



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Better Streets Plan (Sec. 138.1) |
| <input checked="" type="checkbox"/> Childcare Fee (Sec. 414) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19939 CEQA Findings

HEARING DATE: June 15, 2017

Case No.: 2009.0159E
Project Address: 1540 Market Street (a.k.a One Oak)
Current Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang – (415) 575-9197
Tina.Chang@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE PROJECT AT 1540 MARKET STREET TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING UP TO 310 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE COMMON OPEN SPACE AND PUBLIC OPEN SPACE; 372 BICYCLE PARKING SPACES (310 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, INCLUDING A HEIGHT RECLASSIFICATION.

PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 002, 003, 004, and 005 of Assessor's Block 0836 of the current project site, but did not include the easternmost lot on the block (Lot 001). On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes to the proposed project. For the Sake of clarity, a Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption Waiver for Elevator Penthouse Height, pursuant to 260(b)(1)(B); h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of the Project. These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, However, that Octavia BMR Project is an independent project subject to its own independent environmental review under CEQA.

On November 16, 2016, the Planning Department published a notice of the availability (NOA) of a Draft Environmental Impact Report (DEIR) for the One Oak Street Project and the date of the Planning Commission's public hearing on the DEIR in a newspaper of general circulation and posted the notice in the Planning Department offices, and on November 18, 2016, caused the notice to be posted at four locations on and near the project site and mailed the NOA to property owners and tenants within 300 feet of the project site and to over 90 organizations and individuals requesting such notice. The NOA identified a public comment period on the DEIR from November 16, 2016, through January 10, 2017. A Notice of Completion was filed with the State Secretary for Resources via the State Clearinghouse on November 17, 2016. Copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it on November 18, 2016.

On January 5, 2017 the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 55 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.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, The Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document, all as required by law. The Responses to Comments document was distributed to the Commission and all parties who commented on the DEIR, and made available to others at the request of Planning Department staff.

On June 15, 2017, 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 June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this Motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") pursuant to this Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings attached hereto as Attachment A as set forth in this Motion No. 19939.

Motion No. 19939
Hearing Date: June 15, 2017

CASE NO. 2009.0159E
1540 Market Street

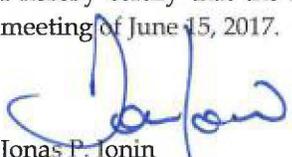
On June 15, 2017 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Maps 3 and 5; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that same hearing the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Zoning Map Amendment. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUIAVARK. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159EGPAMAPDNXCUIAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2017.


Jonas P. Ionin
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NAYS: Commissioner Koppel

ABSENT: Commissioner Fong

DATE: June 15, 2017

ACTION: Adoption of CEQA Findings



SAN FRANCISCO PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ATTACHMENT A TO MOTION NO. 19939

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 EIR, which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

Section I provides a description of the proposed project at 1540 Market Street, the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

Section II lists 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 one significant impact 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. The Final EIR identified a mitigation measure to address this impact, but implementation of the mitigation measure will not reduce the impact to a less than significant level.

Sections III and IV set forth findings as to the mitigation measures identified in the Final EIR. (The Draft EIR and the Comments and Responses document (the "RTC document") together comprise the Final EIR, or "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 Final Environmental Impact Report 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 proposed project that were analyzed in the 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 Mitigation Monitoring and Reporting Program (MMRP) for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091 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 Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Responses to Comments ("RTC") document, with together comprise 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.

I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

A. Project Description

The Project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The surface parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of 2016, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements would be constructed as part of the proposed Project.

The proposed One Oak Street Project would demolish all existing structures on the project site at 1500-1540 Market Street including 47 existing valet-operated on-site commercial parking spaces and construct a new 310 unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface parking garage containing 136 spaces for residents. Bicycle parking accommodating 310 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The proposed project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The proposed project would necessitate approval of legislative text and map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (Assessor Block 0836/01) to the western portion of the project site (Assessor Block 0836/05), which would not result in any increased development potential.

B. Project Objectives

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

- ▶ to increase the City's supply of housing in an area designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ to create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City's Better Streets Plan and celebrates the cultural arts.
- ▶ to permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ to realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.
- ▶ to construct a high-quality project with enough residential floor area to produce a return on investment sufficient to attract private capital and construction financing.
- ▶ to encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ to improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

- ▶ to provide adequate parking and vehicular and loading access to serve the needs of project residents and their visitors.

C. Project Approvals

The Project requires the following Board of Supervisors approvals:

- ▶ Approval of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 3 of the Market and Octavia Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 5 of the Downtown Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ If required, adoption of the proposed Oak Plaza into the City's Plaza Program, pursuant to SF Administrative Code Section 94.3.
- ▶ If required, approval of a Street Encroachment Permit for improvements (including retail kiosks) within the proposed Oak Plaza and wind canopies in the public right of way (at Oak Plaza and at the northeast corner of Polk and Market Streets).

The Project requires the following Planning Commission approvals:

- ▶ Initiation Hearing of the *San Francisco General Plan (General Plan)* amendment to revise Map 3 of the *Market and Octavia Area Plan* and Map 5 of the *Downtown Area Plan* and amendment to Height and Bulk Map HT07 to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, between Lot 001 and Lot 005.
- ▶ Certification of the Final EIR and adoption of CEQA Findings and adoption of a Mitigation Monitoring and Reporting Program.
- ▶ *General Plan* referral to allow construction in the Oak Street right-of-way, and installation of proposed wind canopies within Oak Street Plaza and the public right-of way.
- ▶ Approval of the project under Planning Code Section 309, including exceptions with regard to ground-level winds and maximum lot coverage.
- ▶ Approval of a conditional use authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and 303.

- ▶ Approval of an In-Kind Improvements Agreement under Planning Code Section 424.3(c) for community improvements for the Complete Streets infrastructure portion of the Van Ness and Market Downtown Residential Special Use District Neighborhood Infrastructure Fee.
- ▶ Recommendation of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 3 of the *Market and Octavia Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 5 of the *Downtown Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ Determination under Planning Code Section 295 that net new project shadow being cast on Patricia's Green, Page and Laguna Mini Park, and the future 11th and Natoma Streets Park would not adversely affect the use of the parks.

The Project requires the following Historic Preservation Commission approvals:

- ▶ A Permit to Alter would be required for the proposed retail kiosks at 11 Van Ness Avenue. If the proposed kiosks are determined to constitute as a Minor Permit to Alter, review is delegated to Planning Department Staff and would not need to be reviewed by the Historic Preservation Commission. If the work is determined to constitute as a Major Permit to Alter, a hearing before the Historic Preservation Commission may be required.

Department of Public Works (DPW)

- ▶ Approval of changes in public rights-of-way and conversion of a portion of Oak Street into a pedestrian plaza. This approval may proceed under the City's newly adopted Plaza Program, San Francisco Administrative Code Sections 94.1-94.7.
- ▶ Permit for planting of street trees.
- ▶ Approval of subdivision map and condominium map applications.
- ▶ Approval of a lot line adjustment.
- ▶ Approval of a Street Space Permit from the Bureau of Street Use and Mapping for use of a public street space during project construction.
- ▶ Approval of a Memorandum of Understanding (MOU) regarding the maintenance and availability of curbside loading zones on Oak Street and Market Street.
- ▶ Street Encroachment Permit, to be approved by the Director of Public Works, and by the Board of Supervisors if required by the Director, for wind canopies in the public right of way to be located at Oak Plaza and at the corner of Market and Polk streets and for improvements (including retail kiosks) within the proposed Oak Plaza.

Actions by Other City Departments and State Agencies

- ▶ Demolition, grading, building and occupancy permits (Department of Building Inspection)
- ▶ Approval of Planning Code variances under Planning Code Section 305 related to dwelling unit exposure and garage entrance width and an elevator penthouse height exemption under Planning Code Section 260(b)(1)(B). (Zoning Administrator)
- ▶ Approval of the recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Muni-Zone-of-Influence; approval of Oak Plaza conversion; approval of Special Traffic Permit from the Department of Parking and Traffic for use of a public street space during project construction; approval of the passenger loading (white) zone on the south side of the proposed Oak Street shared street pursuant to the SFMTA Color Curb program (San Francisco Municipal Transportation Agency)
- ▶ Approval of recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Bart-Zone-of-Influence (Bay Area Rapid Transit).
- ▶ Approval of the proposed Oak Plaza design by the Civic Design Review Committee and approval of the wind canopies design at the project site and at the corner of Market and Polk streets by the Visual Arts Committee; approval of 1 percent Art Fee for art canopies or other art pieces within the Plaza (San Francisco Arts Commission)

- ▶ Recommendation to the Planning Commission that shadow would not adversely affect open spaces under Commission jurisdiction (San Francisco Recreation and Park Commission and General Manager)
- ▶ Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance) (San Francisco Department of Public Health)
- ▶ Recommendation of conditions of approval for residential development proposals under Administrative Code Chapter 116 (San Francisco Entertainment Commission)

D. Environmental Review

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessors Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E). For the sake of clarity, a Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project. The NOP was accompanied by an Initial Study ("IS") that fully analyzed some environmental topics, supporting preparation of a focused EIR. Publication of the NOP initiated a 30-day public review and comment period that began on June 17, 2015 and ended on July 17, 2015.

On November 16, 2016, the Department published the Draft Environmental Impact Report (hereinafter "DEIR"), including the NOP and IS, and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Project Site on November 18, 2016.

On November 18, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to adjacent property owners and tenants, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on November 17, 2016.

The Commission held a duly advertised public hearing on the DEIR on January 5, 2017, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017.

The Department prepared responses to comments on environmental issues received during the 55 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. This material was presented in the RTC document, published on June 1, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

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, as discussed in the RTC document, after publication of the DEIR, the Project Sponsor has proposed Project refinements that are described in Chapter 2 of the RTC document. The Project refinements constitute minor Project changes which include (i) selection of the project variant as the preferred project, (ii) reduction in project parking spaces, (iii) specifying that the existing Market Street loading zone would not be used for proposed project loading, (iv) addition of retail kiosks in the proposed Oak plaza, and (v) other minor revisions to clarify or address more accurately specific details of the proposed project or setting described in the DEIR.

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 is included as Appendix A to the DEIR and 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.

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 Draft EIR for public review but prior to certification of the Final EIR. 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 Planning 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 June 15, 2017, 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 June 15, 2017 by adoption of its Motion No. 19938.

E. Content and Location of Record

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

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the IS;
- All information (including written evidence and testimony) provided by City staff to the Planning 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 Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, 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 FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing related to the EIR;
- The MMRP; 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 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.

II. LESS-THAN-SIGNIFICANT IMPACTS

The FEIR finds that implementation of the Project would result in less-than-significant impacts in the following environmental topic areas: Land Use and Land Use Planning, Population and Housing, Greenhouse Gas Emissions, Recreation, Utilities and Services Systems, Public Services, Biological Resources, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Mineral and Energy Resources, Agriculture and Forest Resources, and Wind and Shadow.

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 discuss the topic of Aesthetics, which is no longer considered in determining the significance of the proposed Project's physical environmental effects under CEQA. The FEIR nonetheless provided renderings illustrating the proposed project for informational purposes. Similarly, the FEIR included a discussion of parking for informational purposes. This information, however, did not relate to the significance determinations 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 concern 8 potential impacts and mitigation measures proposed in the IS and/or FEIR. These mitigation measures are included in the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings.

The Project Sponsor has agreed to implement the following mitigation measures to address the potential cultural and paleontological resources, air quality, and noise impacts identified in the IS and/or FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project Sponsor will be required to incorporate mitigation measures identified in the IS and/or FEIR into the Project to mitigate or to avoid significant or potentially significant environmental

impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the IS and/or Final EIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Downtown Project Authorization under Planning Code Section 309 and also will be enforced through conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, these Project impacts would be avoided or reduced to a less-than-significant level. The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

The following mitigation measures would be required to reduce 16 impacts identified in the Initial Study and/or FEIR to a less-than-significant level:

Impacts on Cultural and Paleontological Resources

- **Impact CP-2:** Construction activities for the proposed project could cause a substantial adverse change in the significance of archaeological resources and human remains, if such resources are present within the project site. With implementation of Mitigation Measure M-CP-2 (Archeological Testing, Monitoring, Data Recovery and Reporting), Impact CP-2 is reduced to a less-than-significant level.
- **Impact CP-3:** Construction activities of the proposed project could affect a unique paleontological resource or a unique geologic feature. With implementation of Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact CP-3 is reduced to a less-than-significant level.
- **Impact C-CP-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable contribution to significant cumulative impacts on cultural resources. With implementation of Mitigation Measure M-CP-2 (Archaeological Testing, Monitoring, Data Recovery and Reporting) and Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact C-CP-1 is reduced to a less-than-significant level.

Impacts on Air Quality

- **Impact AQ-2:** The proposed project's construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality), Impact AQ-2 is reduced to a less-than-significant level.
- **Impact AQ-4:** The proposed project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. With implementation of Mitigation Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact AQ-4 is reduced to a less-than-significant level.
- **Impact C-AQ-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project area would contribute to cumulative air quality impacts. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality) and Mitigation

Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact C-AQ-1 is reduced to a less-than-significant level.

Impacts from Noise

- **Impact NO-2:** Project demolition and construction would temporarily and periodically increase ambient noise and vibration in the project vicinity compared to existing conditions. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact NO-2 is reduced to a less-than-significant level.
- **Impact C-NO-1:** Construction of the proposed project, in combination with other past, present, and reasonably foreseeable future projects in the site's vicinity, would not result in a cumulatively considerable contribution to significant temporary or periodic increases in ambient noise or vibration levels in the project vicinity above levels existing without the proposed project. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact C-NO-1 is reduced 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 there is a significant cumulative impact that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. Specifically, the FEIR identifies one significant and unavoidable cumulative construction related transportation impact. The Planning Commission finds that, although a mitigation measure has been included in the FEIR and MMRP to address this impact, this impact would remain significant and unavoidable even with mitigation.

Thus, the following significant impact on the environment, as reflected in the FEIR, is unavoidable. But, as more fully explained in Section VI, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Planning Commission finds that this impact is acceptable for the legal, environmental, economic, social, technological and other benefits of the Project. This finding is supported by substantial evidence in the record of this proceeding.

The FEIR identifies the following impact for which no feasible mitigation measures were identified that would reduce this impact to a less than significant level:

Impact on Transportation and Circulation – Impact C-TR-7

The proposed Project in combination with past, present, and reasonably foreseeable future development in the project's vicinity would contribute considerably to significant cumulative construction-related transportation impacts. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement one mitigation measure, as follows:

- Mitigation Measure M-C-TR-7 (Cumulative Construction Coordination)

The Commission finds that, for the reasons set forth in the FEIR, although implementation of Mitigation Measure M-C-TR-7 would reduce the Project's contribution to cumulative transportation and circulation impacts during the construction phase of the Project, this impact would nevertheless remain significant and unavoidable.

V. EVALUATION OF PROJECT ALTERNATIVES

A. Alternatives Analyzed in the FEIR

This section describes the alternatives analyzed in the Project FEIR and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR 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 6 of the FEIR. The FEIR analyzed the No Project Alternative and the Podium-only Alternative. 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.

B. Reasons for Selecting the Project

The Proposed Project would meet the Project Sponsor's Objectives, and would provide numerous public benefits, including the following:

- ▶ Build a substantial number of residential dwelling units within a transit rich neighborhood designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ Create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City's Better Streets Plan and celebrates the cultural arts.
- ▶ Permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ Contribute to the development of permanently affordable housing in the City through the payment of an in lieu fee under the City's Inclusionary Housing Ordinance. Additionally, the fee could potentially be used for the development of affordable housing in the vicinity of the project pursuant to a letter agreement and conditions imposed by the Mayor's Office of Housing and Community Development (MOHCD) (including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA), will be directed towards the future development of 72 permanently affordable housing units on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project") within 1/3 mile of the project site.
- ▶ Realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.

- ▶ Create a residential building with ground floor retail and public open space generally consistent with the land use, housing, open space and other objectives and policies of the Market & Octavia Area Plan.
- ▶ Encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ Improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

C. Evaluation of Project Alternatives

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.” (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 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, 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.

Three alternatives were considered as part of the FEIR’s overall alternatives analysis, but ultimately rejected from detailed analysis. Those alternatives are as follows:

- **Off-site Alternative.** This alternative was rejected because the Project Sponsor does not have control of another site that would be of sufficient size to develop a mixed-use project with the intensities and mix of uses that would be necessary to achieve most of the basic Project objectives listed in the FEIR.
- **Code Compliant with Tower Alternative.** An alternative that would consider project development of the site compliant with the site’s existing Height and Bulk districts by shifting the placement of a 400-foot-tall tower eastward so that the tower would be located entirely outside of the existing 120-R-2 Height and Bulk District at the western end of the project site and entirely within the existing 120/400-R-2 Height and Bulk District (a shift eastward of 4 feet, 7.5 inches) was not considered for further analysis because such an alternative would not improve, and could worsen, wind impacts from the less-than-significant impact identified for the proposed project, and furthermore, would reduce the amount of public open space offered under the proposed project, while offering no environmental advantages over the proposed project.

- **Lower Podium-Only Alternative.** An alternative that would include a lower podium only was considered but rejected because such an alternative would fail to meet key project objectives and would fail to reduce to a less-than-significant level the proposed project's significant and unavoidable transportation impact related to construction traffic.
- **Lower Podium with Tower Alternative.** An alternative that would include a lower podium with tower was considered but rejected because such an alternative would not substantially reduce environmental impacts as compared to the proposed project.

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

1. No Project Alternative

Under the No Project Alternative, the Project Site would foreseeably remain in its existing condition. The existing commercial buildings and 47-car surface parking lot on the project site would remain, and the proposed 499,580 combined square feet residential building with ground floor retail, and approximately 14,000 square foot neighborhood serving public plaza would not be constructed. Because no directed in lieu fee would be provided, no offsite below market rate units would be provided. No improvements would be made to the existing Muni Van Ness station elevator. The project site would not be rezoned to shift the existing 120/400-R-2 Height and Bulk District from the easternmost portion of the building site (Lot 1) to the westernmost portion (Lot 5).

This alternative would not preclude development of another project on the project site should such a proposal be put forth by the project sponsor or another entity. However, it would be speculative to set forth such an alternative project at this time.

The Planning Commission rejects the No Project Alternative as unreasonable and infeasible because it would fail to meet the Project Objectives and the City's policy objectives for the following reasons:

- 1) The No Project Alternative would not meet any of the Project Sponsor's objectives;
- 2) The No Project Alternative would be inconsistent with key goals of the General Plan with respect to housing production. With no new housing created here and no construction, the No Project Alternative would not increase the City's housing stock of both market rate and affordable housing, would not create new job opportunities for construction workers, and would not expand the City's property tax base.
- 3) The No Project Alternative would leave the Project Site physically unchanged, and thus would not result in the redevelopment of an underutilized site (consisting of underdeveloped commercial buildings and a surface parking lot), creation of a residential project with ground floor retail that provides a substantial number of new residential dwelling units and affordable housing through the payment of a directed in lieu fee, in immediate proximity to mass transit and jobs within the Downtown Core.

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

2. Podium-only Alternative

The Podium-only Alternative would comply with the existing height and bulk limits by reducing the height of the proposed building to include the podium only, thus not requiring the legislative amendments required for the proposed project to shift the existing Height and Bulk District 120/400-R-2 designation from Lot 1 to the western half of Lot 5 on Assessor's Block 0836. Under this alternative, a new 12-story residential building measuring 120 feet tall (136 feet tall including a mechanical penthouse) would be constructed within the building site.

In plan, this alternative would resemble the site plan and corresponding floor level plans of the proposed project. However, the Podium-only Alternative would contain 119 dwelling units (191 fewer units than under the proposed project), consisting of 35 studio units, 36 one-bedroom units, and 48 two-bedroom units. No three-bedroom units would be constructed. Like the proposed project, this alternative would also provide for approximately 4,025 gsf of ground-floor retail/restaurant uses. Parking uses would total 53,308 gsf (6,782 gsf less than the proposed project). The alternative would provide 59 residential parking spaces, as compared to 136 spaces with the proposed project. Like the proposed project, the Podium-only Alternative would provide two carshare spaces, one off-street truck loading space, and two service vehicle loading spaces. The number of bicycle parking spaces would total 127 (119 Class 1 and 8 Class 2 spaces), fewer spaces than with the proposed project (366 spaces consisting of 310 Class 1 and 62 Class 2 spaces). This alternative would also include the same right of way improvements as the proposed project, including the construction of the proposed Oak Plaza and wind canopies.

Construction activities associated with the Podium-only Alternative would be similar to those described for the proposed project. Accordingly, as with the proposed project, the Podium-only Alternative would result in a considerable contribution to a significant and unavoidable cumulative impact related to transportation (construction traffic), and the same less-than-significant impacts related to other transportation subtopics, air quality, wind and shadow, and cultural resources impacts as the proposed project. Additionally, this alternative meets many but not all of the Project Sponsor's objectives. Specifically, while this alternative provides the ability to redevelop the underutilized site, it reduces the number of residential units by roughly 62%.

The Planning Commission rejects the Podium-only Alternative because it would not eliminate the significant unavoidable impact of the proposed Project and it would not meet the Project Objectives or City policy objectives for reasons including, but not limited to, the following:

- 1) The Podium-only Alternative would limit the Project to 119 dwelling units; whereas the proposed Project would provide up to 310 units to the City's housing stock and maximize the creation of new residential units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City.
- 2) The Podium-only Alternative would not fulfill the objective of the Market & Octavia Plan to increase housing density by eliminating density maximums close to transit (Policy 2.2.1) and to encourage the development of slender residential towers above the base height along the Market Street corridor (Policy 1.2.8).
- 3) The Podium-Only Alternative would also reduce the Project's in lieu fee contribution under the City's Inclusionary Housing Program by approximately \$11.9 million, thus reducing the

project's inclusionary housing fee and the potential directed fee contribution toward the development of permanently affordable housing units and potentially delaying the production of those units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the affordable housing stock whenever possible to address a shortage of housing in the City.

- 4) The Podium-only Alternative would create a project that would not fully utilize this site for housing production, thereby not fully satisfying General Plan policies such as Housing Element Policies 1.1 and 1.4, among others. The alternative would not further the City's housing policies to create more housing, particularly affordable housing opportunities as well as the proposed Project does, and would not remove all significant unavailable impacts.

For the foregoing reasons, the Planning Commission rejects the Podium-only Alternative as infeasible.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures, one impact related to Transportation and Circulation will remain significant and unavoidable. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning Commission hereby finds, after consideration of the Final EIR 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 this significant and unavoidable impact 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 impact, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All 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 will have the following benefits:

1. The Project would add up to 310 dwelling units (approximately 57 studios, 100 1-bedroom units, 138 2-bedroom units, and 15 3-bedroom units), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes

the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.

2. The Project would increase the stock of permanently affordable housing by paying an in lieu fee. Further, subject to a letter agreement and certain conditions imposed by the Mayor's Office of Housing and Community Development (including the requirement for independent environmental review of the Octavia BMR Project under CEQA), such fee would potentially be "directed" and used to fund the creation of approximately 72 new residential units affordable to low-income households at the Octavia BMR Project, within 0.3 mile of the project site. In addition to the directed in lieu fee, the project would also pay approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, would fund additional affordable housing.
3. The Project would promote the objectives and policies of the General Plan by replacing the existing underdeveloped commercial structures and surface parking lot with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture. This new development will greatly enhance the character of the existing neighborhood. In addition, the removal of the surface parking lot and its replacement with active street frontages will improve pedestrian and neighborhood safety. By including a ground floor retail use, the Project would promote pedestrian traffic in the vicinity and provide "eyes on the street". The Project would include an inviting public plaza and significant streetscape improvements that would meet or exceed Better Streets Plan requirements. These changes will enhance the attractiveness of the site for pedestrians and bring this site into conformity with principles of good urban design.
4. The Project would construct a development that is in keeping with the scale, massing and density of other structures in the immediate vicinity, and with that envisioned for the site under the Planning Code and General Plan.
5. The Project's iconic and attractive design furthers Housing Element Policy 11.1, which provides that "The City should continue to improve design review to ensure that the review process results in good design that complements existing character."
6. The Project will revitalize the Project Site and the surrounding neighborhood. The replacement of a surface commercial parking lot with private residential underground parking will bring the site into greater conformity with current Planning Code and urban design principles.
7. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.
8. The Project adds approximately 4,110 gross square feet of neighborhood serving retail and restaurant space in an area with a growing residential and workplace population, consistent with the policies of the Downtown Area Plan and Market & Octavia Area Plan.

9. The Project will include a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, which would activate the streetscape, serve to calm traffic on the street and build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.
10. The Project includes a massing scheme and wind reduction elements, including wind canopies, to avoid the creation of any net new hazardous wind conditions on any nearby public sidewalks or seating areas and would reduce hazardous wind hours over current conditions.
11. The Project provides approximately 310 Class 1 secure indoor bicycle parking spaces and 62 Class 2 sidewalk bike rack spaces, both in excess of the number required by the Planning Code, encouraging residents and visitors to access the site by bicycle.
12. The Project promotes a number of Downtown Area Plan Objectives and Policies, including Policy 5.1, which encourages the provision of space for commercial activities; and Policies 7.1 and 7.2, which further the Objective of expanding the supply of housing in and adjacent to Downtown. The Project also promotes several Market and Octavia Area Plan Objectives and Policies, including Objectives 2.3 and 2.4, which encourage increasing the existing housing stock, including affordable units.
13. The Project promotes a number of City urban design and transportation policies, including: reducing curb cuts; slowing vehicular traffic; providing street trees, landscaping, seating, bike racks and other street furniture for public use and enjoyment; widening sidewalks, using high-quality materials; activating the street frontage; maximizing ground floor transparency; and providing adequate lighting.
14. The Conditions of Approval for the Project include all the mitigation measures set forth in the FEIR to mitigate the Project's potentially significant impact to insignificant levels except for its cumulative construction impact on Transportation and Circulation which would remain significant and unavoidable even with the implementation of mitigation measures. The Conditions of Approval also include all the improvement measures set forth in the FEIR to further reduce the magnitude of less-than-significant effects.
15. The Project will create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

Having considered the above, 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.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
 One Oak Street Project
 (Includes Text for Adopted Mitigation Measures and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
MITIGATION MEASURE				
<i>Cultural Resources Mitigation Measures</i>				
<p>Mitigation Measure M-CP-2: Archaeological Testing, Monitoring, Data Recovery, and Reporting.</p> <p>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 archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. 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 (WSA <i>Final Archaeological Research Design Treatment Plan for the 1510-1540 Market Street Project</i>, February 2012) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archeological research design and treatment plan and of this archeological mitigation measure, the requirements of this archeological mitigation measure shall prevail.</p> <p>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</p>	Project sponsor	Prior to commencement of demolition and soil-disturbing activities.	Retain qualified professional archaeologist from the pool of archaeological consultants maintained by the Planning Department.	

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<p>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. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. 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:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>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.</p> <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ 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.), site remediation, etc., 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 to be on the alert for evidence of the presence of the expected 	<p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>Project sponsor, archeological consultant, and ERO shall meet prior to commencement of soils-disturbing activities. If ERO determines that archeological monitoring is necessary, monitor throughout all soils-disturbing activities. Considered complete on ERO's approval of AMP; submittal of report regarding findings of AMP; and ERO's finding that AMP has been implemented.</p>	<p>If required, archeological consultant to prepare AMP in consultation with the ERO.</p> <p>Project sponsor, archeological consultant, archeological monitor, and project sponsor's contractors shall implement the AMP, if required by the ERO.</p>	

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<p>resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> ▪ 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. <p>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.</p>				

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<p><i>Archeological Data Recovery Program.</i> 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 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.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and 	<p>Archaeological consultant in consultation with the ERO.</p>	<p>If there is a determination by the ERO that an ADRP is required. .</p>	<p>If required, prepare an ADRP with ERO consultation and approval.</p>	

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<p>distribution of results.</p> <ul style="list-style-type: none"> ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> 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) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to 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, Sec. 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.</p>	<p>Project sponsor and archaeological consultant in consultation with the San Francisco Coroner, Native American Heritage Commission and Most Likely Descendent.</p>	<p>In the event human remains and/or funerary objects are encountered project sponsor's construction contractor to contact archaeological consultant and ERO. Considered complete on notification of the San Francisco County Coroner and NAHC, if necessary.</p>	<p>Archaeological consultant/archaeological monitor/project sponsor or contractor to contact San Francisco County Coroner and implement regulatory requirements regarding discovery of Native American human remains, if applicable.</p>	

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<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (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.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor and archeological consultant in consultation with ERO.</p> <p>Project sponsor and archeological consultant to distribute FARR.</p>	<p>If applicable, after completion of archeological data recovery, inventorying, analysis and interpretation.</p> <p>Upon completion and ERO approval of the FARR.</p>	<p>If applicable, archeological consultant to submit a FARR to ERO for approval.</p> <p>Archaeological consultant to provide ERO with written confirmation of distribution.</p>	
<p>Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program</p> <p>The project sponsor shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement a Paleontological Resources Monitoring and Mitigation Program. The PRMMP shall include a description of when and where construction monitoring would be required; emergency discovery procedures; sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.</p> <p>The PRMMP shall be consistent with the Society for Vertebrate Paleontology</p>	<p>Project sponsor to retain appropriately qualified consultant to prepare PRMMP, carry out monitoring, and reporting, if required.</p>	<p>Prior to and during construction.</p>	<p>ERO to approve final PRMMP.</p>	

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<p>Standard Guidelines for the mitigation of construction-related adverse impacts to paleontological resources and the requirements of the designated repository for any fossils collected. During construction, earth-moving activities shall be monitored by a qualified paleontological consultant having expertise in California paleontology in the areas where these activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Monitoring need not be conducted in areas where the ground has been previously disturbed, in areas of artificial fill, in areas underlain by non-sedimentary rocks, or in areas where exposed sediment would be buried, but otherwise undisturbed.</p> <p>The consultant's work shall be conducted in accordance with this measure and at the direction of the City's ERO. Plans and reports prepared by the consultant 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. Paleontological monitoring and/or data recovery programs required by this measure could suspend construction of the proposed project for as short a duration as reasonably possible and in no event for more than 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 potential effects on a significant paleontological resource as previously defined to a less-than-significant level.</p>	<p>The project paleontological consultant to consult with the ERO as indicated.</p>	<p>Prior to and during construction, if required. Considered complete on approval of final documentation by ERO.</p>	<p>Consultant shall provide brief monthly reports to ERO during monitoring or as identified in the PRMMP, and notify the ERO immediately if work should stop for data recovery during monitoring. The ERO to review and approve the final documentation as established in the PRMMP.</p>	
<i>Transportation and Circulation Mitigation Measures</i>				
<p>Mitigation Measure M-C-TR-7: Cumulative Construction Coordination</p> <p>If construction of the proposed project is determined to overlap with nearby project(s) as to result in temporary construction-related transportation impacts, the project sponsor or its contractor(s) shall consult with City departments such as the SFMTA and Public Works through ISCOTT, and other interdepartmental meetings as deemed necessary by the SFMTA, Public Works, and the Planning Department, to develop a Coordinated Construction Management Plan. The Coordinated Construction Management Plan shall address construction-related vehicle routing, detours, and maintaining transit,</p>	<p>Project sponsor and project construction contractor(s) and Planning Department.</p>	<p>Prior to, and as a condition of, building permit issuance.</p>	<p>Develop and obtain Planning Department approval of a Coordinated Construction Management Plan.</p>	

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<p>bicycle, vehicle, and pedestrian movements in the vicinity of the construction area for the duration of the construction period overlap. Key coordination meetings would be held jointly between project sponsors and contractors of other projects for which City departments determine impacts could overlap. The Coordinated Construction Management Plan shall consider other ongoing construction in the project vicinity, including development and transportation infrastructure project, and shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Restricted Construction Truck Access Hours – Limit construction truck movements to the maximum extent feasible to the hours between 9:00 AM and 4:30 PM, or other times if approved by the SFMTA, to minimize disruption to vehicular traffic, including transit during the AM and PM peak periods. • 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 ISCOTT and interdepartmental meetings process above, to minimize the extent and duration of requested lane and sidewalk closures. 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. • Maintenance of Transit, Vehicle, Bicycle, and Pedestrian Access – The project sponsor/construction contractor(s) shall meet with Public Works, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to include in the Coordinated Construction Management Plan to maintain access for transit, vehicles, bicycles and pedestrians. This shall include an assessment of the need for temporary transit stop relocations or 	<p>Project sponsor and project construction contractor(s)</p>	<p>Throughout all phases of construction to the extent applicable.</p>	<p>Implement measures of the Coordinated Construction Management Plan.</p>	

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<p>other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the project.</p> <ul style="list-style-type: none"> • Carpool, Bicycle, Walk and Transit Access for Construction Workers – The construction contractor shall include methods to encourage carpooling, bicycling, walk and transit access to the project site by construction workers (such as providing transit subsidies to construction workers, 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/or 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 shall provide on-site parking to the extent feasible once the below-grade parking garage is usable. • Project Construction Updates for Adjacent Businesses and Residents – To minimize construction impacts on access for nearby institutions and businesses, the project sponsor shall provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and lane closures. At regular intervals to be defined in the Coordinated Construction Management Plan, a regular email notice shall be distributed by the project sponsor that shall provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns. 				

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<i>Noise Mitigation Measures</i>				
<p>Mitigation Measure M-NO-2: General Construction Noise Control Measures</p> <p>To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor and/or its construction contractors shall undertake the following:</p> <ul style="list-style-type: none"> • The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction utilize 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 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; use of equipment with effective mufflers; undertaking the most noisy 	<p>Project sponsor and project construction contractor(s).</p>	<p>Prior to, and as a condition of building permit issuance.</p> <p>Implement measures throughout all phases of construction.</p>	<p>Submit contract documents incorporating identified practices along with documentation designating a Noise Disturbance Coordinator and protocol for noise complaints to Planning Dept. and DBI..</p>	

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<p>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.</p> <ul style="list-style-type: none"> • Prior to the issuance of building permits, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (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 Department of Public Health, 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. 				
<i>Air Quality Mitigation Measures</i>				
<p>Mitigation Measure M-AQ-2: Construction Air Quality</p> <p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i></p> <ol style="list-style-type: none"> 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 have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel 	<p>Project sponsor and construction contractor(s) shall prepare and implement Construction Emissions Minimization Plan.</p>	<p>Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>	<p>Project sponsor/contractor to submit a Construction Emissions Minimization Plan. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase.</p>	

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<p>Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p> <ol style="list-style-type: none"> 2. Where access to alternative sources of power are reasonably 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 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 Contractor shall instruct construction workers and 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. <p>B. Waivers.</p> <ol style="list-style-type: none"> 1. The Planning Department's Environmental Review Officer or designee (ERO) 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 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 		<p>The Plan shall be kept on site and available for review. A sign shall be posted at the perimeter of the construction site indicating the basic requirements of the Plan and where copies of the Plan are available to the public for review.</p>	<p>For off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Considered complete upon ERO/Planning Department review and approval of Construction Emissions Minimization Plan or alternative measures that achieve the same emissions reduction.</p>	

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<p>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 Contractor must use the next cleanest piece of off-road equipment, according to Table M-AQ-2, below.</p> <p>Table M-AQ-2: Off-Road Equipment Compliance Step-down Schedule</p> <table border="1" data-bbox="191 737 888 956"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>* Alternative fuels are not a VDECS</p> <p>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 Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>C. <i>Construction Emissions Minimization Plan.</i></p> <p>Before starting on-site construction activities, the 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 Contractor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> 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 	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*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
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<p>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.</p> <p>2. The ERO 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 Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The 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 working hours and shall explain how to request to inspect the Plan. The 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.</p> <p>D. <i>Monitoring.</i></p> <p>After start of Construction Activities, the 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.</p>				

MITIGATION MONITORING AND REPORTING PROGRAM FOR One Oak Street Project (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>M-AQ-4: Best Available Control Technology for Diesel Generators</p> <p>The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.</p>	Project sponsor	Prior to, and as a condition of building permit issuance.	<p>Project sponsor shall submit documentation to the Planning Department verifying best available control technology for all installed diesel generators on the project site.</p> <p>Considered complete upon submittal of documentation to the Planning Department.</p>	
IMPROVEMENT MEASURES FOR THE ONE OAK STREET PROJECT <i>(Improvement measures are not required under CEQA. The EIR identifies Improvement Measures to avoid or reduce the less-than-significant impacts of the proposed project. The decision-makers may adopt these Improvement Measures as conditions of approval.)</i>				
Transportation and Circulation Improvement Measures				
<p>Improvement Measure I-TR-B: Loading Operations Plan</p> <p>As an improvement measure to reduce potential conflicts between driveway operations, including loading activities, and pedestrians, bicycles, and vehicles on Oak and Market streets, the project sponsor could prepare a Loading Operations Plan, and submit the plan for review and approval by the Planning Department and the SFMTA prior to receiving the final certificate of occupancy. As appropriate, the Loading Operations Plan could be periodically reviewed by the sponsor, the Planning Department, and the SFMTA and revised as necessary and feasible to more appropriately respond to changes in street or circulation conditions.</p>	Project sponsor	Prior to, and as a condition of, certificate of occupancy issuance.	Develop and obtain Planning Department and SFMTA approval of a Loading Operations Plan.	

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<p>The Loading Operations Plan would include a set of guidelines related to the operation of the Oak Street driveways into the loading facility, and large truck curbside access guidelines, and would specify driveway attendant responsibilities to ensure that truck queuing and/or substantial conflicts between project loading/unloading activities and pedestrians, bicyclists, transit and autos do not occur. Elements of the Loading Operations Plan may include the following:</p> <ul style="list-style-type: none"> • Commercial loading for the project should be accommodated on-site and within planned on-street commercial loading spaces on Oak Street. Loading activities should comply with all posted time limits and all other posted restrictions. • Double parking or any form of illegal parking or loading should not be permitted on Oak or Market streets. Working with the SFMTA Parking Control Officers, building management should ensure that no project-related loading activities occur within the Oak Street pedestrian plaza, or within the Market Street bicycle lanes, or upon any sidewalk, or within any travel lane on either Market, Franklin, or Oak streets. • Building management should direct residents to schedule all move-in and move-out activities and deliveries of large items (e.g., furniture) with building management. • All move-in and move-out activities for both the proposed project and the adjacent 1546-1554 Market Street residential project should be coordinated with building management for each project. For move-in and move-out activities that would require loading vehicles larger than 40 feet in length, building management should request a reserved curbside permit for Oak Street from the SFMTA in advance of move-in or move-out activities. (Information on SFMTA temporary signage permit process available online at https://www.sfmta.com/services/streets-sidewalks/temporary-signage) • Reserved curb permits along Oak Street should be available throughout the day, with the exception of the morning and evening peak periods on 	<p>Project sponsor or building management representative</p>	<p>Implementation of this improvement measure is ongoing and enforceable during the life of the project.</p>		

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<p>weekdays, or 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza, whichever is later, to avoid conflicts with commercial and passenger loading needs for adjacent land uses and the proposed pedestrian plaza. Weekend hours should not be restricted, with the exceptions that if events are planned on weekend days at adjacent land uses on the project block or within the pedestrian plaza, reserved curb permits should be granted for 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza.</p> <ul style="list-style-type: none"> • The granted hours of reserved curbside permits should not conflict with posted street sweeping schedules. • Building management should implement policies which prohibit any project-related loading operations, including passenger loading, residential deliveries, retail deliveries, and move-in and move-out activities, from occurring within the existing commercial loading zone on Market Street. To achieve this, building management should be instructed to proactively direct residents and retail tenants to utilize the on-site loading spaces and the Oak Street loading zones. In addition, building management should include within its leases, vendor contracts, and governing documents (i.e., CC&Rs and Rules & Regulations), written prohibitions against project-related loading and unloading operations from occurring within the existing commercial loading zone on Market Street. These operations include, but are not limited to, residential deliveries, move-in and move-out activities, and passenger pick-up and drop-off activities. • The HOA should make commercially reasonable efforts to request of the service provider that all trash, recycling and compost pick-up activity should be scheduled to occur only during non-AM and PM peak hours (9 am to 3:30 pm and 6 pm to 7 am). • Trash bins, dumpsters and all other containers related to refuse collection should remain in the building at street level until the arrival of the collection truck. Refuse should be collected from the building via Oak 				

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<p><u>Construction Worker Parking Plan</u> – As part of the Construction Management Plan that would be developed by the construction contractor, the location of construction worker parking could 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 could be discouraged. The project sponsor could provide on-site parking once the below grade parking garage is usable.</p> <p><u>Project Construction Updates for Adjacent Businesses and Residents</u> – As an improvement measure to minimize construction impacts on access to nearby institutions and businesses, the project sponsor would provide nearby residences and adjacent businesses with regularly updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and parking lane and sidewalk closures. The project sponsor could create a web site that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.</p>				
<p><i>Wind Improvement Measure</i></p>				
<p>Improvement Measure I-W-1: Wind Reduction Features</p> <p>To reduce ground-level wind speeds and project comfort criteria exceedances in areas used for public gathering, such as MUNI transit stops and crosswalk entrances, the Project Sponsor is encouraged to install, or facilitate installation of, wind reduction measures that could include but are not limited to structures, canopies, wind screens and landscaping as feasible. In so doing, the Project Sponsor would coordinate with the Planning Department and representatives of responsible City agencies or third parties, as may be warranted by the specific nature and location of the improvement, as applicable.</p>	<p>Project sponsor</p>	<p>Install, wind reduction features prior to issuance of a certificate of occupancy.</p>	<p>Project sponsor to coordinate with the Planning Department and other responsible agencies to determine the locations and types of wind reduction features to be implemented.</p>	