

RESOLUTION NO. 146-2006

Adopted November 7, 2006

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 1746 POST STREET COMMERCIAL USE PROJECT AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; WESTERN ADDITION REDEVELOPMENT PROJECT AREA A-2

BASIS FOR RESOLUTION

1. The 1746 Post Street property ("Site") is located on the south side of Post between Webster and Laguna Streets in Japantown in the Western Addition Redevelopment Project Area A-2 ("Project Area"). The property is currently improved with a two-story-plus-mezzanine-and-basement, 30-foot-tall office building of approximately 12,780 gross square feet.
2. The Project sponsor, Shogakukan, Inc., proposes to demolish the existing office building ("Existing Building") on the Site, and construct a three-story-plus-basement, 50-foot-tall commercial building, with a total of approximately 20,830 gross square feet. Demolition of the Existing Building and construction of the new commercial use building constitute the proposed project ("Project") pursuant to the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA") and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, ("CEQA Guidelines"). Unless the context specifically indicates otherwise, all references to CEQA are intended to include CEQA, the CEQA Guidelines and court decisions interpreting CEQA and the CEQA Guidelines.
3. As part of the Redevelopment Agency of the City and County of San Francisco's ("Agency") review of the proposed Project, and in compliance with CEQA, Agency staff completed an initial study and determined that the proposed Project may have potential environmental effects in the areas of visual character, light and glare, shadows, historical resources, transportation and growth inducement. As a result, Agency staff determined that an Environmental Impact Report ("EIR") was required and published a Notice of Preparation on May 1, 2006.
4. Pursuant to the requirements of CEQA, a Draft Environmental Impact Report ("Draft EIR") was prepared for the proposed Project. The Draft EIR was published on July 28, 2006. On July 30, 2006, the Agency provided public notice in the San Francisco Chronicle, a newspaper of general circulation, of the availability of the Draft EIR for public review and comment, and of the date and

time of the Agency Commission public hearing on the Draft EIR. This notice was also mailed to approximately 1,000 listings on the Agency's Project Area mailing list, posted on the 1746 Post Street building and in a number of locations around the building, and mailed to property owners within a 300-foot radius of 1746 Post Street.

5. Copies of the Draft EIR were distributed to the Agency Commission and mailed to approximately 25 persons and organizations, including the Western Addition Citizens Advisory Committee, the Japantown Task Force, Inc., neighboring property owners who have expressed an interest in the Project, other interested parties, and local and state agencies. The Draft EIR was also posted on the Agency's website and a Notice of Completion of the Draft EIR was recorded with the State Secretary of Resources via the State Clearinghouse on May 2, 2006 (State Clearinghouse No. 2006052015).
6. The Draft EIR describes the proposed Project (including the actions to be taken by the Agency Commission), assesses potential environmental impacts in the areas of visual character, light and glare, shadows, historical resources, transportation and growth inducement, and mitigation measures. The Draft EIR also discusses two alternatives to the proposed Project: the No Project Alternative and the Adaptive Reuse Alternative.
7. The Draft EIR found that the proposed Project, with mitigation, would not have any significant adverse impacts. All potential significant impacts that were described in the Draft EIR would be reduced to less than significant levels with the implementation of the mitigation measures described in the Draft EIR, which have been attached to the proposed Owner Participation Agreement ("OPA") as OPA Attachment G and the Developer has agreed to implement the mitigation measures as required, and as attached to Exhibit A to this Resolution as Exhibit 1.
8. The Draft EIR public review period began on July 28, 2006 and ended on September 11, 2006. The Agency held a duly advertised public hearing on August 15, 2006 to receive public comments on the adequacy of the Draft EIR. Two oral comments were received at the public hearing. At the close of the Draft EIR public review period on September 11, 2006, the Agency had received four written comment letters from members of the public.
9. The Agency prepared responses to all oral and written comments received during the 45-day public review period for the Draft EIR, and revisions to the text of the Draft EIR in response to comments received, published as a Comments and Responses document on October 27, 2006, and distributed to the Agency Commission and to all parties who commented on the Draft EIR. The Comments and Responses document is also available for review at the Agency's offices and a copy has been posted on the Agency's internet website.

10. A notice of availability of the Comments and Responses document and notice of the date of potential certification of the Final EIR was mailed to the Agency's Project Area mailing list, the Western Addition Citizens Advisory Committee, the Japantown Task Force, Inc. and other interested parties.
11. The proposed Final Environmental Impact Report ("Final EIR") prepared by the Agency and its consultants consists of (a) the Draft EIR, and (b) the Comments and Responses document, which responds to each comment received during the public review period, and describes consultations, additional information that became available after publication of the Draft EIR and changes to the Draft EIR.
12. Additional information and documents reviewed by the Agency after the publication of the Draft EIR are discussed in the Comments and Responses document, and such discussion amplifies or clarifies the information and analysis previously contained in the Draft EIR.
13. In addition, the revisions to the Draft EIR, contained in the Comments and Responses document, correct, clarify or update information previously contained in the Draft EIR.
14. Based on the Agency staff's independent review of the administrative record and the proposed Final EIR, the Comments and Responses document contains no "significant new information" (as defined in CEQA Guidelines Section 15088.5), and there is no other "significant new information" that has become available to indicate any of the following:
 - A. A new significant environmental impact would result from the Project or from a mitigation measure; or
 - B. There will be a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted to reduce such environmental impact to a level of insignificance; or
 - C. A feasible Project alternative or mitigation measure considerably different from the Project alternatives and mitigation measures discussed in the Draft EIR would clearly lessen any significant environmental impacts of the Project; or
 - D. The Draft EIR was so fundamentally inadequate and conclusory that meaningful public review and comment were precluded.
15. The files and documents pertaining to the Project and the proposed Final EIR are available for public review at the Agency's offices and are part of the administrative record regarding the Project.

16. Based on the proposed Final EIR, the administrative record and Agency staff's independent judgment, the Agency's staff has prepared the CEQA findings regarding the Project as Attachment A to this resolution, which also includes, as Exhibit 1, a Mitigation and Monitoring Program.
17. The requirements of the Mitigation and Monitoring Program have also been incorporated into the proposed Owner Participation Agreement for the Project as the Mitigation Plan, Attachment G to the Owner Participation Agreement.

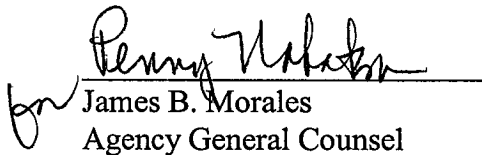
RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco as follows:

1. It has reviewed the Draft EIR for the proposed commercial use project at 1746 Post Street ("Project") and the Comments and Responses document, which jointly constitute the proposed Final EIR for the Project.
2. The Comments and Responses document does not contain any "significant new information", as defined in CEQA Guidelines Section 15088.5, and the revisions to the Draft EIR contained in the Comments and Responses document do not constitute a substantial revision of the Draft EIR.
3. The proposed Final EIR reflects the independent judgment and analysis of the Agency and has been completed in accordance with CEQA.
4. Accordingly, the Final EIR is certified as adequate pursuant to CEQA.
5. In addition, the Agency also approves and adopts the environmental findings regarding the proposed Project contained in Attachment A and the Mitigation Monitoring and Reporting Program contained in Exhibit 1 to Attachment A, which conclude that the proposed Project would not have any significant adverse impacts for the reasons stated in Attachment A, based on the incorporation of the mitigation measures identified in Exhibit 1, which have also been incorporated as the Mitigation Plan, Attachment G to the proposed Owner Participation Agreement for the Project.

Attachment A: CEQA Findings (including Exhibit 1: Mitigation Monitoring and Reporting Program)

APPROVED AS TO FORM:


James B. Morales
Agency General Counsel

ATTACHMENT A:

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS – 1746 POST STREET COMMERCIAL USE PROJECT

1. INTRODUCTION

These findings are made by the Redevelopment Agency of the City and County of San Francisco (“Agency”) pursuant to the California Environmental Quality Act, (California Public Resources Code section 21000 et seq., and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., (“CEQA Guidelines”) collectively referred to as “CEQA” unless the context indicates otherwise), with respect to the 1746 Post Street Commercial Use Project (“Project” or “Proposed Project”), based on the documents, files and other evidence in the record of Project proceedings, including but not limited to, the Draft Environmental Impact Report (“Draft EIR”) and the Comments and Responses document, which jointly constitute the 1746 Post Street Commercial Use Project Final Environmental Impact Report (“Final EIR”) prepared pursuant to CEQA.

The following sections of this document are organized as follows:

Section 2 describes the Project.

Section 3 describes the actions to be taken by the Agency (which are also part of the Project).

Section 4 discusses the Proposed Project’s potentially significant environmental impacts and the mitigation measures necessary to reduce such impacts to less than significant levels.

Section 5 discusses the mitigation measures for the Project and **Exhibit 1**, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Statute Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Section IV of the Final EIR that is required to reduce or avoid a potentially significant adverse impact. **Exhibit 1** also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

Section 6 discusses each of the two alternatives to the Proposed Project and considerations leading to the rejection of such alternatives as infeasible.

Section 7 provides information regarding access to the administrative record regarding the Proposed Project.

2. PROJECT DESCRIPTION

The Project site is in the northwest quadrant of San Francisco, in the Japantown area (also known as the Nihonmachi area), a primarily commercial area generally bounded by Geary Expressway, Webster, Pine and Laguna Streets. The rectangular Project site is located on the south side of the City block bounded by Post, Webster, Sutter, and Laguna Streets. The Project site is located at 1746 Post Street, on Assessor's Block 685, Lot 12. The terrain in the immediate vicinity of the site slopes gently upward to the east and north. The 5,568.75-square-foot site (approximately 0.13 acre) currently contains a two-story-plus-mezzanine-and-basement office building that was constructed in 1923 (the "Existing Building"), which is 30 feet tall along its Post Street frontage and contains approximately 12,780 square feet.

The Project sponsor, Shogakukan, Inc., proposes to demolish the Existing Building on the site, and to construct a three-story-plus-basement, 50-foot-tall commercial building, with a total of approximately 20,830 gross square feet (gsf). The approximately 19-foot-deep basement would contain a 161-seat cinema, lobby, and stairway in a total of 55,454 gsf, plus a mid-level, 628 gsf projection booth. The ground (first) level would have a total of 4,702 gsf containing a lobby, bookstore, coffee bar, cinema ticket sales, and ancillary support space. The second and third floors would contain 5,023 gsf each, and would be occupied by office and/or retail uses. Restrooms would be provided on all publicly accessible floors, including the basement, ground floor, second, and third floors. An elevator off the lobby would connect all floors, and there would be stairs at the north and south ends of the building. Primary pedestrian access would be from Post Street; there would also be a pedestrian egress via the rear of building. No onsite vehicular or bicycle parking would be provided.

The Proposed Project also includes an archival component, which includes "documentation of the history and the existing exterior and interior conditions of the [Existing Building at] 1746 Post Street according to the *Historic American Buildings Survey* (HABS) Level II documentation, and installation of on-site displays communicating the significance of the building to the Japanese community." (See Comments and Responses Appendix D, the September 12, 2006 letter to the San Francisco Redevelopment Agency from David Silverman, Esq. on behalf of Shogakukan, Inc.)

The Project also includes the proposed Agency actions next listed.

3. AGENCY COMMISSION ACTIONS

At this time, the Agency's Commission is considering various actions ("Actions") in furtherance of the Project, which include the following:

- 3.1 Certification of the Final EIR for the Project.
- 3.2 Adoption of these CEQA Findings, including the mitigation measures contained in **Exhibit 1**, the Mitigation Monitoring and Reporting Program.
- 3.3 Approval of the Schematic Design for the Project.
- 3.4 Granting of a Variance from the 1.2 maximum Floor Area Ratio (“FAR”) allowed in the *Western Addition A-2 Redevelopment Plan* to enable the Project to have an FAR of approximately 2.50 calculated using Agency guidelines.
- 3.5 Approval of an Owner Participation Agreement for the Project.

4. SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE PROJECT AND POTENTIAL MITIGATION MEASURES

4.1 The Initial Study’s Analysis of Potential Environmental Effects of the Project

A copy of the Initial Study is attached to the Draft EIR as Appendix A. The Initial Study determined that the Proposed Project’s physical environmental effects related to scenic views, scenic resources, agricultural resources, air quality/climate, wind, biology, archeological resources, geology/topography, hydrology and water quality, noise, population and housing, utilities/public services, and recreation would not be considered significant or would be reduced to a less than significant level by recommended mitigation measures, and hence, require no further discussion. Therefore, the EIR does not further analyze these issues.

However, the Initial Study indicates that the Proposed Project may have project-specific effects and/or cumulative impacts that relate to visual character, light and glare, shadows, historical resources, land use, transportation, and growth inducement, which were analyzed in the Draft EIR. In addition, while the Initial Study determined that physical environmental effects related to hazards and hazardous materials would not be considered significant, the Draft EIR includes a discussion of hazards and hazardous materials in response to state agency comments on the Notice of Preparation/Initial Study.

The Proposed Project’s potential environmental effects, potential mitigation measures are next discussed.

4.2 Potential Impacts on Scenic Vistas, Scenic Resources, Surrounding Visual Character and Light and Glare Impacts

The Draft EIR concluded that changes in visual quality and urban design would result from the demolition of the approximately 30-foot tall Existing Building and the construction of the approximately 50-foot tall building that constitutes the Proposed Project, which would add to the overall mass and visual density of the Nihonmachi area.

However, the height and bulk of the Proposed Project would not differ substantially from existing buildings and the Proposed Project's building design would not substantially change important view corridors or obstruct scenic views, including a designated scenic public view or vista from Post Street, the Buchanan Mall and the Peace Plaza. The Proposed Project would be visible from some of these vantage points but would not rise substantially above the existing skyline. The Proposed Project also would not be visible from, nor would the Proposed Project cast shadows on the Cottage Row Mini-Park visually compatible with adjacent and nearby buildings. Additional light produced by the Proposed Project's use would be compatible with other lighting from retail establishments on Post Street. Hence, the Proposed Project would not result in significant adverse impacts, either project-specific or cumulative, on scenic vistas, visual quality or due to the Proposed Project's light and glare.

4.3 Potential Impacts on Archaeological Resources

The Initial Study analyzed potential impacts on archeological resources that may be found during the demolition of the Existing Building and subsequent construction of the Proposed Project and concluded that, if archaeological resources were discovered during the Site preparation process, the Proposed Project's impacts on any archaeological resources that may be discovered could be reduced to a less than significant level through the application of Mitigation Measures CR-1 (A) through CR-1 (G), as described in **Exhibit 1, the Mitigation and Monitoring Plan.**

4.4 Potential Impacts on a Historical Resource

CEQA defines a "historical resource" in Section 21084.1 of the Public Resources Code ("Section 21084.1") as a resource listed in, or determined to be eligible for listing in, the California Register of Historic Places ("California Register"). The Existing Building and the Site are not listed in the California Register (which also includes resources listed in or formally determined to be eligible for listing in the National Register of Historic Places ("National Register")). In addition, the Existing Building and Site are not listed in San Francisco Planning Department's Bulletin No. 9, which lists the 230 landmarks designated as locally significant pursuant to San Francisco Planning Code Article 10, does not include any listing for 1746 Post Street and is not listed in the final Junior League survey results published in *Here Today*, the 1968 publication which the San Francisco Board of Supervisors recognized in 1970 as an official City-wide survey and inventory of historically architecturally significant structures. (Board of Supervisors Resolution No. 268-70.) Moreover, the Existing Building is not listed in any other historical resource survey or inventory that has been approved by a Board of Supervisors resolution or ordinance.

Although the 1746 Post Street building has not been determined to date to be locally significant, the Agency has the discretion and the responsibility to determine whether or not such building is a historical resource for purposes of CEQA. (Public Resources Code Section 21084.1.) In determining whether 1746 Post Street is (or is not) a historical

resource, the Agency must apply the California Register criteria (the “Criteria”) and its determination must be supported by substantial evidence in light of the whole record. (State CEQA Guidelines Section 15064.5.)

Three historical resource evaluations were prepared to evaluate the Existing Building’s potential significance as a potential historical resource, since it is more than 50 years old (having been constructed in 1923): (1) the evaluation by Jonathan Pearlman, Elevation Architects (the “Pearlman Report”), (2) the evaluation by Carey & Co. (the “Carey Report”), and (3) the evaluation by McGrew/Architecture (the “McGrew Report”) (collectively referred to as the “Historical Resource Evaluations” and incorporated by this reference as though attached to these findings). All three of the Historical Resource Reports agree that 1746 Post Street is not currently listed in and is not eligible for listing in the National Register of Historic Places (“National Register”) or in the California Register of Historic Places (“California Register”). However the two earlier evaluations, prepared in conjunction with the Initial Study reached different conclusions regarding 1746 Post Street’s potential eligibility as a local historical resource. The Pearlman Report states that 1746 Post Street does not meet the standards for a local historical resource for the reasons indicated therein. However, the Carey Report states that the Existing Building may be a potential local historical resource based on Criteria 1, 3 and G. The McGrew Report reviews the two earlier reports and states that the Existing Building does not meet the standards necessary for a local historical resource.

Based on a review of the available information regarding the specific history of 1746 Post Street, the Japantown area, the three Historical Resource Evaluations (summarized in the Final EIR) and the Criteria, the Agency believes that 1746 Post Street does not constitute a historical resource as defined in Public Resources Code Section 21084.1, for the following reasons, which focus on the physical and contextual integrity of the Existing Building and Criteria 1, 3 and G.

4.4.1 Physical and Contextual Integrity

All three Historical Resource Evaluations agree that 1746 Post Street appears to have retained its external physical integrity to an at least moderate extent. However, the Existing Building’s setting has been highly altered due to the demolition in the 1960’s of the adjoining church structure formerly located at 1760 Post Street. Thus, the Existing Building no longer retains its contextual integrity due to the demolition of the former church structure at 1760 Post Street. (The church structure formerly at 1760 Post Street was constructed in the late 19th century as the Plymouth Congregational Church and later acquired in the early 20th century by a Japanese mission of the Evangelical & Reformed Church (“E&R Church Congregation”), which constructed the Existing Building in 1923 to serve as offices and support facilities for the church. In 1954, the E&R Church Congregation sold both 1746 Post Street and 1760 Post Street after its Mission Board terminated financial support.)

4.4.2 Criterion 1 (Event)

Criterion 1 (also known as Criterion A in the National Register) requires a finding that the 1746 Post Street building is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.

The City and County of San Francisco's Landmarks Preservation Advisory Board has also adopted "priorities for the selection of potential landmarks" that include consideration of the cultural and social history of San Francisco and the involvement of communities of people (ethnic communities, communities of interest, and cultural communities) as a basis for local designation. (San Francisco Preservation Bulletin No. 19, January 20-03, San Francisco Planning Department.) In accordance with such guideline, the Agency's staff has spoken to a number of individuals in the Japanese-American community, including Ms. Rosalyn Tonai, Executive Director of the Japanese American Historical Society and chair of the Cultural and Historic Preservation Subcommittee of the Japantown Taskforce Inc.

All three Historical Resource Consultants agree that the 1746 Post Street building is not associated with any particular person important to local, California or national history, and that the 1746 Post Street building is located in Japantown and has some connection to the history of the Japanese immigrant and Japanese-American community due to its construction by the E&R Church Congregation in approximately 1923, the subsequent use of the Existing Building (in tandem with the church building formerly located on the adjoining lot at 1760 Post Street) until the mid-1950s, and the use of the Existing Building to date by the Hokubei Mainichi Inc., a Japanese and English language newspaper publisher ("Hokubei Mainichi") which acquired 1746 Post Street in 1976.

A review of the available information indicates that the use of the Existing Building by the E&R Church Congregation between 1923-1954 (with a hiatus during World War II due to the evacuation of persons of Japanese ancestry) does not constitute a particularly significant event or series of events, as required by Criterion 1, since such congregation is one of a number of religious organizations that have been associated with either the Japanese immigrant or the Japanese-American community.

The use of the Existing Building by the Hokubei Mainichi since 1976 also does not satisfy Criterion 1, since the 1746 Post Street building is merely the most recent of at least two Japantown sites that served as the Hokubei Mainichi's facilities. Further, the Hokubei Mainichi's unique contribution to the Japanese-American community stands on its own and it will continue to remain in Japantown as one of the Proposed Project's tenants.

The Carey Report states, however, that Criterion 1 may be satisfied by the Existing Building's status as one of the few buildings that were rehabilitated rather than demolished during the urban renewal and redevelopment process or because of the

building's connection to the redevelopment process, commenced in the Japantown area in the 1950s and now substantially complete. However, a comparison of such statement with the available information, including a recent survey, indicates that the Existing Building is but one of many buildings (80 of the total 154 buildings) in the Japantown area (or approximately 52 percent) that were constructed before the urban renewal process, which remain in existence. There is also no indication that the Existing Building achieved particular recognition or significance during the redevelopment process, or as a result of redevelopment, or that the rehabilitation during the redevelopment process constitutes a significant event in the history of the Japanese American community.

In sum, the available information indicates that the 1746 Post Street building is not associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States and therefore does not satisfy Criterion 1.

4.4.3 Criterion 3 (Architecture)

Criterion 3 (also known as Criterion C in the National Register) requires one or more of the following findings: that the 1746 Post Street building (1) embodies the distinctive characteristics of a type, period, region, or method of construction, or (2) represents the work of a master, or (3) possesses high artistic values.

The 1746 Post Street building was designed by James Plachek, a local architect, who designed many buildings in the Bay Area during the 1910s and 1920s, at least fourteen of which are listed in the California Register. Even if it were to be assumed that James Plachek could be viewed as a local master architect, the standards in the National Register which are incorporated into the Criteria indicate that design by Plachek, standing alone, is not sufficient to satisfy Criterion 3. (National Register Bulletin No. 15.) As indicated in National Register Bulletin No. 15), “[a] property is not eligible as the work of a master; however, simply because it was designed by a prominent architect. For example not every building designed by Frank Lloyd Wright is eligible under this portion of Criterion C, although it might meet other portions of the Criterion, for instance as a representative of the Prairie style.” Rather, the National Register standards indicate that the property “must express a particular phase in the development of the master’s career, an aspect of his or her work, or a particular idea or theme in his or her craft.” (Ibid.)

The 1746 Post Street building does not express a particular phase in the development of Plachek’s career, nor does it constitute a noteworthy example of a Plachek designed building or recurring theme in Plachek’s buildings.

1746 Post Street also does not meet any of the other standards in Criterion 3, which require a showing that the building embodies distinctive characteristics of a type, period, region, or method of construction) or possess a high artistic value. Rather, the Carey Report states that the 1746 Post Street building “follows the same genre as much of Plachek’s contemporary work” and stands as an “example of 1920s commercial

architecture.” There is also no indication that 1746 Post Street embodies the distinctive characteristics of a particular type, period, region or method of construction. Similarly, there is no indication that 1746 Post Street possesses high artistic values or particularly distinctive characteristics, although it was viewed during the 1960’s by the San Francisco Conservation Committee (a civic organization formed in approximately 1962 to advise the Redevelopment Agency) as possessing exceptional visual merit, because the Existing Building then stood next to the former church building at 1760 Post Street. However, the church structure was later demolished in the 1960s, due to its deteriorated condition, thus the basis for categorizing the Existing Building as possessing exceptional visual merit no longer exists. Moreover, although the 30-foot height of the building is a visible feature of the portion of Post Street on which the Site is located, such height is not sufficient to meet Criterion E, since the Existing Building’s façade is ordinary and does not embody distinctive characteristics. Thus, 1746 Post Street does not meet the standards established by Criterion 3, which requires a building to embody the distinctive characteristics of a particular type, period, region or method of construction required by Criterion 3, or constitute the representative work of a master architect or possess high artistic values.

4.4.4 Criterion G (Properties That Have Achieved Exceptional Significance within the Last 50 Years)

Criterion G (which is the same as National Register Criterion G) applies to a site that has achieved exceptional importance within the last fifty years (1956-2006). SF Preservation Bulletin No. 19, the application form for local landmark designation, also states that a building less than 50 years old must be exceptionally important to be considered eligible for listing. The Carey Report suggested that 1746 Post Street may meet Criterion G, because the building is a reminder of Japantown as it existed before the urban renewal process (initiated in 1956 by the adoption of the Redevelopment Plan for the Western Addition Proposed Project Area A-1 and now substantially complete). However, as previously indicated, 1746 Post Street is one of the over 50% of Japantown buildings that were designated for rehabilitation rather than demolition during the redevelopment process. However, there is no indication whatsoever that the 1746 Post Street achieved exceptional significance during the last 50 years that must be demonstrated to satisfy Criterion G.

4.4.5 Conclusion: 1746 Post Street as a Local Historical Resource

According, for the reasons previously summarized above and in the Final EIR and based on the available information, 1746 Post Street does not meet either Criteria 1, 3 or G and it also does not meet any other Criteria, therefore does not constitute a local historical resource.

4.5 Potential Impacts or Creation of Hazards and Hazardous Materials

Pursuant to CEQA Guidelines Section 15064.5, a project would have a significant effect if it would create a significant hazard to the public or the environment through reasonably

foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Potential hazards and hazardous materials impacts are also associated with routine use or disposal of hazardous materials, emissions or handling of hazardous materials within one-quarter mile of a school, location on a listed hazardous materials site, location near an airport, and interference with emergency response plans, but these potential impacts were found by the Initial Study to be less than significant. The residential, religious, and community uses of the site from 1899 through 1976, and the current office uses, are unlikely to have involved the release of substantial amounts of hazardous materials, other than small quantities of chemicals found in homes and small businesses. However, the printing that occurred on the site from 1976 until 2004 used potentially hazardous printing chemicals, and may have involved releases that could have contaminated soil and/or groundwater in the site and vicinity. The Proposed Project would involve excavation of approximately 2,488 cubic yards of soil for the basement level, footings, and foundation. This could expose construction workers and nearby residents, employees, and visitors to potentially hazardous materials, and is a potentially significant impact.

Mitigation Measures HM-1(A) through HM-7(A), as described in **Exhibit 1**, would reduce the potentially significant impacts, both Project-specific and cumulative, of past releases of hazardous materials at the site to a less than significant level and these as well as other mitigation measures will be incorporated in the proposed Owner Participation Agreement.

4.6 Potential Traffic and Transportation Impacts

The Proposed Project would add to the intensity of land use within the Nihonmachi area, but the Proposed Project's 20,542 square feet of commercial space would not be considered a significant addition to the projected stock of commercial space in the City when considered within the context of year 2025 projections. Secondary impacts from the proposed commercial land use could affect the capacity of the local road system and transit. These potential impacts are discussed in the pertinent sections of the Draft EIR. Other possible effects on public services and utilities in the future were evaluated in the Initial Study and determined to be less than significant.

4.6.1 Traffic Impacts

The Proposed Project would generate about 32 inbound and 31 outbound net-new vehicle-trips during the weekday p.m. peak hour. These 63 trips were distributed to the local and regional roadway network based on the origin/destination of each trip (from the trip distribution calculations), the street directions, and the access driveways into the Japan Center Garage. Since the Proposed Project would not provide on-site parking, it was assumed that vehicles destined to the Proposed Project would park on-street or within the nearby Japan Center Garage.

As shown on DEIR Table 2, page 68, the addition of project-generated traffic would result in a relatively small change in the average delay per vehicle at the study

intersections For the traffic analysis, four study intersections were identified as locations likely to be most affected by the Proposed Project. These include the intersections of Webster/Post Streets, Webster Street/Geary Expressway, Laguna/Post Streets, and Laguna Street/Geary Expressway. The parking study area is bounded by Sutter Street to the north, Laguna Street to the east, Geary Expressway to the south, and Fillmore Street to the west.

It should be noted that at some of the study intersections, the average delay per vehicle would remain constant or slightly decrease with the addition of project-related traffic. The level of service is calculated based on an average of the total vehicular delay per approach, weighted by the number of vehicles at each approach. Increases in traffic volumes at an intersection usually result in increases in the overall intersection delay. However, if there are increases in the number of vehicles at movements with low delays, the average weighted delay per vehicle may decrease.

All four study intersections would continue to operate at the same acceptable service levels as under Existing conditions (LOS C or better). Therefore, the Proposed Project would not result in significant traffic impacts.

4.6.2 Transit Impacts

The Project site is well-served by public transit, with local service provided nearby on Geary Expressway, Fillmore Street, Sutter Street, and Post Street (east of Laguna Street). Local service is provided by the Muni bus lines, as shown on Figure 8 on page 69, which can be used to access regional transit operators. Service to and from the East Bay is provided by Bay Area Rapid Transit ("BART"), AC Transit and ferries; service to and from the North Bay is provided by Golden Gate Transit buses and ferries; service to and from the Peninsula and South Bay is provided by Caltrain, SamTrans, and BART.

It is also noted that the Proposed Project is subject to the City's Transit Impact Development Fee ("TIDF"), payable before the issuance of a temporary certificate of occupancy or any certificate of final completion and occupancy, whichever occurs first. The estimated amount of the TIDF for the Proposed Project is approximately \$208,300 (\$10.00 per gross square foot multiplied by approximately 20,830 gross square feet), and the final amount of the fee will be determined prior to obtaining the first building or site permit and payable before the issuance of a temporary certificate of occupancy or any certificate of final completion and occupancy, whichever occurs first.

The Proposed Project would generate about 11 inbound and seven outbound transit trips during the weekday p.m. peak hour. These 18 transit trips to and from the Project site would use the nearby Muni lines, and may include transfers to other Muni buses and light rail lines, or other regional transit providers. In the immediate vicinity of the Project site, the transit lines generally have available capacity during the weekday p.m. peak hour that could be used to accommodate the inbound and outbound transit trips generated by the Proposed Project, and the Proposed Project would not substantially affect, or have an

individually or cumulatively significant impact on, transit operations, based on the information contained in the Final EIR.

4.6.3 Cumulative Significant Traffic and Transportation Impacts

Cumulative traffic growth would occur from other developments in the vicinity of the Project site as well as from the Proposed Project. For the development of future 2025 Cumulative traffic volumes, an annual growth rate of 1.0 percent per year was used (for a total of 10.8 percent for the 19 years between 2006 and 2025). These future traffic volumes were used to forecast the level of service conditions at the four study intersections under 2025 Cumulative conditions during the weekday PM peak hour.

Draft EIR Table 3, restated below, presents the 2025 Cumulative weekday p.m. peak hour intersection operating conditions and the study intersections that would result from the increased traffic volumes under the 2025 Cumulative conditions and indicates that the study intersections would experience increases in average delay per vehicle. However, all four intersections would operate at acceptable operating conditions, at LOS C or better.

Table 3				
Intersection Levels of Service				
Existing and 2025 Cumulative Conditions – Weekday PM Peak Hour				
	Existing		2025 Cumulative	
	Delay¹	LOS	Delay¹	LOS
1. Webster/Post	16.1	B	20.0	B
2. Webster/Geary	21.2	C	30.1	C
3. Laguna/Post	18.8	B	29.3	C
4. Laguna/Geary	20.8	C	26.6	C

Source: LCW Consulting, June 2006.

4.7 Land Use, Zoning Consistency and Redevelopment Plan Consistency

There are several large area plan projects recently adopted or currently under review at the Planning Department, including the Eastern Neighborhoods community planning (rezoning) process¹ for Bayview Hunters Point, Showplace Square/Potrero Hill, Mission,

¹ City and County of San Francisco Planning Department, *Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook, First Draft*, February 2003. This report is available for public review electronically on the Planning Department website, http://www.sfgov.org/site/planning_index.asp?id=25293.

and South of Market; the Better Neighborhoods program² for the Market Street & Octavia Boulevard, Central Waterfront and Balboa Park neighborhoods; the Rincon Hill Plan; the Mid-Market Redevelopment Area proposal; the amended South of Market Redevelopment Plan; the Transbay Redevelopment Plan; and, the Bayview Hunters Point Redevelopment Plan. These plans will create the context for future growth throughout the City. The plan areas will compete for the limited amount of development that the market can produce, and not all of the development projected within these plans may be constructed. However, the Project site is not within the plan areas of any of the identified large area plans and the scale of the proposed development would not create any substantial conflict with the plans.

4.8 Potential Cumulatively Significant Land Use Impacts

The Final EIR also assesses the potential cumulatively significant environmental impacts of the Project, based the projects recently adopted or under review at the Planning Department (as of the time of preparation of the Draft EIR). There are several large area plan projects recently adopted or currently under review by the Planning Department: the Hunters Point, Showplace Square/Potrero Hill, Mission and South of Market; the Better Neighborhoods program for the Market Street and Octavia Boulevard area, Central Waterfront and Balboa Park neighborhoods; the Rincon Hill Plan; the proposed Mid-Market Redevelopment Project Area and the Bayview-Hunters Point Redevelopment Plan. These plans will create the context for future growth throughout the City. The plan areas will compete for the limited amount of development that the market can produce, and not all of the development projected within these plans may be constructed. However, the Project site is not within any of the identified large area plans and the scale of the Proposed Project would not create any substantial conflict with the plans.

In addition, a 35-story residential tower is proposed on the south side of Post Street between Laguna and Gough Streets, adjacent to the existing 1333 Gough Street residential building (The Sequoias), located approximately two blocks east of the Project site. This proposed residential project would contain 300 residential units and 510 off-street parking spaces and would be the tallest building in the Project site's vicinity. Although the cumulative land use impacts together would increase the density of commercial and use in the Japantown area, the Proposed Project by itself would not result in a considerable contribution to cumulative land use impacts.

The Proposed Project's approximately 20,830 gross square feet of commercial space would not be considered a significant addition to the projected 2025 stock of commercial space in the City. As previously discussed, secondary impacts from the proposed commercial land uses could affect the capacity of the local road system and transit. However, other possible effects on public services and utilities were determined to be less than significant, based on the Initial Study.

² City and County of San Francisco Planning Department, *Better Neighborhoods 2002*, available online for review at http://sfgov.org/site/planning_index.asp?id=25162.

4.9 Air Quality Mitigation Measures

In addition to the mitigation measures previously discussed, the Project sponsor has agreed to comply with the air quality mitigation measures listed as mitigation measures AQ (1) (A) through AQ-2 (F) in **Exhibit 1**.

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

All mitigation measures identified in the Final EIR and in **Exhibit 1** have been incorporated as a part of the proposed Owner Participation Agreement regarding the Project as the Mitigation Plan, Attachment G, and are conditions of project approval. None of the proposed mitigation measures are infeasible, based on substantial evidence in the record. Implementation of some measures may be the responsibility of other public agencies. None of the mitigation measures set forth in the Final EIR that are needed to reduce or avoid significant adverse environmental impacts are rejected.

The Project sponsor will have primary responsibility for implementation of the mitigation measures and the Agency will have the primary responsibility for monitoring the implementation. As to mitigation measures which require implementation or monitoring by City agencies or departments, including, but not limited to, the Department of City Planning, the Department of Building Inspection and the Department of Public Health, the Agency finds that, based on the record before it, the mitigation measures proposed for adoption in the Final EIR are feasible, and that they can and should be carried out by the persons and agencies identified at the designated time in **Exhibit 1**. The Agency recommends that the City agencies and departments designated in **Exhibit 1** implement those mitigation measures that are within the jurisdiction and responsibility of such entities. The Agency also acknowledges that if such measures are not adopted and implemented, the Proposed Project may result in significant unavoidable impacts.

6. **CONSIDERATION OF PROJECT ALTERNATIVES**

6.1 Summary of Alternatives Analyzed in the Final EIR

The Final EIR for the Proposed Project analyzed the environmental effects of the

Proposed Project and considered two alternatives:

No Project Alternative

Adaptive Reuse Alternative

6.2 Project Alternatives Considered and Reasons for Rejection of the Alternatives

The following section presents an overview of the Alternatives analyzed in the Final EIR. A more detailed description of each Alternative can be found in Chapter VI of the Final EIR.

6.2.1 Alternative A, No Project Alternative

This alternative would entail no change to the existing two-story-plus-mezzanine-and-basement, approximately 12,780-square-foot office building on the site. The Existing Building would not be demolished and the Proposed Project would not be built. This alternative, however, would not preclude future proposals for redevelopment of the Project site for uses permitted in the Commercial Community Shopping designation and the 50-foot height district of the *Redevelopment Plan*.

If the No Project Alternative was implemented, none of the impacts associated with the Proposed Project would occur. The Existing Building on the site, with its existing office space, would remain unaltered. The air quality impacts of the Proposed Project, and project-specific effects on intersection conditions, transit use, parking, loading, and pedestrian and bicycle traffic, would not occur, although these impacts would not be significant under the Project. The current air emissions and person-trips generated by the Existing Building would continue, but these impacts would be smaller than those of the Project. The potential impacts of the Proposed Project on subsurface archeological and paleontological resources would not occur; however, the potential impacts of the Proposed Project on archeological and paleontological resources could be mitigated to a less than significant level. The Proposed Project's impacts on visual character, light and glare, shadows on nearby streets and buildings, and land use would not occur.

Other less than significant effects of the Proposed Project described in the Initial Study (Appendix A of the Final EIR), including effects of the proposed three-story Project on agricultural resources, wind effects, biology, geology/topography, hazardous materials, hydrology and water quality, noise, population and housing, recreation, and utilities/public services would not occur with this alternative, and no mitigation measures would be required.

The No Project Alternative is rejected as infeasible for the following reasons:

Reduced Economic and Business Vitality – The No Project Alternative would not achieve the Project objectives of stimulating economic revitalization or eliminating conditions of blight in the Project Area. The No Project Alternative would not result in an expanded

commercial building to serve as a center for Japanese popular culture on this site. Without renovation, the building would not be suitable for a commercial use, and therefore, the Existing Building would not accommodate the planned 161-seat cinema or the bookstore. Although the current building tenant, *Hokubei Mainichi*, would remain in the building, there is no certainty as to how long it would remain on the premises. With *Hokubei Mainichi* in the building, there would be limited space available to accommodate a comparable business [to the Japanese newspaper] or an institutional use.

Reduced Employment and Business Opportunities – The No Project Alternative will provide fewer job opportunities or neighborhood business opportunities. The current arrangement between Shogakukan and *Hokubei Mainichi*, allows the Japanese newspaper to remain in the building; however, new uses could not be accommodated in the building and there would be no new job or business opportunities. If *Hokubei Mainichi* was to move from the premises, there would be new job and business opportunities; however, there is no certainty that a new comparable business or institutional use would move into the building and the building would need to either be demolished or altered to accommodate commercial uses. In addition, there would be the loss of the existing *Hokubei Mainichi* business and its jobs.

As discussed above, the No Project Alternative does not have appreciably fewer significant environmental effects than the Proposed Project. For the economic, legal, social, technological, and other considerations reasons set forth here and in the Final EIR, the No Project Alternative is rejected as infeasible.

6.2.2 Alternative B, Adaptive Reuse Alternative

The Adaptive Reuse Alternative would retain the existing 1746 Post Street building, with its office space, on the site. The building's shell would not be altered, but the interior would be remodeled to accommodate some of the commercial uses envisioned under the Proposed Project, as a center of Japanese pop culture.

Unlike the Proposed Project, the Adaptive Reuse Alternative would preserve the Existing Building on the site. As discussed in Chapter III.B. Historical Resources in the Final EIR, the existing 1746 Post Street building is not considered by the Agency to be an historical resource for CEQA purposes. Although demolition of the Existing Building that would occur under the Project would not be considered a significant impact on historic resources, this alternative would avoid that demolition and preserve the Existing Building. The Proposed Project's impacts on visual character, light and glare, wind, shadow, and land use, including cumulative impacts, would not occur, although they would be less than significant for both the Project and this alternative. The Adaptive Reuse Alternative would generate fewer vehicle trips than the Proposed Project, and have reduced environmental effects on transportation and parking, although these impacts would be less than significant for the Project as well as this alternative.

Compared to the Proposed Project, the Adaptive Reuse Alternative would have smaller effects on air quality, archeological cultural resources, hazards, noise, utilities and public services, biology, geology/topography, water, and energy/natural resources, although these impacts would be less than significant, or could be mitigated to a less than significant level, for both this alternative and the Project.

The Adaptive Reuse Alternative is rejected as infeasible for the following reasons:

Reduced Economic Development – The Adaptive Reuse Alternative would provide less overall development and would not result in the same level of enhancements and improvements to the Project Area. This alternative would alter the interior of the existing 30 feet tall, approximately 12,780-square-foot building; however, the Adaptive Reuse Alternative would result in a commercial building that would be 2/3 the size of the Proposed Project. Accordingly, the renovated building would not have the space to accommodate all of the planned uses of the Project. Further, if Shogakukan and *Hokubei Mainichi* retain the current agreement whereby the Japanese newspaper would move back into the building after construction, the remaining space would likely be usable by only one or two other businesses.

Reduced Employment Opportunities – The Adaptive Reuse Alternative will provide fewer net new employment opportunities than with the Proposed Project. If *Hokubei Mainichi* remains in the building, there would be limited space for new uses and limited new job or business opportunities. If *Hokubei Mainichi* was to move from the premises, there would be expanded new job and business opportunities; however, there would be fewer job and business opportunities than in the Project. In addition, there would be the loss of the existing *Hokubei Mainichi* business and its jobs.

6.3 Reasons for Selection of the Project

The No Project Alternative and the Adaptive Reuse Alternative to the Project are each rejected as infeasible, because the alternatives provide less overall development and would not result in the same level of enhancements and improvements to the Project Area as would the Proposed Project, and would provide fewer job opportunities or neighborhood business opportunities (See Attachment A to this Resolution).

The Project is selected because it would promote achievement of the following objectives of the Redevelopment Plan for the Western Addition Redevelopment Project Area A-2:

1. Provide the framework within which restoration of the economic and social health of the Project Area and its environs will be accomplished by private actions.
3. Guide development toward the production of a satisfying and urbane living and working environment preserving and enhancing the unique social, cultural and esthetic qualities of the City.

4. Stimulate and attract private investment to improve the City's economic health and expand the tax base.

In addition, the Proposed Project will promote achievement of all of the following Project sponsor objectives:

- To revitalize Japantown with Japanese businesses introducing Japanese pop culture to the American public;
- Develop a building that reflects contemporary Japanese architecture; and
- Develop a project consistent with the existing urban design character of the area.

7. LOCATION OF PROJECT RECORDS

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, San Francisco, CA 94103. The Redevelopment Agency Commission Secretary, Erwin Tanjuaquio (415) 749-2457, is the custodian of records for the Agency's Commission, and other records pertaining to the Proposed Project may be reviewed by contacting Development Specialist Denise Blades (415) 749-2438.

EXHIBIT 1

MITIGATION MONITORING AND REPORTING PROGRAM

Measures to be implemented by the owner pursuant to the environmental findings and determinations adopted in conjunction with the certification of the Final Environmental Impact Report for 1746 Post Street are included in the following Mitigation Monitoring and Reporting Program table.

MITIGATION MONITORING AND REPORTING PROGRAM (THE “MITIGATION PLAN”)

Note: the owner’s mitigation implementation reports shall be submitted pursuant to the Schedule of Performance, Attachment C to the 1746 Post Street Owner Participation Agreement and continuing until completion of construction.

Abbreviations used:

Developer = Developer and Owner

Cal OSHA = State of California Division of Occupational Safety and Health Administration

DBI = City and County of San Francisco Department of Building Inspection

DPH = City and County of San Francisco Department of Public Health

ERO = San Francisco Environmental Review Officer, City and County of San Francisco Planning Department

SFRA = Redevelopment Agency of the City and County of San Francisco

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
AQ-1 Construction Air Quality			
The Developer/Owner (“Developer”) shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures: AQ-1 (A) Water all active construction areas at least twice daily. Consistent with Ordinance 175-91, only non-potable water shall be used for all dust-control purposes. The construction contractor shall obtain reclaimed water from the City’s Clean Water Program for this purpose.	Developer and its contractor	During construction	DBI
AQ-1 (B) Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard.	Developer and its contractor	During construction	DBI
AQ-1 (C) Pave, apply water two times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site.	Developer and its contractor	During construction	DBI

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
AQ-1 (D) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction site.	Developer and its contractor	During construction	DBI
AQ-1 (E) Sweep adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.	Developer and its contractor	During construction	DBI
AQ-1 (F) All construction contracts shall require construction contractors to (1) properly maintain construction equipment and vehicles in accordance with the manufacturers' recommendations, and (2) minimize idling time when equipment is not in use and when trucks are waiting in queues.	Developer and its contractor	During construction	DBI
CR-1 Historic Resources (Subsurface Cultural Resources)			
CR-1 (A) The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c), including human or associated funerary remains. The Owner shall retain the services of an archeologist. During any soils disturbing activities within the project site, the archeologist shall carry out a pre-excavation testing program to better determine the probability of finding archeological remains on the site. The testing program shall consist of a series of mechanical exploratory borings or trenches and/or other testing methods determined to be appropriate by the archeologist.	Developer and its contractor	During demolition and grading	SFRA (Developer retention of an archaeologist, archeological testing)
CR-1 (B) If, after testing, the archeologist determines that no further investigations or precautions are necessary to safeguard potentially significant archeological resources, the archeologist shall submit a written report to the City's Environmental Review Officer ("ERO"), with copies to the Owner and the SFRA. If the archeologist determines that further investigations or precautions are necessary, he/she shall consult with the ERO, and they shall jointly determine what additional procedures are necessary to minimize potential effects on archeological resources.	Developer and its archaeologist	During demolition and grading	ERO (submission of written report). SFRA

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
CR-1 (C) These additional mitigation measures shall be implemented by the Owner and might include a program of on-site monitoring of any site excavation and foundation work that may be necessary, during which the archeologist shall record observations in a permanent log. Whether or not there are archeological finds of significance, the archeologist shall prepare a written report on the monitoring program that shall be submitted first and directly to the ERO with copies to the Owner and the SFRA. During the monitoring program, the Owner shall designate one individual on site as his/her representative. This representative shall have the authority to suspend work at the site to give the archeologist time to investigate and evaluate archeological resources that may be encountered.	Developer and its archaeologist	During demolition and grading	ERO, SFRA
CR-1 (D) Should evidence of cultural resources of potential significance be found during the monitoring program, the archeologist shall immediately notify the ERO, and the Owner shall halt any activities which the archeologist and the ERO jointly determine could damage such cultural resources. Ground disturbing activities which might damage cultural resources would be suspended for a total maximum of four weeks over the course of construction.	Developer and its archaeologist	During demolition and grading	ERO
CR-1 (E) After notifying the ERO, the archeologist shall prepare a written report to be submitted first and directly to the EIR, with copies to the Owner and the SFRA, which shall contain an assessment of the potential significance of any archeological finds and recommendations for what measures should be implemented to minimize potential effects on archeological resources. Based on this report, the ERO shall recommend specific additional mitigation measures to be implemented by the Owner. These additional mitigation measures might include a site security program, additional on-site investigations by the archeologist, and/or documentation, preservation and recovery of archival material.	Developer and its archaeologist	During demolition and grading	ERO, SFRA
CR-1 (F) Finally, the archeologist shall prepare a final report documenting the archeological resources that were discovered, if any, and evaluation as to their significance, and a description as to how any archeological testing, exploration and/or recovery program was conducted.	Developer and its archaeologist	During demolition and grading	SFRA
CR-1 (G) Copies of all draft reports prepared according to this mitigation measure shall be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report shall be sent to	Developer and its archaeologist	Prior to completion of grading	ERO, SFRA

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
the President of the Landmarks Preservation Advisory Board and the Northwest Information Center. Three copies of the final report shall be submitted to the Office of Major Environmental Analysis, accompanied by copies of the transmittals documenting distribution to the President of the Landmarks Preservation Advisory Board and the Northwest Information Center.			
CR-2 Historic Resources (Paleontological Resources)			
CR-2 (A) If any paleontological resources are encountered during site grading or other construction activities, all ground disturbances shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s).	Developer and its contractor	During grading	ERO, SFRA

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
HM-1 Hazard (Soil and Groundwater Testing)			
HM-1 (A) If required by the San Francisco Department of Public Health ("DPH"), the Owner shall, prior to approval of a building permit for the project, hire a consultant to collect soil and/or groundwater samples from areas on the site in which soil would be disturbed and test the soil and/or groundwater samples for metals, petroleum hydrocarbons and gasoline/diesel components, volatile and semi-volatile organic compounds, and other constituents such as printing chemicals, as requested by the DPH. The consultant shall analyze the soil borings as discrete, not composite samples. In addition, if requested by the DPH, groundwater characterization shall be carried out for total suspended solids, total settleable solids, pH, total dissolved solids, and turbidity. The sampling and studies shall be completed by a Registered Environmental Assessor or a similarly qualified individual, and samples shall be analyzed by state-accredited laboratories. The consultant shall prepare a report that includes the results of the soil and/or groundwater testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The Owner shall submit the report on the soil testing and pay applicable fees to DPH, to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fees cover review of soil testing reports and administrative handling. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing report to determine to whether soils on the project site are contaminated at or above potentially hazardous levels.	Developer and its contractor	Prior to issuance of a Site Permit or a building permit	DPW, DPH, SFRA

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
HM-2 Hazards (Site Mitigation Plan)			
HM-2 (A) If, based on the results of the soil and/or groundwater tests conducted, DPH determines that the soils and/or groundwater on the project site are contaminated at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan ("SMP") is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the level of contamination of soils and/or groundwater on the project site and mitigation measures for managing contaminated soils and/or groundwater on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the SFRA to become part of the case file.	Developer and its contractor	During grading and prior to construction	DPH
HM-3 Hazards (Contaminated Soil)			
HM-3 (A) All contaminated soils designated as hazardous waste shall be excavated by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with DPH.	Developer and its contractor	During grading and prior to construction	DPH
HM-3 (B) A Site Health and Safety ("H&S") Plan would be required by Cal-OSHA prior to initiating any earth-moving activities at the site. The H&S Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:	Developer and its contractor	During grading and prior to construction	Cal-OSHA

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
HM-3 (B) 1 Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets. HM-3 (B) 2 Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards. HM-3 (B) 3 The dust controls specified in Air Quality Mitigation Measure AQ-1 (B). HM-3 (B) 4 Protocols for managing stockpiled and excavated soils.	Developer and its contractor	During construction	DBI
HM-3 (C) The H&S Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:	Developer and its contractor	During construction	DBI
HM-3 (C) 1 Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required. HM-3 (C) 2 Posting of "no trespassing" signs. HM-3 (C) 3 Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.	Developer and its contractor	During construction	DBI
HM-3 (D) If groundwater contamination is identified, the H&S Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.	Developer and its contractor	During construction	DBI, DPH

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
HM-3 (E) The H&S Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.	Developer and its contractor	During construction	DPH
HM-3 (F) The H&S Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures could include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.	Developer and its contractor	During construction	DPH
HM-4 Hazards (Decontamination of Equipment)			
HM-4 (A) All trucks and excavation and soil handling equipment shall be decontaminated following use and prior to removal from the site. Gross contamination shall be first removed through brushing, wiping, or dry brooming. The vehicle or equipment shall then be washed clean (including tires). Prior to removal from the work site, all vehicles and equipment shall be inspected to ensure that contamination has been removed.	Developer and its contractor	During construction	DBI
HM-5 Hazards (Procedures for Handling Contaminated Site)			
HM-5 (A) The following procedures shall be observed when handling, hauling, and disposing of contaminated soils: HM-5 (A) 1 Specific work practices: The construction contractor shall be alert for the presence of hazardous soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, State, and federal regulations) when such soils are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be	Developer and its contractor	During construction	DPH

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
treated as hazardous waste, and would be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site. HM-5 (A) 2 <u>Dust suppression</u>: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours. HM-5 (A) 3 <u>Air monitoring</u>: Air monitoring of ambient air and, as necessary, for worker exposure, shall be performed to ensure compliance with all federal, State, and local regulations and exposure requirements. HM-5 (A) 4 <u>Surface water runoff control</u>: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather. HM-5 (A) 5 <u>Soils replacement</u>: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. HM-5 (A) 6 <u>Hauling and disposal</u>: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.			

MITIGATION MONITORING AND REPORTING PROGRAM

	Responsibility for Implementation	Implementation Schedule	Monitoring Responsibility
HM-6. Hazards (Closure/Certification Report for Contaminated Soils)			
HM-6 (A) After excavation and foundation construction activities are completed, the Owner shall prepare and submit a Closure/Certification Report to DPH for review and approval. The Closure/Certification Report shall include the mitigation measures in the Site Mitigation Plan for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.	Owner and its contractor	Prior to the issuance of a Certificate of Occupancy	DPH
HM-7. Hazards (Procedures for Exterior Excavation Work)			
HM-7 (A) If excavation work at the exterior of the project site is planned, such as for utility trenches, additional sampling of soils at these exterior locations shall be performed, as directed by DPH.	Owner and its contractor	During construction	DPH