



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission CEQA Findings Motion No. 18937 HEARING DATE: AUGUST 1, 2013

Date: Revised – July 31, 2013
Case No.: 2011.0119 ECKV
Project Address: 200-214 6th Street
Zoning: SoMa NCT (Neighborhood Commercial Transit)
SoMa Youth and Family Special Use District
85-X Height and Bulk District
Block/Lot: 3731/001
Project Sponsor: Sharon Christen
Mercy Housing California
1360 Mission Street
San Francisco, CA 94103
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ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 249.40A, 303, 317, AND 735.38 TO DEMOLISH THE EXISTING RESIDENTIAL BUILDING AND CONSTRUCT A 9-STORY, 85-FOOT TALL MIXED USE BUILDING CONTAINING 67 AFFORDABLE DWELLING UNITS AND AN APPROXIMATELY 2,845 GROUND FLOOR RESTAURANT SPACE WITHIN THE SOMA NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT, THE SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT, AND 85-X HEIGHT AND BULK DISTRICT.

In determining to approve the proposed 200-214 6th Street Project and related approval actions ("Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act,

California Public Resources Code Sections 21000 et seq. ("CEQA"), particularly Sections 21081 and 21081.5, the Guidelines for implementation of CEQA, California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the proposed Project, the environmental review process for the 200-214 6th Street Project Environmental Impact Report (the "EIR"), the Approval Actions required for Project implementation, and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation;

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

Section V evaluates the economic, legal, social, technological, and other considerations that support the rejection of the alternatives analyzed in the EIR;

Section VI presents a statement of overriding considerations setting forth specific reasons in support of the Planning Commission's actions in light of the environmental consequences of the project; and

Section VII includes a statement incorporating the Final EIR by reference.

Attached to these findings as **Exhibit 1** is the Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation and improvement measures that have been proposed for adoption. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in the Final EIR ("FEIR") that is required to reduce or avoid a significant adverse impact. **Exhibit 1** also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

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

A. Project Description

The 200-214 6th Street Affordable Housing with Ground-Floor Retail project site is on the southwest corner of Howard and 6th Streets in the South of Market (SoMa) neighborhood (Assessor's Block 3731, Lot 001). The rectangular site is on the block bounded by Howard Street (north), 7th Street (west), Folsom Street (south), and 6th Street (east). The project site is located within the SoMa Neighborhood

Commercial Transit (NCT) district, the SoMa Youth and Family Special Use district and an 85-X height and bulk district. The project site is also within the Sixth Street Lodginghouse (6SL) district and is near the SoMa Extended Preservation (SOMEPE) district.

The approximately 9,997- square-foot (0.23 acre) project site contains a vacant four-story hotel, and a 10-foot-wide gated open space along the west side of the building. The building was constructed in 1909. The existing building is a contributor to a National Register-eligible Historic District. A temporary, site-specific art installation project known as "Defenestration" currently adorns the exterior of the vacant building. The art installation—consisting of colorful cartoon-like tables, chairs, a bathtub, and other household furnishings spilling out of windows and down the walls— was intended to be temporary, but has remained in place for 15 years. The installation has no historic significance as it is not associated with the historical context of the building itself and is not eligible for consideration for listing on the California Register.

The proposed project would include demolition of the existing contributory building in a historic district, and construction of a nine-story, 85-foot-tall, approximately 68,540-square-foot mixed-use building with 67 affordable rental housing units (studio, and one-, two- and three-bedroom units). The residential units would be affordable to very low income households. Of the 67 units proposed, the approximate breakdown of unit types would be as follows:

Studios	One-Bedroom	Two-Bedroom	Three-Bedroom	Total Units
8	24	25	10	67
12%	36%	37%	15%	100%

Fourteen of the units--11 1-bedroom and 3 2-bedroom units--would be available to households with developmentally disabled members.

The proposed project would include approximately 47,710 square feet of residential space, 2,845 square feet of ground-floor commercial space, a 1,215-square-foot community room, and 2,589 square feet of private and 3,691 square feet of common open space (respectively), including a rear yard and 2,303 square foot roof terrace. There would be 29 bicycle parking spaces; no vehicle parking spaces are included.

The new steel building would be clad in a mixture of brick veneer, dark patinated metal panels, and dark anodized aluminum windows. The building would be highly articulated by a geometric pattern of projecting rectangular bays on the 6th Street façade, as well as by the larger building massing consisting of a taller vertical element at the front corner/Howard Street façade, and a shorter element extending along 6th Street.

Project construction is estimated to take 20 months, including two months for demolition of the existing building, with a construction cost of approximately \$18.8 million. Construction of the foundation would require excavation of up to 3,800 cubic yards of soil to accommodate the four-foot-thick replacement mat slab. It would require repairing or replacing the retaining walls in the existing building, and drilling 30 to 40 feet below the basement to construct soil cement columns. Construction is anticipated to begin in mid-to late 2014, with occupancy expected in early- to mid-2016.

B. Environmental Review

The Planning Department determined that an Environmental Impact Report was required for the Project. The Planning Department published the Draft EIR (State Clearinghouse No. 2012082052) and provided public notice of the availability of the Draft EIR for public review and comment February 27, 2013.

On February 27, 2013, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse. Notices of availability for the Draft EIR of the date and time of the public hearings were posted on the Planning Department's website on February 27, 2013.

The Planning Commission held a duly noticed public hearing on the Draft EIR on April 4, 2013. At this hearing, opportunity for public comment was given, and public comment was received on the Draft EIR. The Planning Department accepted public comments on the Draft EIR from February 27, 2013, to April 15, 2013.

The Planning Department published the Responses to Comments on the Draft EIR on July 17, 2013. This document includes responses to environmental comments on the Draft EIR made at the public hearing on April 4, 2013, as well as written comments submitted on the Draft EIR during the public review period from February 27, 2013 to April 15, 2013. The comments and responses document also contains text changes to the Draft EIR to correct or clarify information presented in the Draft EIR, including changes to the Draft EIR text made in response to comments.

C. Approval Actions to be taken furtherance of the Project

1. Required Planning Commission Approvals

The Planning Commission will be responsible for:

- a) Certification of the Final EIR;
- b) Adoption of these CEQA Findings, mitigation measures, and a mitigation monitoring and reporting program ("MMRP");
- c) Making findings of General Plan and Priority Policies (Planning Code Section 101.1) consistency; and
- d) Conducting a Discretionary Review if requested under Planning Code Section 312 for demolition of a residential building.
- e) Conditional Use Approval for:
 - 1. Construction of a building on a site equal to or exceeding 10,000 square feet pursuant to Planning Code Section 121.1;
 - 2. Establishment of a possible full service restaurant pursuant to Planning Code Section 249.40A; and
 - 3. Demolition of existing dwelling units in the NCT pursuant to Planning Code Sections 207.7 and 317.

2. Required Zoning Administrator Approvals

- a) A rear yard variance or Zoning Administrator modification pursuant to Planning Code Section 134(e) because the proposed rear yard does not meet the 25 percent of lot area required for a compliant rear-yard;
- b) An open space variance under Planning Code Section 135 because the open space will not be located in one area on the site; and,
- c) A dwelling unit exposure variance because not all units will face onto the required unobstructed depth required by Planning Code Section 140.

3. Other City Agency Approvals

Municipal Transportation Agency (MTA)

- a) Approval of a white passenger loading zone in front of the building's lobby on Howard Street; and
- b) Approval of a yellow commercial loading zone along 6th Street.

Department of Building Inspection (DBI)

Approval of demolition and building permits

D. Location of Records

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

- The EIR, and all documents referenced in or relied upon by the EIR.
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR.
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR, or incorporated into reports presented to the Planning Commission.
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- All applications, letters, testimony and presentations presented to the City by Mercy Housing, the project sponsor for the Project.
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.
- For documentary and information purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- The Mitigation Monitoring and Reporting Program (MMRP).

- All other documents comprising the record pursuant to Public Resources Code Section 2116.76(e)

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period from February 27, 2013 to April 15, 2013, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, Suite 400, San Francisco. Jonas Ionin, Acting Commission Secretary, is the custodian of these documents and materials.

These findings are based upon substantial evidence in the entire record before the Planning Commission.

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

Finding: Based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that the implementation of the Project would not result in any significant environmental impacts in the following areas: Land Use and Land Use Planning; Aesthetics; Population and Housing; Transportation and Circulation; Greenhouse Gas Emissions; Wind and Shadow; Recreation; Utilities and Service Systems; Public Services; Biological Resources; Geology and Soils; Hydrology and Water Quality; Mineral/Energy Resources; and Agriculture and Forest Resources. Each of these topics is analyzed and discussed in detail in the Initial Study, attached as Appendix A to the Draft EIR.

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

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

The findings in this Section III and in Section IV concern impacts identified in the EIR and mitigation measures set forth in the EIR. These findings discuss mitigation measures as proposed in the EIR and recommended for adoption by this Commission and other City entities that can be implemented by the City agencies or departments. The mitigation measures proposed for adoption in this section are identical to the mitigation measures identified in the attached MMRP. The Draft EIR and Response to Comments document provides additional evidence as to how these measures would avoid or reduce the identified impacts as described herein. Such analysis, as stated in Section VII, is incorporated herein by reference.

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

The Planning Commission finds, based on the record before it, that the mitigation measures proposed for adoption in the MMRP are feasible, and that they can and should be carried out by the Project Sponsor and the identified agencies at the designated time. The Planning Commission urges other agencies to adopt and implement applicable mitigation measures set forth in the MMRP that are within the jurisdiction and responsibility of such entities. The Planning Commission acknowledges that if such

measures are not adopted and implemented, the Project may result in additional significant unavoidable impacts. For this reason, and as discussed in Section I, the Planning Commission is adopting a Statement of Overriding Considerations as set forth in Section VI.

All mitigation measures identified in the FEIR that are applicable to the Project and would reduce or avoid significant adverse environmental impacts of the Project are proposed for adoption and are set forth in Exhibit 1, in the MMRP. The Planning Commission agrees to and adopts all mitigation measures set forth in the MMRP.

A. Air Quality

1. Impact – Minimization of Construction Air Emissions and Toxic Air Contaminants

a) Potentially Significant Impact

The EIR finds implementation of the Project could result in exposure of sensitive receptors to construction emissions and toxic air contaminants.

b) Mitigation Measures M-AQ-2 and M-AQ-4 and Conclusion

The Planning Commission finds the potentially significant impacts listed above would be reduced to a less-than-significant level with incorporation into the Project of Mitigation Measures M-AQ-2 and M-AQ-4 as set forth the Initial Study (Appendix A to the Draft EIR) at p. 154-157, as follows:

Mitigation Measure M-AQ-2

Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;

b) All off-road equipment shall have:

i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, and

ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).

c) Exceptions:

i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or

infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.

ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is:

- (1) technically not feasible,
- (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or
- (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to (A)(1)(b)(ii), the project sponsor must comply with the requirements of (A)(1)(c)(iii).

iii. If an exception is granted pursuant to (A)(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedule below.

TABLE M-AQ-2
OFF-ROAD EQUIPMENT COMPLIANCE
STEP DOWN SCHEDULE*

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

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

** Alternative fuels are not a VDECS

* Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.

3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.

4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier

rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used. 5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.

B. Reporting. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

Mitigation Measure M-AQ-4

Air Filtration and Ventilation Requirements for Sensitive Land Uses. Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed building(s). The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor PM2.5 concentrations from habitable areas and be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor transmission of air pollution.

Maintenance Plan. Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.

Disclosure to buyers and renters. The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

B. Cultural and Paleontological Resources

1. Impact – Substantial Damage to Archeological Resources from Excavation (CP-2)

a) Potentially Significant Impact CP:2

The EIR finds that excavation for the proposed project could result in an adverse effect to archeological deposits that may be present beneath the surface of the project site.

b) Mitigation Measure M-CP-2 and Conclusion

Although the EIR finds that the Project would not cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5, because of the amount of Project excavation, the Project could have a significant impact on human remains. The Planning Commission therefore finds the potentially significant impacts listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure M-CP-2, pp. 89–92 of Draft EIR, which would require the implementation of an Archeological Testing Plan, as follows:

Mitigation Measure M-CP-2

The Project Sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. 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 and with the requirements of the project archeological research design and treatment plan at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirements of the project archeological research design and treatment plan and requirements of this archeological mitigation measure, the requirements of this archeological mitigation measure shall prevail. 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 less-than-significant levels potential effects on a significant archeological resource as defined in CEQA *Guidelines* Section 15064.5 (a) through (c).

Consultation with Descendant Communities. On discovery of an archeological site¹ associated with descendant Native Americans or the Overseas Chinese, the ERO and an appropriate representative² of the descendant group shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site and recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

¹ The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

² An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and, in the case of the Overseas Chinese, the Chinese Historical Society of America.

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP 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.

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

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or

B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program (AMP) shall be implemented, the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), and site remediation, shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context.
- The archeological consultant shall advise all project contractors of the need to be on the alert for evidence of the presence of the expected resource(s), ways to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archeological resource.
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.

- 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 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 accord 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 shall identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if non-destructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program

- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
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- *Final Report.* Description of proposed report format and distribution of results.
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- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the coroner of the City and County of San Francisco and in the event of the coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines 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.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO. The FARR shall evaluate 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: the California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy; the ERO shall receive a copy of the transmittal of the FARR to the NWIC; and the Environmental Planning Division of the Planning Department shall receive one bound copy, one unbound copy, and one unlocked, searchable PDF copy on CD, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or high interpretive value of the resource, the ERO may require a different final report content, format, and distribution from that presented above.

2. Impact –Impacts to Human Remains (CP-3)

b) Potentially Significant Impact

The EIR finds that excavation of the project site could result in the disturbance or removal of human remains.

b) Mitigation Measure M-CP-2 and Conclusion

The Planning Commission finds the potentially significant impacts listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure M-CP-2, Archeological Testing Plan, p. 89-92 of the Draft EIR, and discussed above.

C. Hazards and Hazardous Materials

1. Impact – Potential Creation of Significant Public Hazard from Release of Hazardous Materials (Impact HZ-2)

b) Potentially Significant Impact

The EIR finds demolition and/or excavation may result in the unexpected or accidental release of mercury or PCBs as well as other materials on site such that implementation of the project could create a significant hazard to the public or environment.

b) Mitigation Measures M-HZ-2(a) and M-HZ-2(b) and Conclusion

The Planning Commission finds the potentially significant impacts listed above would be reduced to a less-than-significant level with implementation of Mitigation Measures M-HZ-2(a) and M-HZ-2(b), as set forth Appendix A to the Draft EIR at p. 157, as follows:

Mitigation Measure M-HZ-2(a)

Hazardous Materials Contingency Plan and Health and Safety Plan

A Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material is required by the San Francisco Department of Public Health (SFDPH) Contaminated Sites Assessment and Mitigation Program (SAM).

The Contingency Plan shall include collection of two or three confirmation soil samples to verify earlier soil data.

Construction-related documents to address dust control, run off, noise control, and worker health and safety shall also be prepared and submitted to the Planning Department with copies to SFDPH SAM at least two weeks prior to beginning construction work.

Should an Underground Storage Tank (UST) be encountered, work will be suspended and the owner notified. The site owner will notify the SFDPH of the situation and the proposed response actions. The UST shall be removed under permit with the SFDPH Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department.

The project sponsor is required to submit the Contingency Plan at least 4 weeks prior to beginning construction or basement demolition work.

In addition to the Contingency Plan, SFDPH and the California Occupational Safety and Health Administration (CAL OSHA) require the preparation of a Health and Safety Plan for this project. The project sponsor is required to submit the Health and Safety Plan to the SFDPH not less than two weeks prior to the beginning of construction field work.

The project sponsor shall submit a final project report describing project activities and implementation of the Contingency Plan, Health and Safety Plan, etc. Report appendices should include copies of project permits, manifests or bills of lading for soil or groundwater disposed or discharged, copies of laboratory reports for any soil or water samples analyzed. Two confirmation samples from the basement are requested by SFDPH to complete the project report and verify earlier data.

Mitigation Measure M-HZ-2(b)

Other Hazardous Building Materials (PCBs, Mercury, Lead, and others)

The project sponsor shall ensure that pre-construction building surveys for PCB- and mercury-containing equipment, hydraulic oils, fluorescent lights, mercury and other potentially toxic building materials are performed prior to the start of any demolition or renovation activities. A survey for lead has been conducted and identified the presence of lead in the existing building. Any hazardous building materials discovered during surveys would be abated according to federal, state, and local laws and regulations.

D. Noise and Vibration

1. Impact-Interior and Exterior Noise (Impact NO-1)

a) Potentially Significant Impact

The EIR finds that construction of the Project could expose persons to noise levels in excess of established standards and could result in a substantial permanent increase in ambient noise levels.

b) Mitigation Measures M-NO-1(a), M-NO-1(b), and M-NO-1(c) and Conclusion

The Planning Commission finds the potentially significant impacts listed above would be reduced to a less-than-significant level with incorporation of Mitigation Measures M-NO-1(a), M-NO-1(b), and M-NO-1(c) into the project, as set forth in Appendix A of the Draft EIR, at pp. 152-153 as follows:

Mitigation Measure M-NO-1(a)

For new residential development located along streets with noise levels above 75dBA Ldn, the Planning Department requires the following:

1. Preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within two blocks of the project site, and at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to completion of the environmental review. The analysis should demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained; and
2. To minimize effects on development in noisy areas, the Planning Department shall, through its building permit review process, in conjunction with the noise analysis required above, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. One way that this might be accomplished is through a site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design (see Mitigation Measure M-NO-1: Interior and Exterior Noise, San Francisco 2004 and 2009 Housing Element EIR).

Mitigation Measure M-NO-1(b)

The project sponsor shall construct the proposed residential units with the following window and wall assemblies: Windows shall be Torrance 2500 approved equal windows with one-inch dual-glazed frames with 7/16-inch laminated glazing, 5/16-inch air space, and ¼-inch glazing; exterior walls shall consist of 3/8-inch plywood; 2x6-inch wood stud or 16-gauge steel stud, 16 inches on center with fiberglass sheets in stud cavities; resilient channels; and ½-inch gypsum board.

Mitigation Measure M-NO-1(c)

If deviations from these assemblies are proposed, the alternative window and/or wall assemblies shall be evaluated by a qualified acoustical consultant to ensure that Title 24 standards are met.

2. Impact – Construction Noise Levels (Impact NO-2)

b) Potentially Significant Impact

The EIR finds that construction of the Project could expose persons to temporary or periodic increases in noise and vibration levels substantially in excess of ambient levels.

b) Mitigation Measure M-NO-2 and Conclusion

The Planning Commission finds the potentially significant impacts listed above would be reduced to a less-than-significant level with incorporation of Mitigation Measures M-NO-2 into the project, as set forth in Appendix A of the Draft EIR, at pp. 153-154 as follows:

Mitigation Measure M-NO-2

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the sponsor shall undertake the following:

- The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible).
- The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5.0 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.
- The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to DBI a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: (1) a procedure and phone numbers for notifying DBI, the SFDPH, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

IV. Significant Impacts That Cannot Be Avoided or Reduced to a Less Than Significant Level

Finding: Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations can and should be incorporated into the Project to reduce the significant environmental impacts listed below as identified in the FEIR. The Planning Commission determines that the following significant impacts on the environment, as reflected in the FEIR, are unavoidable, but under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Commission determines that the impacts are acceptable due to the overriding considerations described in Section VI below. This finding is supported by substantial evidence in the record of this proceeding.

A. Cultural and Paleontological Resources

1. Impact –Project-Specific and Cumulative Impacts to Historical Architectural Resources (CP-4)

a) Potentially Significant Impact

The EIR finds that the proposed demolition of the 200-214 6th Street building, a contributor to a National Register-eligible Historic District, would result in a significant project-specific and, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would contribute considerably to cumulatively significant impacts to historic architectural resources.

b) Mitigation Measures M-CP-4(a) and M-CP-4(b) and Conclusion

The Planning Commission finds the potentially significant impacts listed above would not be reduced to less-than-significant levels by implementation of Mitigation Measures M-CP-4(a) and M-CP-4(b), at pp. 93-94 of the Draft EIR, as follows.

Mitigation Measure M-CP-4(a) (HABS Documentation)

To partially offset the loss of the resource, the project sponsor shall at a minimum, ensure that a complete survey meeting the standards of the Historic American Building Survey (HABS) is undertaken prior to demolition, as follows:

- Prior to approval of the demolition permit, the Project Sponsor shall undertake HABS (Historic American Building Survey) documentation of the subject property. 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:
 - HABS-Level Photography: Archival photographs of the interior and the exterior of subject property. Large format negatives are not required. Digital photography may be taken as guided by HABS/HAER/HALS Photography Guidelines. Generally, the following requirements shall apply: the digital sensor size should be at least full frame (35mm) with a minimum of 24 megapixels taken with a perspective correction or other lens resulting in photographs that do not require post-processing. Photographic prints should be accompanied by a data sheet from the

printer noting the paper used, printer model, type of ink, and estimated longevity. The scope and number of the archival photographs shall be reviewed and approved by Planning Department Preservation staff, and all photography shall be conducted according to the latest National Park Service standards and guidelines. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS Photography, and shall be labeled according to HABS Photography Guidelines; and

- HABS Historical Report: A written historical narrative and report, per HABS Historical Report Guidelines. The professional shall prepare the documentation and submit it for review and approval by the San Francisco Planning Department's Preservation Technical Specialist. The final documentation shall be disseminated to the San Francisco Planning Department, San Francisco Library History Room, Northwest Information Center-California Historical Resource Information System, and San Francisco Architectural Heritage.

Mitigation Measure CP-4(b) Interpretive Display

Completing a historical resources survey to HABS documentation standards would reduce the Impact CP-4, but not to a less-than-significant level. (Significant, Unavoidable) Implementation of this mitigation measure would reduce Impact CP-4 (historic architectural resources), but not to a less-than-significant level. Therefore, impacts related to the demolition of the 200-214 6th Street building would remain significant and unavoidable. However, to partially offset the loss of the resource, the project sponsor shall incorporate an exhibit/interpretative display on the history of the building, the Defenestration art installation, and the surrounding historic district prior to approval of the demolition permit. It should be noted that the Defenestration art installation is included in the exhibit/interpretive display although the art installation, itself, is not an historic resource. The documentation and interpretive display shall be designed by a qualified professional who meets the standards for history or architectural history (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). Planning Department Preservation staff shall review and approve the scope, content, design and location of the new exhibit/interpretative display. The new exhibit/interpretative display shall be located within a publicly-accessible or publicly viewable area within the new buildings, as determined by Planning Department Preservation staff and the ERO.

V. Evaluation of Project Alternatives

This Section describes the alternatives analyzed in the EIR and the reasons for rejecting the alternatives. This Section also outlines the proposed Project's (for purposes of this section, "Preferred Project") purposes (the "Project objectives"), describes the components of the alternatives, and explains the rationale for selecting or rejecting alternatives.

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the project, which would "feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen effects of the project, and evaluate the comparative merits of the project." (CEQA Guidelines, Section 15126.6(a)).

CEQA requires that every EIR evaluate a "No Project" alternative as part of the range of alternatives analyzed in the EIR. The 200-214 6th Street Project EIR's No Project Alternative analysis was prepared in accordance with CEQA Guidelines Sections 15126.6(e)(3)(A) and (C).

Alternatives provide a basis of comparison to the Preferred Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible ways to avoid or substantially lessen the significant environmental consequences of the Preferred Project.

A. Project Objectives

As stated on EIR p. 29, the following are the Project Sponsors' objectives for the Preferred Project:

1. Increase the supply of affordable housing in San Francisco.
2. Develop a project with minimal environmental disruption.
3. Increase the supply of affordable housing with ground floor retail opportunities to help activate the Sixth Street corridor.
4. Develop affordable housing that complements the existing urban character of the area.
5. Complete the project on schedule and within budget..

B. Reasons for Selection of the Preferred Project

The EIR analyzes the following alternatives:

- No Project Alternative (Alternative A); and
- Preservation Alternative (Alternative B)
- Partial Preservation Alternative (Alternative C)

These alternatives are discussed in greater detail in Chapter VII, Alternatives, of the EIR.

C. Alternatives Considered but not Analyzed in Detail

CEQA Guidelines Section 15126.6(c) provides that alternatives can be eliminated from detailed consideration in an EIR if they fail to meet most basic project objectives, are infeasible or are unable to avoid significant environmental impacts. The FEIR did not analyze alternatives other than those assessed because none could be identified that could substantially reduce the significant environmental impacts of the Project. An alternative location pursuant to CEQA Guidelines Section 15126.6(f)(2) was not analyzed because the project sponsor does not own any alternative sites in San Francisco, and no viable alternative sites were identified within San Francisco where the Project could be constructed that would meet most of the project sponsor's objectives and where the Project's environmental impacts would be substantially lessened or avoided.

D. Alternatives Rejected and Reasons for Rejection

The Planning Commission recommends rejection of the alternatives set forth in the Final EIR and listed below because the Planning Commission finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this Section in addition to those described in Section VI below under CEQA Guidelines 15091(a)(3), that make such alternatives infeasible.

1. No Project Alternative (Alternative A)

The No Project Alternative, with respect to the 200-214 6th Street Project, would involve no development at the 200-214 6th Street Project Site. The existing vacant building would remain in its current condition; the only change would be removal of the "Defenestration" installation which would not result in any environmental impacts.

The No Project Alternative would have no environmental impacts as no physical change would occur to the building or the Project Site.

The No Project Alternative does not meet most of the Preferred Project objectives for the following reasons.

1. Increase the supply of affordable housing in San Francisco.

The No Project Alternative would not meet this objective because no affordable housing would be built at the Project Site.

2. Develop a project with minimal environmental disruption.

The No Project Alternative would partially meet this objective. Since no project will be built at the Project site, there is no possibility that this Alternative would result in any environmental disruption at the Project Site.

3. Increase the supply of affordable housing with ground floor retail opportunities to help activate the Sixth Street corridor.

The No Project Alternative would not meet this objective because it will not result in the construction of affordable housing at the Project Site which also provides ground floor retail opportunities.

4. Develop affordable housing that complements the existing urban character of the area.

The No Project Alternative would not meet this objective because it will not result in the construction of affordable housing at the Project Site.

5. Complete the project on schedule and within budget.

The No Project Alternative would not meet this objective since there will be no project constructed.

For the reasons listed above and in Section VI, Statement of Overriding Considerations, the Planning Commission hereby rejects as infeasible the No Project Alternative.

2. Preservation Alternative (Alternative B)

The Preservation Alternative would retain and restore the building to the Secretary of Interior's Standards, including the retention of all character-defining features of the existing building, such as all exterior elevations and rooflines visible from the public right of way. It would add a fifth-story addition set back up to 8 feet from the existing fourth story. The approximately 61-foot-tall building would have a footprint similar to the Preferred Project. The Preservation Alternative would provide a total of 32 dwelling units (six three-bedroom, 11 two-bedroom, 13 one-bedroom and 2 studios) and 2,265 square feet of ground-floor retail space, a 905-square-foot community room, 400 square feet of private open space, and 3,380 square feet of common open space. Like the Preferred Project, the Preservation Alternative would not include on-site parking.

The Preservation Alternative's impacts would be similar to the Preferred Project, except that its impact to historic resources would be less than significant because this Alternative retains the existing building.

In comparison to the Project, the Preservation Alternative's impacts are as follows:

Historic Resources: The Preservation Alternative does not result in a significant and unmitigable impact because it retains the existing building whereas the Project results in demolition of the existing building. As a result, the Preservation Alternative's impact to historic resources is less than significant.

Archeological Resources/Human Remains: Similar to the potentially significant impacts to archeological resources and human remains from Project excavation and grading of the Project Site, this Alternative could result in potentially significant impacts to archeological resources and human remains. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Interior and Exterior Noise: Similar to the potentially significant noise impacts resulting from Project construction activity, construction of the Preservation Alternative could result in potentially significant impacts to interior and exterior noise levels. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Construction Noise: Similar to the potentially significant noise impacts resulting from Project construction activity, the construction of the Preservation Alternative could result in potentially significant impacts from construction noise. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Construction Air Quality/Toxic Air Contaminants: Similar to the potentially significant air quality impacts resulting from Project construction and grading activity, construction and grading for the Preservation Alternative could result in potentially significant impacts to air quality. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Hazardous Building Materials/Contaminated Soils: Similar to the potentially significant hazardous impacts resulting from Project construction and grading activity, construction and grading of the Preservation Alternative could result in potentially significant impacts from hazardous materials disturbed during construction. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Impacts identified by the Initial Study as less than significant: Like the Project, the Preservation Alternative will have no or less than significant impacts without mitigation to the following resources: Land Use and Land Use Planning; Aesthetics; Population and Housing; Transportation and Circulation; Greenhouse Gas Emissions; Wind and Shadow; Recreation; Utilities and Service Systems; Public Services; Biological Resources; Geology and Soils; Hydrology and Water Quality; Mineral/Energy Resources; and Agriculture and Forest Resources.

The Preservation Alternative would meet all of the Preferred Project objectives for the following reasons:

1. Increase the supply of affordable housing in San Francisco.

The Preservation Alternative would meet this objective by providing 32 units of affordable housing. However, it would only provide 47% of the number of units provided by the Project.

2. Develop a project with minimal environmental disruption.

The Preservation Alternative would meet this objective because all of its potentially significant impacts would be mitigated to less than significant levels by its retention of the existing building and imposition of the mitigation measures adopted in the FEIR.

3. Increase the supply of affordable housing with ground floor retail opportunities to help activate the Sixth Street corridor.

The Preservation Alternative would meet this objective because it will result in the construction of affordable housing at the site and will provide ground floor retail opportunities.

4. Develop affordable housing that complements the existing urban character of the area.

The Preservation Alternative would meet this objective because it will result in the construction of affordable housing at the site that will complement the existing urban character of the area.

5. Complete the project on schedule and within budget.

The Preservation Alternative would meet this objective since it can complete the project on schedule and within budget.

For the reasons listed above and in Section VI, Statement of Overriding Considerations, the Planning Commission hereby rejects as infeasible the Preservation Alternative.

3. **Partial Preservation Alternative (Alternative C)**

The Partial Preservation Alternative will retain a portion of the existing building's exterior shell while accommodating as much of the Preferred Project's program as possible. Generally, it will create building additions that fill out the maximum allowable zoning envelope up to 85 feet high at the roof and built out to both street fronting property lines without setbacks. It proposes 52 dwelling units: 8 three-bedroom units, 18 two-bedroom units, 22 one-bedroom units, and 4 studio units.

The Partial Preservation Alternative would provide 1,810 square feet of ground-floor retail space, a 1,250-square-foot community room, 400 square feet of private open space, and 5,250 square feet of common open space. Like the Preferred Project, the Preservation Alternative would not include on-site parking.

The Partial Preservation Alternative's impacts would be similar to those caused by the Preferred Project, including significant and unavoidable impacts to the historic resource, since this Alternative proposes an addition that does not meet the Secretary of Interior's Standards.

In comparison to the Project, the Partial Preservation Alternative's impacts are as follows:

Historic Resources: Similar to the Project, the Partial Preservation Alternative results in a significant and unmitigable impact to historic resources because although this Alternative retains the existing building, the proposed addition does not meet the Secretary of the Interior's Standards, and thus, would also result in a significant unavoidable impact to the historic district.

Archeological Resources/Human Remains: Similar to the potentially significant impacts to archeological resources and human remains from Project excavation and grading of the Project Site, the excavation and grading of the Partial Preservation Alternative could result in potentially significant impacts to archeological resources and human remains. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Interior and Exterior Noise: Similar to the potentially significant noise impacts resulting from Project construction activity, construction of the Partial Preservation Alternative could result in potentially significant impacts to interior and exterior noise levels. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Construction Noise: Similar to the potentially significant noise impacts resulting from Project construction activity, construction of the Partial Preservation Alternative could result in potentially significant impacts from construction noise. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Construction Air Quality/Toxic Air Contaminants: Similar to the potentially significant air quality impacts resulting from Project construction and grading activity, construction and grading of the Partial Preservation Alternative could result in potentially significant impacts to air quality. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Hazardous Building Materials/Contaminated Soils: Similar to the potentially significant hazardous impacts resulting from Project construction and grading activity, construction and grading of the Partial Preservation Alternative could result in potentially significant impacts from hazardous materials disturbed during construction. These potentially significant impacts would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

Impacts identified by the Initial Study as less than significant: Like the Project, the Partial Preservation Alternative will have no or less than significant impacts without mitigation to the following resources: Land Use and Land Use Planning; Aesthetics; Population and Housing; Transportation and Circulation; Greenhouse Gas Emissions; Wind and Shadow; Recreation; Utilities and Service Systems; Public Services; Biological Resources; Geology and Soils; Hydrology and Water Quality; Mineral/Energy Resources; and Agriculture and Forest Resources.

The Partial Preservation Alternative would meet or partially meet the Preferred Project objectives for the following reasons:

1. Increase the supply of affordable housing in San Francisco.

The Partial Preservation Alternative would partially meet this objective by providing 52 units of affordable housing. Accordingly, the City's supply of housing would be increased as a result of this Alternative but by providing less than 78% of the number of affordable units that would be provided by the Project.

2. Develop a project with minimal environmental disruption.

The Partial Preservation Alternative would partially meet this objective because it would still cause a significant and unmitigable impact to historic resources. Like the Project, the potentially significant impacts that would result from Project construction would be mitigated to less than significant levels by the mitigation measures adopted in the FEIR and imposed through the MMRP.

3. Increase the supply of affordable housing with ground floor retail opportunities to help activate the Sixth Street corridor.

The Partial Preservation Alternative will meet this objective because it will result in the construction of affordable housing at the site and will provide ground floor retail opportunities.

4. Develop affordable housing that complements the existing urban character of the area.

The Partial Preservation Alternative will meet this objective because it will result in the construction of affordable housing at the site that will complement the existing urban character of the area.

5. Complete the project on schedule and within budget.

The Partial Preservation Alternative would meet this objective since it can complete the project on schedule and within budget.

For the reasons listed above and in Section VI, Statement of Overriding Considerations, the Planning Commission hereby rejects as infeasible the Preservation Alternative.

Based on the reasons set forth in this Section V and in Section VI, Statement of Overriding Considerations, the Planning Commission hereby rejects as infeasible the No Project Alternative, the Preservation Alternative and the Partial Preservation Alternative.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding the significant effects noted above, pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the Planning Commission finds, after considering the EIR and based on substantial evidence in the administrative record as a whole and as set forth herein, that specific overriding economic, legal, social, and other considerations outweigh the identified significant effects on the environment. Moreover, in addition to the specific reasons discussed in Section V above, the Planning Commission finds that the alternatives rejected above are also rejected for the following specific economic, social, or other considerations resulting from Project approval and implementation:

- A. The Project Site currently contains a long-vacant and poorly maintained building that does not contribute to the economic, social and aesthetic qualities of the surrounding SoMa neighborhood. The Project will redevelop this underutilized site with an infill residential project that includes a mix of land uses, including 35 family sized rental units, which would respect the surrounding neighborhood and bring activity to that portion of the neighborhood.
- B. The Project will increase affordable housing opportunities to very low income households and families with a developmentally disabled member at a density that is suitable for an intensely-developed urban context served by ample public transit and retail services. By providing infill residential development at the Project Site, residents of the Project will be able to walk, bicycle, or take transit to commute, shop and meet other needs without relying on private automobiles. The Project encourages such non-auto transportation by providing 29 bicycle parking spaces and not offering any on-site parking spaces. The Project's infill location and close proximity to public transit will also help reduce regional urban sprawl and its substantial negative regional environmental, economic, and health impacts, including air and water pollution, greenhouse gas emissions, congestion, and loss of open space and habitat.
- C. The Project's proposed ground floor retail uses will help activate the streetscape and create visual interest for pedestrians. This use will also provide employment opportunities for residents in and around the 6th Street corridor and for those living in the Project. The Project will also create an attractive and pedestrian-oriented neighborhood scale of development at the site through incorporation of superior design and architectural standards.
- D. The Project's retail/commercial and residential uses will be typical of the surrounding neighborhood and will not introduce operational noises or odors that are detrimental, excessive or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance and mitigation measures which will regulate excessive noise levels from construction activity and limit the permitted hours of work.

E. The Project will include ample amounts of private and common open space. The SoMa community in general and the 6th Street Corridor in particular, lacks the open space amenities and features that most other neighborhoods take for granted. Thus the introduction of 3,691 square feet of common open space, including a rear yard and a 2,303 square foot roof terrace provides a direct benefit to Project residents and enhances the character of the neighborhood.

F. The Project will introduce an architecturally superior building at a prominent location along the 6th Street Corridor. Constructed in a contemporary style intended to embrace and reflect the existing aesthetic of the surrounding buildings, the building would be clad in a mixture of brick veneer, dark patinated metal panels, and dark anodized aluminum windows. The building would be highly articulated by a geometric pattern of projecting rectangular bays. This creative design retains the panache at this corner that was achieved by the Defenestration installation. However, unlike that artwork, this design is permanent.

G. The Project will provide 67 affordable housing units to very low income households, a demographic whose housing needs are not frequently met at this scale. Thirty five of those units will be family sized units, with 14 of those targeted to households with a developmentally disabled family member. By providing new, well designed housing in a transit rich neighborhood to two (2) largely underserved populations, the Project is promoting many objectives and policies of the Housing Element, including: promoting mixed use development, developing new housing, particularly affordable housing, providing a range of unit types, providing special needs housing, and promoting the construction of well-designed housing.

H. The Project conforms to the neighborhood character. The existing development in the area surrounding the Project Site is varied in scale and intensity. At 85 feet in height, the Project will be an appropriate transition from the smaller scale of buildings north of Howard to the larger scale buildings south of Howard in and around the 6th Street Corridor.

I. The Project would further and be consistent with numerous General Plan objectives and policies, including but not limited to numerous Housing Element, Transportation Element and Urban Design Element policies such as providing adequate sites to meet the City's housing needs, developing special needs housing, such as for families with developmentally disabled members and providing family size units available to low and very low income households. Both the Housing and Transportation Elements encourage locating housing in transit-rich locations to minimize reliance on the car and to maximize use of a building for housing rather than parking spaces. Lastly, the Housing and Urban Design Elements encourage development that is architecturally compatible with surroundings.

Having considered these benefits of the proposed Project, including the benefits and considerations discussed above, the Planning Commission finds that the Project's benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore considered acceptable. The Planning Commission further finds that each of the Project benefits discussed above is a separate and independent basis for these findings.

VII. INCORPORATION BY REFERENCE

The Final EIR is hereby incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of the mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse environmental effects.

DECISION

The Planning Commission hereby adopts these findings, including a Statement of Overriding Considerations, and adopts the Mitigation Monitoring and Reporting Program (MMRP) attached as Exhibit A as conditions of approval.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 1, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya, and Wu

NAYS:

ABSENT:

ADOPTED: August 1, 2013