

E. Content and Location of Record

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

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

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

F. Findings about Environmental Impacts and Mitigation Measures

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

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

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

As set forth below, the Commission adopts and incorporates the mitigation measures set forth in the FEIR, which to the extent feasible are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure that is deemed feasible and should have been included in the MMRP but was inadvertently omitted is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

In Sections II, III, and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect

and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

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

References to the proposed project or Project below in these CEQA Findings, including all impact conclusions and mitigation measures, shall be interpreted to include and incorporate any changes proposed by the revised Project, unless otherwise noted. In addition, all impact conclusions and mitigation measures are the same for the Project and revised Project, unless these CEQA Findings specifically indicate otherwise.

II. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AND THUS REQUIRING NO MITIGATION

The NOP/IS-CPE found that implementation of the Project would not result in new, project-specific environmental impacts, or impacts of greater severity than were already analyzed and disclosed in the *Market and Octavia Neighborhood Plan Final Environmental Impact Report* (Market and Octavia PEIR) (Case No. 2003.0347E; State Clearinghouse No. 2004012118), which is the underlying EIR for the proposed project, for the following issue topics: land use and land use planning; aesthetics; population and housing; archeological resources; noise; air quality; shadow; recreation; utilities and service systems; public services; biological resources; geology and soils; hydrology and water quality; hazards and hazardous materials; mineral and energy resources; and agriculture and forest resources.

In addition, as more fully described in the FEIR, and based on the evidence in the whole record of this proceeding, it is hereby found that implementation of the Project would not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

A. Historic Architectural Resources

Impact C-CR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity would not result in a significant cumulative impact to historic architectural resources.

B. Wind

Impact WI-1: The proposed project would not alter wind in a manner that substantially affects public areas in the vicinity of the project site.

Note: Senate Bill (SB) 743 became effective on January 1, 2014. Among other things, SB 743 added §21099 to the Public Resources Code and eliminated the requirement to analyze aesthetics and parking impacts for certain urban infill projects under CEQA. The proposed project meets the definition of a mixed-use residential project on an infill site within a transit priority area as specified by Public Resources Code

§21099. Accordingly, the FEIR did not disclose the topic of Aesthetics, which can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The FEIR nonetheless provided visual simulations for informational purposes. This information, however, did not relate to the significance determination in the FEIR.

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

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 discuss mitigation measures as identified in the FEIR for the Project and as recommended for adoption by the Planning Commission. The full explanation of the potentially significant environmental impacts and the full text of the mitigation measures is contained in the NOP/IS-CPE, FEIR and/or the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings.

The impacts identified in this Section III would be reduced to a less-than-significant level through implementation of the mitigation measures contained in the NOP/IS-CPE, FEIR, included in the Project, or imposed as conditions of approval and set forth in Attachment B. The impacts identified in Section IV, below, for which feasible mitigation has been identified in the FEIR also would be reduced, although not to a less-than-significant level.

As indicated in the MMRP, in most cases, mitigation measures will be implemented by the Planning Commission, Planning Department or the Project Sponsors. In these cases, implementation of mitigation measures will be made conditions of project approval. For each of these mitigation measures and the impacts they address, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (CEQA Guidelines, § 15091, subd. (a)(1).)

In the case of all other mitigation measures, an agency other than the Planning Commission (either another City agency or a non-City agency) will have responsibility for implementation or assisting in the implementation or monitoring of mitigation measures. This is because certain mitigation measures are partly or wholly within the responsibility and jurisdiction of another public agency (other than the Planning Commission). In such instances, the entity that will be responsible for implementation is identified in the MMRP for the Project (Attachment B). Generally, the Planning Commission has designated the agencies to implement mitigation measures as part of their existing permitting or program responsibilities. Based on past experience and ongoing relationships and communications with these agencies, the Planning Commission has reason to believe that they can and will implement the mitigation measures assigned to them. The Planning Department also will be assisted in monitoring implementation of mitigation measures by other agencies, as indicated in the MMRP in Exhibit B, such as the San Francisco Department of Public Works through their permit responsibilities, or the SFMTA as part of its operation and maintenance of traffic and transit systems.

For each of these mitigation measures and the impacts they address, the Planning Commission finds that the changes or alterations are in whole or in part within the responsibility and jurisdiction of a public agency other than the Planning Commission and that the changes have been adopted by such other agency or can and should be adopted by such other agency. (CEQA Guidelines, § 15091, subd. (a)(2).)
The Planning Commission adopts all of the mitigation measures proposed for the Project that are within the jurisdiction and control of the Planning Commission. For those mitigation measures that are the responsibility of agencies other than the Planning Department (e.g., the City and County of San Francisco and its subsidiary agencies), the Planning Commission finds that those measures can and should be implemented by the other agencies as part of their existing permitting or program responsibilities. Based on the analysis contained in the NOP/IS-CPE and FEIR, other considerations in the record, and the standards of significance, the Planning Commission finds that implementation of all of the proposed mitigation measures discussed in this Section III will reduce potentially significant impacts to a less-than-significant level.

The following significant impacts and mitigation measures were identified in the NOP/IS-CPE:

A. Archeological Resources Impact

The Market and Octavia PEIR determined that implementation of the area plan could result in significant impacts on archeological resources and identified four mitigation measures that would reduce these potential impacts to a less-than-significant level. No previous archeological studies have been previously completed for the property and the proposed project site is not within the Mission Dolores Archeological District; therefore, Mitigation Measures C1: Soil-Disturbing Activities in Archeologically Documented Properties, and C4: Soil-Disturbing Activities in the Mission Dolores Archeological District do not apply to the proposed project. As a property with no previous archeological study and streetscape improvements, the proposed project is subject to Market and Octavia PEIR Mitigation Measures C2 and C3, requiring a preliminary archeological sensitivity study and an archeological monitoring program for excavation in public streets.

Project Mitigation Measure 1: Archeological Testing Program (Implementing Market Octavia PEIR Mitigation Measure C2 and C3). Implementation of the archeological testing program would ensure that the proposed project would not result in significant impacts not identified in the Market and Octavia PEIR.

B. Air Quality Impact

The Market and Octavia PEIR identified potentially significant air quality impacts resulting from temporary exposure to elevated levels of fugitive dust and diesel particulate matter during construction of development projects under the area plan. The PEIR identified two mitigation measures that would reduce these air quality impacts to less-than-significant levels. Market and Octavia PEIR Mitigation Measures E1 and E2 address air quality impacts during construction. The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. Because these requirements provide the same dust control provisions as PEIR

Mitigation Measure, E1: Construction Mitigation Measure for Particulate Emissions, this measure related to dust control is no longer necessary to reduce construction-related dust impacts of the proposed project.

Project Mitigation Measure 2: Construction Air Quality (Implementing Market Octavia PEIR Mitigation Measure E2). Project Mitigation Measure 2: Construction Air Quality implements the Market and Octavia PEIR Mitigation Measure E2. Project Mitigation Measure 2: Construction Air Quality would require construction equipment engines meeting higher emission standards (lower emissions) which reduce diesel particulate matter exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.27 Therefore, impacts related to health risks from project construction emissions would be less than significant through implementation of Project Mitigation Measure 2: Construction Air Quality

The following significant impact and mitigation measure was identified in the FEIR:

C. Historic Architectural Resources

Impact CR-2: The proposed project would have a substantial adverse effect on an identified off-site historic resource.

Construction activity can generate vibration that can potentially cause structural damage to adjacent and nearby buildings. Construction of the Project would involve demolition, excavation, and building construction activities; however, it would not involve the use of construction equipment that would result in substantial groundborne vibration such as pile driving or blasting. The use of standard construction equipment is not expected to result in substantial groundborne vibration that would affect the architectural integrity of off-site historic structures. However, because construction activity would occur immediately adjacent to the historic resource at 56-70 12th Street, construction vibration could adversely affect this resource, which would be a significant impact.

Mitigation Measure M-CR-2: Vibration Monitoring Program for Adjacent Historical Resources, as more fully described in the DEIR (p. 4-38), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein. Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measure M-CR-2 would reduce Impact CR-2 to a less-than-significant level.

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

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the FEIR. The Commission finds that certain mitigation measures in the FEIR, as described in this Section IV, or changes, have been required in, or incorporated into, the Project, pursuant to Public Resources Code Section 21002 and CEQA Guidelines Section 15091, that may lessen, but do not avoid (i.e., reduce to less-than-significant levels), the potentially significant environmental effects associated with implementation of the Project that are

described below. Although all feasible mitigation measures and improvement measures set forth in the FEIR and the MMRP, attached hereto as Attachment B, are hereby adopted, for some of the impacts listed below, despite the implementation of feasible mitigation measures, the effects remain significant and unavoidable.

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

Thus, the following significant impacts on the environment, as reflected in the FEIR, are unavoidable. But, as more fully explained in Section V, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, it is found and determined that legal, environmental, economic, social, technological and other benefits of the Project override any remaining significant adverse impacts of the Project for each of the significant and unavoidable impacts described below. This finding is supported by substantial evidence in the record of this proceeding.

A. Historic Architectural Resources

Impact CR-1: The proposed project would demolish the 14-18 Otis Street building and cause a substantial adverse change in the significance of a historical resource as defined in the California Environmental Quality Act (CEQA) Guidelines section 15064.5.

The Project would demolish the 14-18 Otis Street building, which is individually eligible for listing in the CRHR under Criterion 3 (Architecture) as a fine example of an early 20th-Century light-industrial building in San Francisco. The 14-18 Otis Street building was designed with utility and flexibility to suit a variety of business types, especially light manufacturing, warehousing and wholesale showrooms, and displays a simple but relatively high level of design. Demolition of 14-18 Otis Street would materially impair the significance of the historic resource causing a substantial adverse impact on the individual historic resource and thus would be considered a significant impact under CEQA.

Implementation of **Mitigation Measures M-CR-1a: Documentation of the Historic Resource, M-CR-1b: Interpretation of the Historic Resource**, and **M-CR-1c: Video Recordation of the Historic Resource,** as more fully described in the DEIR (pp. 4-35 and 4-36, respectively) would not reduce Impact CR-1 to such a degree that the resource would still be able to convey the characteristics that justify its eligibility for listing in the CRHR. Thus, the impact of the Project on the built environment even with the imposition of the feasible mitigation measures discussed above would continue to be significant and unavoidable with mitigation.

B. Construction-Related Transportation and Circulation

Impact TR-1: The proposed project construction activities would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially significant delays to transit.

Construction of the project would require demolition, relocation, or delay of the Otis Street bus-boarding island, and construction vehicle maneuvers on Otis Street would create substantial interference with pedestrians, bicycles, and transit vehicles. The Otis Street bus boarding island is a key feature of the Muni Forward TTRP-14 Mission Rapid project. This portion of Otis Street provides more frequent transit service (24 buses during the p.m. peak hour) than most streets in San Francisco. In addition, the lines carry approximately 1,400 riders with a capacity of 2,600 riders during the p.m. peak hour. Given the frequency and high ridership of transit along Otis Street; the demolition, relocation, or delay of a key feature of the Muni Forward transit project along Otis Street for an approximately two-year period; and the slow maneuvering of trucks into the staging area adjacent to a travel lane used by transit, the project's temporary construction activities would result in substantial delays to transit. Therefore, the project construction impacts related to transportation would be considered significant.

Implementation of **Mitigation Measure M-TR-1a: Pedestrian, Bicycle, and Transit Access during Construction** and **Mitigation Measure M-TR-1b: Coordinated Construction Traffic Management Plan,** as more fully described in the DEIR (pp. 4-55 and 4-56), would reduce delays to transit operations. In addition, these mitigation measures would reduce conflicts between construction activities for the Project and pedestrians, bicyclists, and vehicles. However, because the below measures have not been finalized by the project sponsor and SFMTA, the feasibility and effectiveness of such mitigation measures is uncertain at this time, and the temporary construction-related impacts on transit would likely remain significant. Therefore, construction of the Project would result in construction-related transportation impacts that would remain significant and unavoidable with mitigation.

Impact C-TR-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would contribute considerably to significant cumulative construction-related transportation impacts, with substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions and significant delays to transit.

Construction of the Project may overlap with the construction of other nearby projects. In particular, the Van Ness BRT project will occur adjacent to the project site. The 1629 Market Street, 10 South Van Ness Avenue, 1500 Mission Street, and 1601 Mission Street development projects and components of the Better Market Street project are all within one block of the project site.

Given the magnitude of projected cumulative development and transportation/streetscape projects anticipated to occur in the project vicinity, as well as the uncertainty of construction schedules, cumulative construction activities could result in multiple travel lane closures, high volumes of trucks in the project vicinity, and sidewalk closures, which in turn could disrupt or delay transit, pedestrians, or bicyclists, or could result in potentially hazardous conditions (e.g., high volumes of trucks turning

adjacent to bike lanes). Despite the best efforts of the project sponsors and construction contractors, it is possible that simultaneous construction of the cumulative projects could result in significant disruptions to transit, pedestrian, and bicycle circulation, even if each project individually would not have significant impacts.

Given the concurrent construction of multiple buildings and transportation projects in close proximity, the expected intensity (i.e., the projected number of truck trips) and duration, and likely impacts on transit, bicyclists, and pedestrian conditions, cumulative construction-related transportation impacts would be considered significant, and the project's contribution to the impacts would be considerable.

Implementation of **Mitigation Measures M-TR-1a (Provision for Adequate Pedestrian, Bicycle, and Transit Access during Construction)**, and **M-TR-1b (Coordinated Construction Traffic Management Plan**, as more fully described in the DEIR (pp.4-55 and 4-56, would reduce, but would not avoid, the significant cumulative impacts related to hazards between construction activities and pedestrians, bicyclists, and transit vehicles. Other measures, such as imposing sequential (non-overlapping) construction schedules for all projects in the vicinity, were considered, but deemed infeasible due to potentially lengthy delays in project implementation. Therefore, construction of the Project, in combination with past, present and reasonably foreseeable development in San Francisco, would contribute considerably to cumulative construction-related transportation impacts, which would remain significant and unavoidable with mitigation.

C. Wind

Impact C-WI-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would alter wind in a manner that would substantially affect public areas in the vicinity of the project site.

The Project, in combination with other past, present, and reasonably foreseeable future projects, would increase the number of hours per year of exceedance under the section 148 wind hazard criterion, to 32 hours per year, compared to the cumulative-only scenario with 9 hours per year. Therefore, the project would make a considerable contribution to a significant cumulative wind impact (a significant impact). Preliminary evaluation of potential on- and off-site wind reduction measures (street trees and wind screens) demonstrates that such measures would be effective in reducing the contribution to cumulative wind hazard exceedances attributable to the project, but neither would reduce the project's contribution to cumulative wind impacts to a less-than-significant level. Further wind modeling could refine the combination of wind reduction measures needed to reduce the project's contribution to cumulative wind impacts to a less-than-significant level. However, the cumulative setting may change for various reasons prior to completion of project construction. For example, there could be design revisions to one or more of the cumulative development projects considered in the wind impact analysis; new development projects may be proposed in the project vicinity; or economic conditions or other factors could delay or halt construction of one or more of the cumulative projects. Those potential changes in the number, location or design of buildings in the cumulative setting could alter the cumulative wind environment, possibly redirecting wind flows to new locations or changing the intensity of wind flows.

Due to the uncertainty regarding cumulative development in the project vicinity and in order to identify measures to reduce cumulative wind impacts based upon the most current available information on cumulative projects, **Mitigation Measure M-C-WI-1** would be implemented. The measure would require development and implementation of wind reduction measures based on performance standards to reduce off-site wind hazards in the cumulative plus project setting based on best available information. Wind tunnel studies have demonstrated reductions in off-site winds with various wind reduction measures, and **Mitigation Measure M-C-WI-1** as more fully described in the DEIR (pp. 4-73 and 4-74), would require further testing and refinement of wind reduction measures. However, the effectiveness of **Mitigation Measure M-C-WI-1** is considered uncertain because landscaping such as street trees is considered an "impermanent" feature that may change over time or through the seasons and therefore may not consistently perform in the manner assumed in the wind model. In addition, the feasibility of Measure M-C-WI-1 assumes installation of wind screens on an off-site property not fully under the project sponsor's control. Thus, the impact is conservatively identified as significant and unavoidable with mitigation.

V. EVALUATION OF PROJECT ALTERNATIVES

This section describes the Project as well as the Project alternatives (the "Alternatives") and the reasons for approving the Project and for rejecting the Alternatives. This section also outlines the project objectives and provides a context for understanding the reasons for selecting or rejecting alternatives.

CEQA mandates that an EIR evaluate a reasonable range of potentially feasible alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Planning Department considered a range of alternatives in Chapter 4 of the FEIR. After an extensive alternative screening and selection process, the Planning Department selected five alternatives, in addition to the Project, to carry forward for detailed analysis in the FEIR:

- Alternative A: No Project Alternative
- Alternative B: Full Preservation Alternative
- Alternative C: Partial Preservation Alternative

These alternatives adequately represent a range of potentially feasible alternatives to the Project. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 6 of the FEIR. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission's and the City's independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

A. Reasons for Selecting the Project

The City and Project Sponsors, subject to the required approvals, have decided to implement the revised Project. That Project would meet all the Project Objectives, and would provide numerous public benefits, including the following:

- The Project would add 416 housing units to the City's housing stock, and be subject to the City's Inclusionary Housing program.
- The Project's design and development would incorporate innovative and sustainable transit-first policies which will provide significant benefits to residents of and visitors to the project site, including the provision of three car share spaces and ample bicycle parking spaces.
- The Project would include spaces on the ground floor that could be used as new community amenity space for rent to the public by the City Ballet School. In addition, the Project would provide open space for the community in the form of a 7,200 square foot plaza at the corner of 12th and Otis streets.
- Construction of the Project would generate construction jobs, as well as permanent jobs at project completion. In addition, the Project would encourage participation by small and local businesses by providing retail space on the ground floor.
- The Project would leverage the project site's central location and proximity to major regional and local public transit by building a dense mixed-use project that allows people to live close to transit.
- The Project would construct high-quality housing with sufficient density to contribute to 24-hour activity on the project site, while offering a mix of unit types, and sizes to accommodate a range of potential residents.
- The Project would facilitate a vibrant, interactive ground floor for Project and neighborhood residents, commercial users, and the public.
- The Project would promote sustainability at the site, building, and user level by incorporating Leadership in Energy and Environmental Design ("LEED") or equivalent sustainability strategies.
- The Project will be constructed at no cost to the City and will provide substantial direct and indirect economic benefits to the City.

B. Alternatives Considered for Detailed Analysis

CEQA provides that alternatives analyzed in an EIR may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR." (Pub. Res. Code Section 21081(a)(3); CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid some of the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these alternatives infeasible or unreasonable, for the reasons set forth below.

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

1. No Project Alternative

Under the No Project Alternative, the existing conditions characterizing the 36,042-square-foot 30 Otis project site would not change. The five buildings that are currently on the site, including the one-story auto repair facility at 74 12th Street, the one-story carpet store at 90-98 12th Street, the three-story light-industrial loft building at 14-18 Otis Street, the two-story light industrial building at 30 Otis Street, and the one-story auto repair facility at 38 Otis Street, would be retained in their current condition. Compared to the project, there would be no new construction of a mixed-use (residential and retail) building consisting of an 85-foot-tall podium structure on Otis Street and a 250-foot-tall tower on 12th Street. There would be no changes to the circulation system that serves the project site. The No Project Alternative would not preclude future development of the site with a range of land uses that are permitted under existing zoning and land use regulations. The project site would remain under the existing zoning, density, and height and bulk standards, as defined by the Planning Code. Under the No Project Alternative, it is assumed that existing land uses – principally auto repair/light industrial, commercial and retail uses – would remain into the near future.

The No Project Alternative would not result in any impacts related to historic architectural resources. A significant cumulative impact on pedestrians, bicyclists, and transit from hazards with the construction vehicle traffic of overlapping public and private projects in the vicinity could still occur under the No Project Alternative, but the project would not contribute to this cumulative impact. Wind conditions under the No Project Alternative would be slightly greater than with development of the Project. Under the No Project Alternative, cumulative wind impacts would be substantially reduced relative to under the Project; however, the project would not contribute to the significant cumulative wind impact in the project area.

The Planning Commission rejects the No Project Alternative as infeasible and unreasonable because although it would eliminate the Project's significant and unavoidable impacts, it would fail to meet the Project Objectives (as described in the DEIR) and the City's policy objectives regarding housing production. In particular, objectives to redevelop a large, underused site in a transit-oriented, urban infill location with a range of dwelling units, ground-floor commercial and retail uses, open space amenities, and arts activity space for the City Ballet School with a project that achieves high-quality urban design and sustainability standards would not be achieved. Additionally, the No Project Alternative would be inconsistent with key goals and objectives of the General Plan and the Downtown and Market-Octavia Area Plans, which call for increased housing production particularly on underutilized industrial and commercial parcels that are in proximity to downtown and public transportation options. With no new housing created, the No Project Alternative would not create new job opportunities for construction

workers and would be inconsistent with the Mayor's Executive Directive 17-02, which commits to the delivery of at least 5,000 new or rehabilitated units of housing every year for the foreseeable future.

In addition, the Project Sponsors hired a financial feasibility consultant, ALH Urban & Regional Economics (ALH Economics), to provide an independent economic analysis of the Project Project and the alternatives considered in the FEIR. As explained in that report, dated August 10, 2018, the No Project Alternative is economically infeasible. The existing buildings are small and old, and do not fully utilize the site. As a result, the income potential for the No Project Alternative is extremely limited. Specifically, as discussed in the Economic Analysis prepared by ALH Urban & Regional Economics dated August 10, 2018, the estimated net proceeds for the No Project Alternative are roughly one-third the acquisition cost ($21 million vs. $61 million), which is actually a low estimate as it does not include tenant improvements that are likely needed in order to secure tenants paying market rent. Consequently, under the No Project Alternative, the existing buildings would likely remain with little or no capital investment, until a future time when another development plan for the site is pursued.

The Planning Department has reviewed that economic analysis, and finds that the analysis has been prepared by a qualified economic consultant, that its methodology and approach are appropriate and consistent with professional standards, that all key development assumptions and sources for these assumptions are well-documented and reasonable, and concurs in the conclusion that the No Project Alternative is infeasible under standard measures of economic performance.

For the foregoing reasons, the Planning Commission rejects the No Project Alternative as infeasible.

2. Full Preservation Alternative

With the Full Preservation Alternative, the 14-18 Otis Street building would be retained and rehabilitated as part of the Project and the tower would be reduced (narrowed). The interior of the 14-18 Otis Street building would be rehabilitated for new uses.

The Full Preservation Alternative would demolish the remaining four buildings on the project site and replace them with a new building. The new building would contain 294,073 square feet (sf) of residential space in 257 units, including 51 studios, 112 one-bedroom units, 93 two-bedroom units, and one three-bedroom unit. The building would also contain 8,903 gross square feet (gsf) of retail space divided among three sections. In addition, 14,365 gsf on the first-floor level would be the City Ballet School. The ballet school space would be along 12th Street and extend into the building, with the studios wrapping around behind the exterior walls of the 14-18 Otis Street building. With the Full Preservation Alternative, however, there would be no ballet school auditorium. The basement of the building would have 40 vehicle parking spaces (37 residential spaces and three car-share spaces) and 282 Class 1 and 30 Class 2 bicycle parking spaces. Compared to the Project, this would be 58 fewer vehicle parking spaces, and 58 additional Class 1 and two fewer Class 2 bicycle parking spaces.

Impacts under the Full Preservation Alternative would be reduced compared to impacts under the Project with respect to the following environmental topics: population and housing; recreation; utilities and service systems; public services; operational transportation; noise; air quality; greenhouse gas

emissions; energy; land use and land use planning; hazards and hazardous materials; mineral resources; agricultural/forest resources. Construction-related activity associated with development of the project site would result in comparable impacts under both the Project and the Full Preservation Alternative for environmental topics such as archeological resources, noise, air quality, geology and soils, hydrology and water quality, because excavation and construction under this alternative would be similar to the Project. Because the Full Preservation Alternative would retain the existing historic resource at 14-18 Otis Street and adapt it for use, it would not adversely affect the historic resource and would not have a significant impact under CEQA, as compared to the significant unavoidable impact of the Project.

Construction of the Full Preservation Alternative – both on its own and in combination with cumulative projects – would result in construction-related transportation impacts that would remain significant and unavoidable with mitigation.

With respect to wind, the Full Preservation Alternative would have the same less-than-significant project-level wind impacts as the Project, but these impacts would be slightly greater than the Project. Further, the cumulative impact of the Full Preservation Alternative would remain significant and unavoidable with mitigation for the same reasons as the Project, although the impact would be substantially lessened as compared to the Project.

The Planning Commission rejects the Full Preservation Alternative as infeasible and unreasonable because although it would meet most of the project sponsor's basic objectives, it would not meet the objective of providing a performance space. Besides not meeting this objective, the ability to meet five of the 11 project objectives would be lessened for the Full Preservation Alternative relative to the Project due to the 38 percent reduced unit count and architectural design changes. For example, the Full Preservation Alternative would not meet the project objectives of developing the site at an intensity and density that takes advantage of the area's transit resources, or the project objective related to economic feasibility. Neither would the Full Preservation Alternative meet, to the same degree as the Project, the City's policies and objectives regarding housing production, cited above. Moreover, its ability to meet the City's policies regarding affordable housing would also be less than the Project, since its obligations under the Inclusionary Housing program would be reduced proportionally.

In addition, the Full Preservation Alternative is economically infeasible. As discussed in the Economic Analysis prepared by ALH Urban & Regional Economics dated August 10, 2018, the Full Preservation Alternative has the largest gap between estimated net proceeds and total development cost – nearly $53 million. This significant gap is due to the smaller and less efficient building size of the Full Preservation Alternative compared to the Project, with nearly 40% fewer residential units. The larger average unit size allows the Full Preservation Alternative's net proceeds to be only 32% less than that for the Project. However, the inefficiencies extend to the development costs, which are only reduced by 16% compared to the Project. Because development costs are significantly higher than estimated net proceeds, the Full Preservation Alternative would not be pursued. As with the No Project Alternative, the existing buildings would remain until a future time when another development plan for the site is pursued.

As explained above, the Planning Department has reviewed that economic analysis, and concurs in its methodology and conclusions, specifically, in the conclusion that the Full Preservation Alternative is infeasible under standard measures of economic performance.

For the foregoing reasons, the Planning Commission rejects the Full Preservation Alternative as infeasible.

3. Partial Preservation Alternative

With the Partial Preservation Alternative, approximately the front 60 feet of the existing 14-18 Otis Street building would be retained and rehabilitated for retail and residential use. Compared to the Full Preservation Alternative, there would be no vertical addition with the Partial Preservation Alternative. The use of the building would change from light industrial to mixed-use residential/retail.

The Partial Preservation Alternative would demolish the remaining four buildings on the site and replace them with a new building, creating a new structure adjoining the remaining section of the 14-18 Otis Street building. With this alternative, the new building would contain 313,756 sf of residential space with 294 residential units, including 82 studios, 101 one-bedroom units, 110 two-bedroom units, and one three-bedroom unit. In addition, the project would contain 8,441 gsf of retail space divided among four sections at the first-floor level. The City Ballet School would occupy about 15,006 gsf on the first floor. The basement of the new building would have 44 vehicle parking spaces (41 residential spaces and 3 car-share spaces) and 332 Class 1 and 30 Class 2 bicycle parking spaces. This is 54 fewer vehicle parking spaces, 108 additional Class 1 bicycle parking spaces, and two fewer Class 2 spaces.

Impacts under the Partial Preservation Alternative would be reduced compared to impacts under the Project with respect to the following environmental topics: population and housing; recreation; utilities and service systems; public services; operational transportation; noise; air quality; greenhouse gas emissions; energy. Impacts in the following environmental topics would be the same or very similar to the impacts of the Project: land use and land use planning; hazards and hazardous materials; mineral resources; agricultural/forest resources. Construction-related activity associated with development of the project site would result in comparable impacts under both the Project and the Partial Preservation Alternative for environmental topics such as archeological resources, noise, air quality, geology and soils, hydrology and water quality, because excavation and construction under this alternative would be similar to the Project.

Construction-related transportation impacts would be generally the same as for the Project because the construction scenario would be the same. Therefore, construction of the alternative would result in construction-related transportation impacts that would remain significant and unavoidable with mitigation.

The Partial Preservation Alternative would be expected to have similar wind effects as the Project and would make a considerable contribution to a significant cumulative wind impact, similar to the Project. The cumulative wind impact would remain significant and unavoidable with mitigation for the Partial Preservation Alternative, similar to the project.

The Planning Commission rejects the Partial Preservation Alternative as infeasible and unreasonable because although it would meet five of the 11 project sponsor's basic objectives, by reducing the size of the residential building, the Partial Preservation Alternative would provide 129 fewer units (30 percent fewer) as compared to the Project. As a result, this alternative would not fully meet the project sponsor's ability to meet project objectives of developing the site at an intensity and density that takes advantage of the area transit resources. In addition, the cost to construct the Partial Preservation Alternative would be generally similar to the Project; however, the reduction in units would result in a 30 percent lower economic return, which would not fully meet the project objective related to economic feasibility, which in turn, would reduce the project sponsor's funding for high-quality architectural and landscape design, subsidization of the reconstructed City Ballet School, and in-kind payments for the 12th Street plaza. In addition, the Partial Preservation Alternative would meet the City's policies regarding housing production, and affordable housing specifically, to a lesser degree than the Project. It would result in a decrease of the total number of units built, and it would also result in a reduction in the amount of fund contributions to the City's Inclusionary Housing program.

Further, the Partial Preservation Alternative would not be economically feasible. As discussed in the Economic Analysis prepared by ALH Urban & Regional Economics dated August 10, 2018, the Partial Preservation Alternative has approximately 30% fewer units than the Project, and the estimated net proceeds are approximately 25% less than that estimated for the Project. However, due to inefficiencies with respect to development costs, the total estimated development costs decline by only 10% compared to the Project. As a result, no development would take place under the Partial Preservation Alternative.

As explained above, the Planning Department has reviewed that economic analysis, and concurs in its methodology and conclusions, specifically, in the conclusion that the Partial Preservation Alternative is infeasible under standard measures of economic performance.

For the foregoing reasons, the Planning Commission rejects the Partial Preservation Alternative as infeasible.

C. Alternatives Considered but Rejected from Further Consideration

Seven alternatives were considered as part of the FEIR's overall alternatives analysis, but ultimately rejected from detailed analysis. The screening process for identifying viable EIR alternatives included consideration of the following criteria: ability to meet the project objectives; potential ability to substantially lessen or avoid environmental effects associated with the Project; and potential feasibility. Those alternatives considered but rejected are as follows:

1. Façade Preservation Alternative

With this alternative, all of the buildings on the project site would be demolished with the exception of the primary street façade of the 14-18 Otis Street building, which would be preserved and incorporated into the new building. This alternative would have allowed the project to be built largely as proposed, but it would not reduce the project's impacts to a less-than-significant level. In addition, the Planning

Department considers façade retention, or "facadism," to be de facto demolition and discourages this type of preservation alternative.

2. Partial Preservation Alternative – 30 Feet

With this alternative, all of the buildings on the project site would be demolished with the exception of the front 30 feet of the 14-18 Otis Street building, which would be preserved and incorporated into the new building. This alternative was rejected because it would retain only one structural bay of the existing structure, which given the unreinforced concrete nature of the existing building would leave it unsupported and structurally unsound thereby reducing the ability to retain it without substantial reconstruction. Instead, the Partial Preservation Alternative was considered since, as discussed above, it would retain the front 60 feet of the 14-18 Otis Street building, which would allow for preservation of more of the structure and more functional and stable floor plates.

3. Full Preservation Alternative – No Tower, Residential Use

Under this alternative, the 14-18 Otis Street building would be preserved, converted to residential use, and integrated into a new 10-story podium structure without a tower component. Since it would limit the number of residential units to 170 units that could be built, preclude the provision of space for the City Ballet School, and not meet most of the basic project objectives, this alternative was rejected.

4. Full Preservation Alternative – Relocation

Under this alternative, the 14-18 Otis Street building would be relocated from Lot 013 to Lot 012, placing it outside the 250-foot height and bulk zone and allow for the construction of a tower on Lot 012. This alternative was rejected because the 14-18 Otis Street building lacks sufficient structural conditions to be relocated. The relative thinness of the 6-inch walls combined with the lack of concrete floor slabs, led the project architect to conclude that it would not survive the move without substantial reconstruction. A substantial amount of new structural material would be necessary both to stabilize the relocated building and to construct missing and/or damaged fabric, such that the alternative would likely not be consistent with the Secretary's Standards. Based on preliminary estimates, this alternative was also determined by the project sponsor to be cost-prohibitive and limit the number of residential units that could be built. In addition, given the relocation of the building and added expense in relocation and rehabilitation, this alternative would not provide modern and upgraded facilities for the City Ballet School, including performance space, studios, offices, changing rooms, reception lobby, and storage, and spaces that can be used as new community amenity space for rent to the public, and thus would not meet most of the basic project objectives.

5. Transportation – Construction Alternatives

Construction staging alternatives to lessen or eliminate the significant and unavoidable construction transportation impact were also considered. Ultimately, as discussed below, these alternatives were rejected as infeasible.

In San Francisco, most high-rise construction sites are constrained. Where to stage construction and how construction traffic accesses a construction site is based on site configuration and street frontage, as well as activity on surrounding roadways. Builders typically obtain encroachment permits to utilize the public right-of-way along the street frontage. This allows use of the full property street frontage for several critical purposes including crane loading zone, debris dumpster containers, delivery truck staging, temporary power, and other areas for unloading materials for the hoist(s).

For the Project, the surrounding roadways are South Van Ness Avenue, Otis, and 12th streets, and other surrounding streets. Because the Project site is significantly longer (the Otis Street frontage is approximately 250 feet) than it is deep (the 12th Street frontage is approximately 130 feet) and only has a small frontage along Chase Court and Colusa Place, using Otis Street would be critical to construction staging and management. None of the other streets (12th Street, Chase Court and Colusa Place) has adequate space for the necessary delivery truck staging, crane-up zones, debris containers, temporary power equipment, and other construction activities.

The Otis Street frontage, however, includes bus lanes and bicycle lanes and is used by pedestrians. To balance these competing interests, the project sponsor and project contractor considered the following construction staging alternatives, taking into consideration the constraints along 12th Street and the uses along Otis Street.

(a) Chase Court and Colusa Place Access Alternative

With this alternative, construction traffic would be routed to Chase Court and Colusa Place, along the rear of the project site, to remove construction traffic from Otis Street. Access to this frontage is off Brady and Colton Streets. Chase Court and Colusa Place are less than 20 feet in width and are dead-end streets. Given the small size of these streets, limited access, and required truck turning radii, truck access is not feasible in this location and staging in this area is also not feasible.

(b) 12th Street Staging Only Alternative

Under this alternative, the use of Otis Street for staging and construction truck access would be eliminated and all construction truck access and staging would occur on 12th Street, using the 12th Street plaza area and one-way travel lane. This would require the closure of the southbound west lane on 12th Street, along the project frontage and approximately 40 feet north of the site. All southbound traffic would be diverted to the South Van Ness turn lanes.

With this alternative, trucks delivering materials to the 12th Street staging area would not use South Van Ness Avenue or Mission Street, and instead would access the site from the north end of 12th and Market streets. This would reduce the construction traffic impact in the Otis/South Van Ness intersection and eliminate any narrowing of the lanes along Otis Street. Under this alternative, the construction cranes would be placed within the building footprint, thereby allowing the greatest possible use of 12th Street and the plaza area for construction staging. While this alternative would have benefits to the Otis/ South Van Ness intersection, it could create similar transportation problems as the Project at the Market/12th Street intersection.

Furthermore, the 12th Street plaza would be too limited in area to accommodate the minimum temporary activities and staging areas needed to construct the Project. Truck loading and access for crane picks, the temporary power equipment, and dual hoists needed for the tower elements would use a majority of the plaza and southbound lane area. Because of the amount of equipment needed for construction of the Project, additional equipment would need to be staged outside of the building footprint in this plaza such as additional hoists and hoist dock platforms, debris containers (up to four), additional temporary power equipment (a 40-by 1-foot dedicated area with bollards, etc.), concrete pumps, security entry checkpoint, trucks awaiting unloading and material lay-down area.

Also, conducting construction activities mainly in the 12th Street plaza area would increase public safety exposures and risks. Without direct access to the podium along Otis Street, construction materials and debris would be transported up to 250 feet from one end of the project site to the other. This would create public and construction safety concerns from conflicts as materials, equipment, and debris are moved in a limited area actively being used for construction. Using only the 12th Street plaza area for construction staging and temporary facilities would create significant constraints on construction and delays as unworkable and unresolvable conflicts between deliveries and construction activities would occur due to multiple demands on limited space and time sensitivities regarding delivery and construction.

These factors resulted in a determination that it would be infeasible to provide the minimally necessary staging using only 12th Street and the plaza.

(c) Phased Construction Alternative

Under this alternative, the construction of the Project as well as the construction of cumulative projects within the cumulative environment (0.25 mile) would be staggered. This alternative was rejected as such a requirement would be infeasible. Restricting timing of development projects in the site vicinity could put those projects and the 30 Otis Street project on prolonged hold. This delay could affect the project sponsor from meeting most of the basic project objectives. In addition, the San Francisco Planning Department does not have jurisdiction to impose this restriction on cumulative private development projects or infrastructure projects that have already been approved (e.g., Van Ness Bus Rapid Transit) or may be approved in the future (e.g., other infrastructure projects that may be approved by the San Francisco Municipal Transportation Agency) that contribute to this impact. Furthermore, City decision-makers may deem these cumulative infrastructure projects as economically and socially necessary for various policy reasons (e.g., Transit-First, Vision Zero). Therefore, a Phased Construction Alternative, which would regulate the timing of construction projects in the project vicinity in order to minimize construction-related impacts was considered but rejected from further analysis.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081 and CEQA Guideline Section 15093, the Planning Commission 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 the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify

approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record, as defined in Section I.

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

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

- The Project would add up to 416 housing units to the City's housing stock, and would be subject to the City's Inclusionary Housing program, therefore contributing to the creation of affordable housing units.
- The Project's design and development would incorporate innovative and sustainable transit-first policies which will provide significant benefits to residents of and visitors to the project site, including the provision of three car share spaces and ample bicycle parking spaces.
- The Project would include spaces on the ground floor that could be used as new community amenity space for rent to the public by the City Ballet School. In addition, the Project would provide open space for the community in the form of a 7,200 square foot plaza at the corner of 12th and Otis streets.
- Construction of the Project would generate construction jobs, as well as permanent jobs at project completion. In addition, the Project would encourage participation by small and local businesses by providing retail space on the ground floor.
- The Project would leverage the project site's central location and proximity to major regional and local public transit by building a dense mixed-use project that allows people to live close to transit.
- The Project would construct high-quality housing with sufficient density to contribute to 24-hour activity on the project site, while offering a mix of unit types and sizes to accommodate a range of potential residents and assist the City in meeting its affordable housing needs.
- The Project would facilitate a vibrant, interactive ground floor for Project and neighborhood residents, commercial users, and the public.
- The Project would promote sustainability at the site, building, and user level by incorporating Leadership in Energy and Environmental Design ("LEED") or equivalent sustainability strategies.

- The Project will be constructed at no cost to the City and will provide substantial direct and indirect economic benefits to the City.

Having considered the above, and in light of evidence contained in the FEIR and in the record, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the FEIR and/or IS, and that those adverse environmental effects are therefore acceptable.

ATTACHMENT B - MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
HISTORIC ARCHITECTURAL RESOURCES				
Mitigation Measure M-CR-1a: Documentation of the Historic Resource				
Prior to the issuance of demolition or site permits, the project sponsor shall undertake *Historic American Building Survey* (HABS) documentation of the building, structures, objects, materials, and landscaping. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The documentation shall consist of the following: • Measured Drawings: A set of measured drawings that depict the existing size, scale, and dimensions of the building at 14-18 Otis Street. The Planning Department Preservation staff will accept legible, archival reproduction of the original architectural drawings or an as-built set of architectural drawings (plan, section, elevation, etc.) printed to meet HABS standards. The Planning Department's Preservation staff will assist the consultant in determining the appropriate level of measured drawings; • HABS-Level Photography: Digital photographs of the interior and exterior of the building at 14-18 Otis Street. Large format negatives are not required. The scope of the digital photographs shall be reviewed by Planning Department Preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS photography; and • HABS Historical Report: A written historical narrative and report, per HABS Historical Report Guidelines. The scope of the historical narrative shall be reviewed by Planning Department Preservation	Project Sponsor to retain qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61) to prepare the documentation	Prior to issuance of a demolition or site permit	Planning Department	Planning Department staff to approve the documentation prior to the dissemination to the San Francisco Main Library History Room, Northwest Information Center-California Historical Resource Information System, and San Francisco Architectural Heritage

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
staff, to include discussion of the project block's historic connection to the Western SoMa street grid prior to development of South Van Ness Avenue. The report shall also include a discussion of the context of extant light industrial buildings in other areas of San Francisco. The qualified professional shall prepare the documentation and submit it for review and approval by the Planning Department's Preservation staff prior to the issuance of demolition or site permits. The documentation shall be disseminated to the Planning Department, San Francisco Main Library History Room, Northwest Information Center-California Historical Resource Information System, and San Francisco Architectural Heritage.				
Mitigation Measure M-CR-1b: Interpretation				
The project sponsor shall provide a permanent display of interpretive materials concerning the history and architectural features of the original 14-18 Otis Street building and its operation during the period of significance. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards. The interpretative materials (which may include, but are not limited to, a display of photographs, news articles, memorabilia, and/or video) shall be placed in a prominent setting on the project site visible to pedestrians. A proposal describing the general parameters of the interpretive program shall be approved by the Planning Department Preservation staff prior to issuance of a site permit. The content, media, and other characteristics of such interpretive display shall be approved by the Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.	Project Sponsor/qualified preservation consultant.	Prior to issuance of the architectural addendum to the Site Permit; Prior to issuance of Temporary Certificate of Occupancy	Planning Department	Planning Department staff to approve design prior to installation, and installation prior to issuance of an occupancy certificate

ATTACHMENT B - MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
Mitigation Measure M-CR-1c: Video Recordation of the Historic Resource.				
Video recordation shall be undertaken prior to the issuance of demolition or site permits. The project sponsor shall undertake video documentation of the affected historical resource and its setting. The documentation shall be conducted by a professional videographer, preferably one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, and historic context of the historical resource. Archival copies of the video documentation shall be submitted to the Planning Department, and to repositories including but not limited to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, Northwest Information Center of the California Historical Information Resource System.	Project Sponsor/qualified preservation consultant.	Prior to issuance of the architectural addendum to the Site Permit; Prior to issuance of Temporary Certificate of Occupancy	Planning Department	Planning Department staff to approve video recordation prior to submittal to libraries prior to installation, and installation prior to issuance of an occupancy certificate
Mitigation Measure M-CR-2: Vibration Monitoring Program for Adjacent Historical Resources				
The project sponsor shall retain the services of a qualified structural engineer or vibration consultant and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the adjacent individual historic resource at 56-70 12th Street. Prior to any demolition or ground-disturbing activity, the Pre-Construction Assessment shall be prepared to establish a baseline and shall contain written and photographic descriptions of the existing condition of the visible exteriors from public rights-of-way of the adjacent buildings and in interior locations upon permission of the	Project Sponsor to retain qualified structural engineer and preservation architect to conduct the assessment	Prior to issuance of grading or building permits	Planning Department	Considered complete upon submittal to ERO of post-construction report on construction monitoring program and effects, if any, on proximate historical resources

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
owners of the adjacent properties. The Pre-Construction Assessment shall determine specific locations to be monitored and include annotated drawings of the buildings to locate accessible digital photo locations and locations of survey markers and/or other monitoring devices to measure vibrations. The Pre-Construction Assessment shall be submitted to the Planning Department along with the Demolition and Site Permit Applications. The structural engineer and/or vibration consultant in consultation with the preservation architect shall develop, and the project sponsors shall implement, a Vibration Management and Monitoring Plan to protect the adjacent historic building against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch per second, or a level determined by the site-specific assessment made by the structural engineer and/or the vibration consultant in coordination with the preservation architect for the project. The Vibration Management and Monitoring Plan shall document the criteria used in establishing the maximum vibration level for the project. The plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major construction project activities that would require heavy-duty equipment to ensure that vibration levels do not exceed the established standard. The Vibration Management and Monitoring Plan shall be submitted to Planning Department Preservation staff prior to issuance of any demolition or construction permits. Should vibration levels be observed in excess of the standard, or if damage to adjacent buildings is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or vibration consultant and the historic				

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
preservation consultant shall conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the Pre-Construction Assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards. A final report on the vibration monitoring shall be submitted to Planning Department Preservation staff prior to the issuance of a Certificate of Occupancy.				
CONSTRUCTION-RELATED TRANSPORTATION AND CIRCULATION				
Mitigation Measure TR-1a: Provision for Pedestrian, Bicycle, and Transit Access during Construction				
The project sponsor shall coordinate with SFMTA to ensure that adequate pedestrian, bicycle, and transit access is maintained along Otis and 12th Streets by providing temporary pedestrian pathways on both streets, and a temporary protected bicycle lane and transit stop on Otis Street. This may involve replacing the bus stop on Otis Street, restriping the lanes, removing parking spaces, relocating Muni overhead wires on Otis Street, and/or providing a temporary pedestrian walkway or new pedestrian crossing on 12th Street. The project sponsor shall pay for the temporary relocation and replacement of existing public right-of-way facilities, if the SFMTA deems relocation and replacement desirable. The project sponsor shall also pay for the construction of the bus-boarding island and cycle track on Otis Street between South Van Ness Avenue and Brady Street following the completion of the project and prior to issuance of the certificate of occupancy.	Project Sponsor/ contractor(s), SFMTA, SF Public Works, as directed by the ERO	Prior to the issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection for the 30 Otis Street building	Project Sponsor shall be responsible for contractor compliance Planning Department, SFMTA, and SF Public Works to monitor Project Sponsor compliance.	Considered complete after project construction activities have ended

ATTACHMENT B - MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
Mitigation Measure TR-1b: Coordinated Construction Traffic Management Plan				
The project sponsor shall participate in the preparation and implementation of a coordinated construction traffic management plan that includes measures to reduce hazards between construction-related traffic and pedestrians, bicyclists, and transit vehicles. The coordinated construction traffic management plan shall be prepared in coordination with other public and private projects within a one block radius that may have overlapping construction schedules (including the Van Ness BRT and Better Market Street projects, and the development projects at 1629 Market Street, 10 South Van Ness Avenue, 1500 Mission Street, and 1601 Mission Street) and shall be subject to review and approval by the TASC. The plan shall include, but not necessarily be limited to the following measures. • Construction Staging on Otis Street – The project sponsor shall provide a design for the construction staging zone on Otis Street that allows for front-in access with final access to the Otis Street staging area to be determined by the approved construction management plan. • Restricted Construction Truck Access Hours – Limit truck movements and deliveries requiring lane closures to occur between 9 a.m. to 4 p.m., outside of peak morning and evening weekday commute hours. • Construction Truck Routing Plans – Identify optimal truck routes between the regional facilities and the project site, taking into consideration truck routes of other development projects and any construction activities affecting the roadway network. • Coordination of Temporary Lane and Sidewalk Closures – The project sponsor shall coordinate lane closures with other projects requesting concurrent lane and sidewalk closures through the TASC and interdepartmental meetings process above, to minimize the extent and duration of requested lane and sidewalk closures.	Project Sponsor/ contractor(s), SFMTA, SF Public Works, as directed by the ERO	Prior to the start of construction, and throughout the construction period	Project Sponsor shall be responsible for contractor compliance. Planning Department, SFMTA, and SF Public Works to monitor Project Sponsor compliance	Considered complete after project construction activities have ended

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
Lane closures shall be minimized especially along transit and bicycle routes, so as to limit the impacts to transit service and bicycle circulation and safety. • Alternative Transportation for Construction Workers – Provide incentives to construction workers to carpool, use transit, bike, and walk to the project site as alternatives to driving alone to and from the project site. Such incentives may include, but not be limited to providing secure bicycle parking spaces, participating in free-to-employee and employer ride matching program from www.511.org, participating in emergency ride home program through the City of San Francisco (www.sferh.org), and providing transit information to construction workers. • Construction Worker Parking Plan – The location of construction worker parking shall be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking shall be discouraged. The project sponsor could provide on-site parking once the below grade parking garage is usable. • Proposed Project Construction Updates for Adjacent Businesses and Residents – Provide regularly updated information regarding project construction, including a construction contact person, construction activities, duration, peak construction activities (e.g., concrete pours), travel lane closures, and lane closures (bicycle and parking) to nearby residences and adjacent businesses through a website, social media, or other effective methods acceptable to the ERO. • Maintain Local Circulation – Place signage for all vehicle, bicycle, transit, and pedestrian detours. Reimburse the SFMTA for temporary striping and signage during project construction. Provide a traffic control officer to direct traffic around the project				

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
site, if determined necessary by the SFMTA or ERO. Preserve pedestrian access during construction detours.				
WIND				
Mitigation Measure M-C-WI-1: Design Measures to Reduce Cumulative Off-Site Wind Impacts				
The project sponsor shall retain a qualified wind consultant to prepare, in consultation with the Planning Department, a wind impact mitigation report that identifies design measures to reduce the project's contribution to off-site wind impacts in the cumulative-plus-project setting, based on best available information ("the wind report"). Prior to the final addenda approval by the Department of Building Inspection (DBI), the project sponsor shall submit the wind report to the Planning Department for its review and approval. The wind report shall incorporate updated information on cumulative development in the area and shall contain a list of potential wind reduction design measures, along with the estimated effectiveness of each measure to reduce the identified cumulative off-site wind hazards. Such wind reduction design measures may include on-site project design modifications, additions, additional on-site landscaping, or equivalent wind-reducing features; and off-site wind reduction measures such as the landscaping, streetscape improvements or other wind-reducing features, such as wind screens. The project sponsor shall implement one or more of the design measures identified in the wind report to reduce the project's contribution to identified cumulative off-site wind hazards to the extent feasible. The Planning Department shall approve the final list of wind reduction measures that the project sponsor shall implement.	Project sponsor to retain a qualified wind consultant	Project sponsor shall submit wind study prior to the final addenda approval by the DBI	Planning Department	The Planning Department shall approve the final list of wind reduction measures that the project sponsor shall implement

ATTACHMENT B - MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
ARCHEOLOGICAL RESOURCES				
Project Mitigation Measure 1: Archeological Testing Program (Implementing Market Octavia PEIR Mitigation Measure C2 and C3)				
Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List maintained by the planning department archeologist. The project sponsor shall contact the department archeologist to obtain the names and contact information for the next three archeological consultants on the Qualified Archeological Consultants List. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological 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. Archeological 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 archeological resource as defined in CEQA Guidelines section 15064.5(a) and (c).	Project Sponsor/ archeological consultant at the direction of the ERO	Prior to issuance of grading or building permits	Environmental Review Officer	Considered complete after Final Archeological Resources Report is approved

ATTACHMENT B - MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
Consultation with Descendant Communities. On discovery of an archeological site associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the *Final Archeological Resources Report* (FARR) shall be provided to the representative of the descendant group.	Project Sponsor/ archeological consultant and construction contractor	In the event that an archeological site is uncovered during the construction period	Planning Department	Considered complete after Final Archeological Resources Report is approved and provided to descendant group
Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an *archeological testing plan*. The *archeological testing program* shall be conducted in accordance with the approved archeological testing plan. The archeological testing plan shall identify the property types of the expected archeological 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 archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA. • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. • If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and	Project Sponsor/ archeological consultant and construction contractor	Prior to ground-disturbance and throughout the construction period	Planning Department	Considered complete after approval of Archeological Testing Plan

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.				
Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accordance with an *archeological data recovery plan* (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological 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 archeological 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 archeological resources if nondestructive methods are practical.	Project Sponsor/ archeological consultant and construction contractor	In the event that an archeological site is uncovered during the construction period	Planning Department	Considered complete after approval of Final Archeological Monitoring Report

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
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 onsite/offsite public interpretive program during the course of the archeological data recovery program. • Security Measures. Recommended security measures to protect the archeological 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.				
<u>Human Remains and Associated or Unassociated Funerary Objects.</u> 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, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code section 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond 6 days of discovery to	Project Sponsor/ archeological consultant and construction contractor	In the event that human remains are uncovered during the construction period	Planning Department	Considered complete after approval of Final Archeological Results Report and human remains are reburied

ATTACHMENT B - MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines section 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. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.				
FARR. The archeological consultant shall submit a draft FARR to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological 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 Archeological Site Survey NWIC shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series b) and/or documentation for nomination to the National Register of Historic	Project Sponsor/ archeological consultant and construction contractor	Completion of archeological investigations	Planning Department	Considered complete after Final Archeological Resources Report is approved

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
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.				
AIR QUALITY				
Project Mitigation Measure 2: Construction Air Quality (Implementing Market Octavia PEIR Mitigation Measure E2)				
The project sponsor or the project sponsor's construction contractor shall comply with the following A. Engine Requirements. 1. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The construction contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. 4. The construction contractor shall instruct construction workers and	Project Sponsor/ contractor(s)	Prior to issuance of construction permits and throughout the construction period	Planning Department	Considered completed after construction activities are completed

<table>
<tr><th rowspan="2">Adopted Mitigation Measures</th><th colspan="4">MONITORING AND REPORTING PROGRAM</th></tr>
<tr><th>Implementation Responsibility</th><th>Mitigation Schedule</th><th>Monitoring/ Reporting Responsibility</th><th>Monitoring Actions/ Schedule and Verification of Compliance</th></tr>
<tr><td>equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers.
1. The Planning Department's ERO or designee may waive the alternative source of power requirement of subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the construction contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the construction contractor must use the next cleanest piece of off-road equipment, according to the table below.

Off-Road Equipment Compliance Step-down Schedule
<table>
<tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr>
<tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr>
<tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr>
<tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr>
</table>
How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the construction contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the construction contractor must meet Compliance</td><td></td><td></td><td></td><td></td></tr>
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Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
Alternative 2. If the ERO determines that the construction contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. ** Alternative fuels are not a VDECS. C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the construction contractor shall submit a *Construction Emissions Minimization Plan* (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the construction contractor will meet the requirements of section A. 1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the construction contractor agrees to comply fully with the Plan. 3. The construction contractor shall make the Plan available to the public for review on-site during working hours. The construction contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during				

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	**Mitigation Schedule**	**Monitoring/ Reporting Responsibility**	**Monitoring Actions/ Schedule and Verification of Compliance**
working hours and shall explain how to request to inspect the Plan. The construction contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. D. Monitoring. After start of construction activities, the construction contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.				
IMPROVEMENT MEASURES				
Project Improvement Measure 1: Develop an Active Loading Management Plan				
The project sponsor will develop an active loading management plan that incorporates the following elements: • Coordinated Service Deliveries Building management will work with delivery providers (UPS, FedEx, DHL, USPS, etc.) to coordinate regular delivery times, and retail tenants will be required to schedule their deliveries. Management will instruct all delivery services that trucks will not stop on the 12th Street loading driveway, but rather will pull all the way into the 12th Street loading zone. The project will consider including an unassisted delivery system (i.e., a range of delivery systems that eliminate the need for human intervention at the receiving end) into the site design, particularly for when the receiver site (e.g., retail space) is not in operation. Examples could include the receiver site providing a key or electronic fob to loading vehicle operators, which enables the loading vehicle	Project Sponsor	Post-construction	Planning Department	Planning Department staff to monitor quarterly until ERO deems monitoring and success of the improvement measure complete

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
operator to deposit the goods inside the business or in a secured area that is separated from the business. • Managed Move-In/Move-Out Operations Building management will be responsible for coordinating and scheduling all move-in and move-out operations. To the extent possible for the proposed project, moves that use 15-foot box trucks or smaller, building management will direct drivers to use the move-in/move-out loading space on the first basement level. • Managed Usage of 12th Street Loading Zone In order to minimize the potential for conflicts at the loading zone entrance and driveway with the Ballet School, building management will provide a spotter (also known as a "flagger") to be used when a vehicle is actively using the loading area. When the loading zone is not in use, the loading zone door will be closed to signal that the area is inactive, and so that students do not enter the loading area. • Managed Garbage and Recycling Operations Building management will ensure that garbage and recycling bins be cleared from the curbside after garbage and recycling has occurred. They will also ensure that the loading space and driveway be kept free of debris, garbage, and garbage bins.				
Project Improvement Measure 2: Monitoring and Abatement of Queues				
As an improvement measure to reduce the potential for queuing of vehicles accessing the project site, it will be the responsibility of the project sponsor to ensure that recurring vehicle queues or vehicle conflicts do not occur adjacent to the site. A vehicle queue is defined as one or more vehicles blocking any portion of adjacent sidewalks or travel lanes for a consecutive period of three minutes or longer on a daily and/or weekly basis. If recurring queuing occurs, the owner/operator of the facility will	Project Sponsor	Post-construction	Planning Department	Planning Department staff to monitor quarterly until ERO deems monitoring and success of the improvement measure complete

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
employ abatement methods as needed to abate the queue. Appropriate abatement methods would vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking and loading facility, the street(s) to which the facility connects, and the associated land uses (if applicable). Suggested abatement methods include, but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants to facilitate parking lot ingress and egress. If the Planning Director, or his or her designee, determines that a recurring queue or conflict may be present, the Planning Department will notify the project sponsor in writing. Upon request, the owner/operator will hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant will prepare a monitoring report to be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue or conflict does exist, the project sponsor will have 90 days from the date or the written determination to abate the recurring queue or conflict.				

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