



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.: 2013.1005E
Project Address: 22-24 Franklin Street
Zoning: C-3-G (Downtown – General)
Van Ness & Market Downtown Residential District
85-X Height and Bulk District
Block/Lot: 0836/011-012
Lot Size: 4,337 square feet
Plan Area: Market and Octavia Area Plan
Project Sponsor: Reza Khoshnevisan (SIA Consulting Corporation)
1256 Howard Street
San Francisco, CA 94103
415-922-0200
Staff Contact: Elizabeth Purl (415) 575-9028; Elizabeth.Purl@sfgov.org

PROJECT DESCRIPTION

The project site is located on the east side of Franklin Street between Market/Page and Oak streets in the southwestern portion of San Francisco’s Downtown/Civic Center neighborhood. The project site consists of two lots with a total area of approximately 4,337 square feet and includes a one-story reinforced concrete commercial building that houses an auto body shop and a vacant parcel that is currently being used as a surface parking lot. Auto repair and metalworking businesses have occupied the building on the project site since its construction in 1927.

(Continued on next page.)

EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3.

DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

SARAH B. JONES

Environmental Review Officer

January 27, 2016

Date

cc: Reza Khoshnevisan, Project Sponsor
Supervisor London Breed, District 5
Carly Grob, Current Planner
Pilar LaValley, Preservation Planner

Historic Preservation Distribution List
Citywide Distribution List
Virna Byrd, M.D.F.
Exemption/Exclusion File

PROJECT DESCRIPTION (CONTINUED)

The proposal is to merge lots 011 and 012 in to a single lot, demolish the existing commercial building on lot 012, and construct an 8-story, 85-foot tall mixed-use building at the site. With rooftop mechanical structures, the building would be approximately 100 feet tall. The proposed new building would include 35 dwelling units and 2,100 gross square feet (gsf) of retail space along Franklin Street. Approximately 2,900 sf of open space would be provided through a combination of private and common roof decks. The project would also provide 35 Class 1 bicycle parking spaces on the ground floor; no vehicle parking would be included in the project. An existing curb cut on Franklin Street would be removed.

The project sponsor anticipates that construction would begin in 2016 and would about last 13 months, with building occupancy in 2017. Construction of the proposed project would require minor excavation for the foundation and the removal of about 140 cubic yards of soil. The proposed building would rest on a mat foundation; no pile driving would be required.

PROJECT APPROVAL

The proposed 22-24 Franklin Street project would require the following approvals:

Actions by the Planning Commission

- **Approval of a Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and 25,000 gross square feet in size. The approval of the Large Project Authorization would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.
- **Downtown Project Authorization** pursuant to Planning Code Section 309 with exceptions to the requirements for ground level wind currents pursuant to Planning Code Section 148 and lot coverage pursuant to Planning Code Section 249.33(b)(5).

Actions by City Departments

- **San Francisco Planning Department (Planning Department).** Approval of a Variance from the Dwelling Unit Exposure requirements pursuant to Planning Code Section 140.
- **Department of Building Inspection (DBI).** Demolition, grading, and building permits for the demolition of the existing building and construction of the new building.
- **Department of Public Health (DPH).** Approval of a Site Mitigation Plan prior to the commencement of any excavation work.
- **Department of Public Works (DPW).** Street and sidewalk permits for any modifications to public streets and sidewalks. Approval of a condominium map if requested.
- **San Francisco Public Utilities Commission.** Approval of any changes to sewer laterals.

The proposed project is also subject to notification under Planning Code Section 312.

COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental

Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: (a) are peculiar to the project or parcel on which the project would be located; (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which the project is consistent; (c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or (d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 22-24 Franklin Street project described above, and incorporates by reference information contained in the Programmatic EIR for the *Market and Octavia Area Plan* (Market and Octavia PEIR).¹ Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion No. 17406.^{2,3} The PEIR analyzed amendments to the *San Francisco General Plan (General Plan)* to create the *Market and Octavia Area Plan* and amendments to the Planning Code and Zoning Maps, including the creation of the Hayes-Gough NCT (Neighborhood Commercial Transit) District. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the *Market and Octavia Area Plan*. The proposed 22-24 Franklin Street project is in conformance with the height, use, and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the *Market and Octavia Plan* area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 22-24 Franklin Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Van Ness & Market Downtown Residential District, focused on the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, and including both sides of Market and Mission Streets between 10th and 12th Streets, is within walking distance of the San Francisco Civic Center. This mixed-use commercial district has historically included medium- to high-density residential and commercial uses and has served as a transition zone to the lower scale residential and neighborhood commercial areas to the west, as well as a back-office and warehouse support function to downtown. This zoning district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence; zoning controls permit high-density residential, office, retail/commercial, and institutional uses.

¹ San Francisco Planning Department Case No. 2003.0347E, State Clearinghouse No. 2004012118.

² San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, Case No. 2003.0347E, certified April 5, 2007. This document, and other cited Market and Octavia Area Plan documents, are available online at www.sf-planning.org/index.aspx?page=1714. Accessed November 10, 2015.

³ San Francisco Planning Commission Motion No. 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=568>, accessed November 10, 2015.

In May 2008, subsequent to the certification of the PEIR, the Board of Supervisors approved and the Mayor signed into law revisions to the Planning Code, Zoning Maps, and *General Plan* that constituted the “project” analyzed in the Market and Octavia PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs, reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable whole neighborhoods meeting everyday needs. The *Market and Octavia Area Plan*, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 22-24 Franklin Street project.

Individual projects that could occur in the future under the *Market and Octavia Area Plan* will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 22-24 Franklin Street is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 22-24 Franklin Street project, and identified the mitigation measures applicable to the 22-24 Franklin Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{4, 5} Therefore, no further CEQA evaluation for the 22-24 Franklin Street project is required. Overall, the Market and Octavia PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project vicinity is characterized by a mix of residential, retail, office, light industrial, cultural/arts, and educational uses. Existing development on the project block consists of one- to six-story commercial and multi-unit residential buildings and surface parking lots. Two three-story apartment buildings are on the west side of Franklin Street across from the project site; one includes ground-floor retail uses. The International School, a private high school, and the Chinese American International School, a private elementary school, are located one-half block to the northwest. The San Francisco Conservatory of Music is on the north side of Oak Street near the project site. Several auto-service-related businesses are located both north and south of Market Street on adjacent blocks. Civic and commercial office buildings with ground-floor retail uses are located along both sides of Van Ness/South Van Ness Avenue to the east of the project site. The scale of development in the project vicinity varies widely from one-story buildings to high-rises exceeding 200 feet in height.

The project site is well served by public transportation. The San Francisco Municipal Railway (Muni) operates numerous transit lines within one-quarter mile of the project site, including surface buses and the F Line historic streetcar on Market Street, as well as a number of surface buses that run nearby on Oak, Page, and Haight streets, Van Ness/South Van Ness Avenue, and Mission Street. Muni also operates the Muni Metro light rail system, which runs underground beneath Market Street in the project vicinity. Major transit stops near the project site include those at Market and Gough streets, approximately 600

⁴ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, *Citywide Planning and Policy Analysis, Case No. 2013.1105E, 22-24 Franklin Street*, October 21, 2014. This document, and other documents cited in this CPE Certificate, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1005E.

⁵ Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, Case No. 2013.1105E, 22-24 Franklin Street*, November 2, 2015.

feet to the southwest, and at Market Street and Van Ness Avenue, 600 feet to the east. In addition, the Bay Area Rapid Transit District (BART) operates a regional subway system that runs beneath Market Street. The Civic Center BART/Muni station is located at the intersection of Eighth and Market streets, less than one-half mile to the northeast of the project site.

POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR analyzed environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 22-24 Franklin Street project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the area covered by the *Market and Octavia Plan*. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 22-24 Franklin Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for these impacts and reduced all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line). A shadow fan analysis prepared by the Planning Department determined that the proposed project would not shadow any parks or open spaces.⁶ A wind assessment performed for the proposed project found that it would not substantially alter ground-level wind currents in a manner that would adversely affect public areas and result in a significant wind impact.⁷ Implementation of the proposed project would not involve the demolition of a building that was determined to be a historic resource. In addition, the architectural design of the proposed project would be compatible with the character of the Market Street Masonry Landmark District.⁸ For these reasons, the proposed project would not result in a significant impact on historic resources. Traffic and transit ridership generated by the project would not make a considerable contribution to the significant cumulative traffic and transit impacts identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historic resources, hazardous materials, and transportation. **Table 1** lists the mitigation measures identified in the Market and Octavia PEIR and states whether each measure would apply to the proposed project.

⁶ San Francisco Planning Department, *Shadow Fan Analysis for 22 Franklin Street*, September 5, 2013.

⁷ Rowan Williams Davies & Irwin, Inc. March 12, 2015. *22 Franklin Street, San Francisco, CA, Pedestrian Wind Conditions Consultation – Wind Tunnel Tests*.

⁸ San Francisco Planning Department, *Historic Resource Evaluation Response, 22-24 Franklin Street*, February 20, 2015.

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
A. Shadow		
A1: Parks and Open Space Not Subject to Section 295	Applicable: Project exceeds a height of 50 feet.	Completed: The Planning Department generated a shadow fan and determined that the proposed project would not shadow any parks or open spaces.
B. Wind		
B1: Buildings in Excess of 85 Feet in Height	Applicable: project involves new construction of an 85-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.	Completed: The project sponsor has designed the proposed project to minimize its effects on ground-level wind conditions.
B2: All New Construction	Applicable: project involves new construction of an 85-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.	Completed: The project sponsor has designed the proposed project to minimize its effects on ground-level wind conditions.
C. Archeological Resources		
C1: Soil-Disturbing Activities in Archeologically Documented Properties	Not Applicable: Project site is not an archeologically documented property.	N/A
C2: General Soil-Disturbing Activities	Applicable: Project would include soil-disturbing activities.	Completed: The Planning Department has conducted a Preliminary Archeological Review. The project sponsor has agreed to implement a mitigation measure related to

Mitigation Measure	Applicability	Compliance
		the accidental discovery of archeological resources (see Project Mitigation Measure 1).
C3: Soil-Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: Project would not include soil-disturbing activities associated with public street or open space improvements.	N/A
C4: Soil-Disturbing Activities in the Mission Dolores Archeological District	Not Applicable: Project site is not in the Mission Dolores Archeological District.	N/A
D. Transportation		
D3: Traffic Mitigation Measure for Laguna/Market/ Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not Applicable: Plan level mitigation by the San Francisco Municipal Transportation Agency (SFMTA).	N/A
D4: Traffic Mitigation Measure for Market/Sanchez/ Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak-hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
D5: Traffic Mitigation Measure for Market/Church/ Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
E. Air Quality		
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: Superseded by Construction Dust Control Ordinance.	N/A
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: Project site is in an Air Pollutant Exposure Zone.	The project sponsor has agreed to develop and implement a Construction Emissions Minimization Plan for Health Risks and Hazards (see Project Mitigation Measure 2).

Mitigation Measure	Applicability	Compliance
F. Hazardous Materials		
F1: Program- or Project-Level Mitigation Measures	Not Applicable: Superseded by Construction Dust Control Ordinance and federal, state, and local regulations related to abatement and handling of hazardous materials.	N/A
G. Geology, Soils, and Seismicity		
G1: Construction-Related Soils Mitigation Measure	Applicable: Project would include soil disturbance during construction.	The project sponsor has agreed to implement best management practices and other measures related to soil erosion (see Project Mitigation Measure 3).

Please see the attached Mitigation Monitoring and Reporting Program for the complete text of the applicable mitigation measures. With implementation of these mitigation measures, the proposed project would not result in significant impacts beyond those analyzed in the Market and Octavia PEIR.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on November 23, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. No comments from the public were received.

CONCLUSION

As summarized above and further discussed in the attached Community Plan Exemption (CPE) Checklist:⁹

1. The proposed project is consistent with the development density established for the project site in the *Market and Octavia Area Plan*;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Market and Octavia PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Market and Octavia PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Market and Octavia PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Market and Octavia PEIR to mitigate project-related significant impacts.

⁹ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1005E.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FROM THE MARKET AND OCTAVIA AREA PLAN EIR				
Project Mitigation Measure 1 – Archaeological Testing (Mitigation Measure C2 of the Market and Octavia PEIR)				
<p>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 CEQA Guidelines Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological</p>	Project sponsor	Prior to issuance of grading or building permit	Project sponsor to retain archaeological consultant to undertake archaeological monitoring program in consultation with ERO	Complete when project sponsor retains a qualified archaeological consultant

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<p>consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and</p>				

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
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<p>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 copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
Project Mitigation Measure 2 – Construction Air Quality (Mitigation Measure E2 of the Market and Octavia PEIR)				
<p><i>A. Engine Requirements</i></p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 horsepower (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 Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). 	<p>Project sponsor/ contractor(s).</p>	<p>Prior to construction activities requiring the use of off-road equipment.</p>	<p>Submit certification statement.</p>	<p>Project sponsor / contractor(s) and the ERO.</p>

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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.</p> <p>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>				
<p>B. <i>Waivers.</i></p> <p>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).</p> <p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</p>	Project sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project sponsor / contractor(s) and the ERO.

**Attachment A:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>Table – Off-Road Equipment Compliance Step-down Schedule</p> <table border="1" data-bbox="109 472 800 727"> <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>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. * Alternative fuels are not a VDECS.</p>	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														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														
<p>C. <i>Construction Emissions Minimization Plan.</i> 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> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model,</p>	Project sponsor/ contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Project sponsor/ contractor(s) and the ERO.												

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<p>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> 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>	Project sponsor/ contractor(s).	Quarterly.	Submit quarterly reports.	Project sponsor/ contractor(s) and the ERO.

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Project Mitigation Measure 3 – Construction Related Soils (Mitigation Measure G1 of the Market and Octavia PEIR).				
<ul style="list-style-type: none"> • Program- or project-level temporary construction-related impacts would be mitigated through the implementation of the following measures: • BMPs erosion control features shall be developed with the following objectives and basic strategy: <ul style="list-style-type: none"> ○ Protect disturbed areas through minimization and duration of exposure. ○ Control surface runoff and maintain low runoff velocities. Trap sediment on site. ○ Minimize length and steepness of slopes. 	Project sponsor	During construction	Project sponsor/Department of Building Inspection	On-site monitoring by Project Sponsor and Department of Building Inspection