



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.1179E
Project Address: 1700 Market Street
Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit)
Zoning District
85-X Height and Bulk District
Block/Lot: 0855/016
Lot Size: 3,471 square feet
Plan Area: Market and Octavia Area Plan
Project Sponsor: Warner Schmalz, Forum Design, (925) 309-2503
w.schmalz@forumdesign.com
Staff Contact: Melinda Hue, (415) 575-9041,
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PROJECT DESCRIPTION

The project site is located on the northern side of Market Street between Gough and Octavia Streets, within the Western Addition neighborhood, adjacent to the Downtown/Civic Center and South of Market neighborhoods. The 3,471-square-foot triangular site has frontage along Market, Gough, and Haight streets. The project would involve the demolition of the existing two-story, 6,800-square-foot commercial building on the site (constructed in 1890, substantially altered in the 1940s) and the construction of an 8-story, mixed-use residential building with ground floor retail. The proposed building would be approximately 85-feet tall (approximately 100-feet tall with mechanical penthouse) and would include 48 residential units (26 studios and 22 one-bedroom units) and 1,549 square feet of commercial space. The proposed project would include 50 bicycle parking spaces located at the ground floor. No off-street vehicle parking spaces are being proposed as part of the project. The proposed project would involve excavation of up to six feet in depth and soil disturbance of approximately 400 cubic yards.

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

March 12, 2015

Date

cc: Warner Schmalz, Project Sponsor; Supervisor London Breed, District 5; Tina Chang, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT APPROVALS

The proposed 1700 Market Street project would require the approvals listed below.

Actions by the Planning Commission

- **Approval of an application for a Conditional Use Authorization.** Per Planning Code Section 207.6, the proposed project would require a Conditional Use Authorization to provide less than the 40 percent required unit mix of two-bedroom dwelling units. The approval of the Conditional Use Authorization by the Planning Commission is 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.

Actions by City Departments

- **San Francisco Planning Department (Planning Department).** Variance approval by the Zoning Administrator, pursuant to Planning Code Section 136, to include bay windows that project over the public right-of-way on Market, Gough, and Haight Streets at the second, third, sixth, and seventh floors. Rear Yard Modification approval by the Zoning Administrator, pursuant to Planning Code Section 134, to provide less than the required rear yard depth of approximately 12 feet 8 inches.
- **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 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. Approval of an erosion and sediment control plan prior to commencing construction, and compliance with post-construction stormwater design guidelines.

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 1700 Market Street project described above, and incorporates by reference information contained in the Programmatic Environmental Impact Report 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 for the Market and Octavia Area Plan by Motion 17406.² The certification of the PEIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The PEIR analyzed amendments to the Planning Code, Zoning Maps, and the San Francisco General Plan to implement the Market and Octavia Area Plan. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Area Plan.

Subsequent to the certification of the PEIR, on May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, amendments to the Planning Code, Zoning Maps, and General Plan. The legislation created several new zoning controls which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable “whole” neighborhoods meeting everyday needs.

As a result of the Market and Octavia rezoning process, the project site has been rezoned from NC-3 (Moderate Scale Neighborhood Commercial) District to NCT-3 (Moderate Scale Neighborhood Commercial Transit) District. The NCT-3 District is intended to promote transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The 1700 Market Street site was designated as a site with building up to 85 feet in height.

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 1700 Market 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 1700 Market Street project, and identified the mitigation measures applicable to the 1700 Market Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{3,4} Therefore, no further CEQA evaluation for the 1700 Market Street project is required. In sum, 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.

¹ San Francisco Planning Department, 2007. Market and Octavia Area Plan Final Environmental Impact Report, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document is available online at www.sf-planning.org/index.aspx?page=1714 or at the Planning Department, 1650 Mission Street, Suite 400.

² San Francisco Planning Department. San Francisco Planning Commission Motion 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/index.aspx?page=1714>, accessed December 3, 2014.

³ San Francisco Planning Department, 2015. Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis for 1700 Market Street, from Adam Varat. January 8. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1179E.

⁴ San Francisco Planning Department, 2015. Community Plan Exemption Eligibility Determination, Current Planning Analysis for 1700 Market Street from Jeff Joslin. January 15. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1179E.

PROJECT SETTING

The project site is located in the Western Addition neighborhood, adjacent to the Downtown/Civic Center and South of Market neighborhoods. The project area is characterized by office and personal services uses, residential uses, and neighborhood commercial uses, including restaurants, bars, cafés, and a variety of retail establishments. The 3,471-square-foot triangular site has frontage along Market, Gough, and Haight streets and uses on the block include residential, office, and commercial. The project site is located within a NCT-3 Zoning District and an 85-X Height and Bulk District. Parcels surrounding the project site are within NCT-3, P (Public), and RTO (Residential Transit Oriented) Zoning Districts and a mixture of 40-X, 50-X, and 85-X Height and Bulk districts, with existing buildings ranging from two to six stories.

The project site is near the junction of three streets: Market, Gough, and Haight Streets. The closest Bay Area Rapid Transit District (BART) stop is at Civic Center, approximately 0.6 miles east of the site; and the closest San Francisco Municipal Railway (Muni) Metro stop is at Van Ness Avenue and Market Street, approximately two blocks east of the site. The project site is within a quarter mile of several local transit lines, including Muni Metro lines J, K, L, M, N, and T; as well as Muni bus lines F, N Owl, 6, 9/9L, 14/14L (and 14 Owl), 16X, 47, 49, 71/71L, and 90.

POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR included analyses of 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 archaeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 1700 Market 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 1700 Market 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.

Significant and unavoidable impacts were identified in the Market and Octavia PEIR related to 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), and shadow impacts on two open spaces (War Memorial and United Nations Plaza). The proposed project would not contribute to the significant unavoidable transportation impacts as traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Market and Octavia PEIR. Additionally, the proposed project would not contribute to the significant unavoidable shadow impacts as a shadow fan prepared by Planning Staff indicates that the proposed project would not have the potential to shade any public parks or open spaces.⁵

The Market and Octavia PEIR identified feasible mitigation measures to address significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Table 1 below lists the mitigation measures identified in the Market and Octavia PEIR and states whether each measure would apply to the proposed project.

⁵ San Francisco Planning Department, 2015. Shadow Fan Study, 1700 Market Street. January 9. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1179E.

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability
A. Shadow	
A1: Parks and Open Space not Subject to Section 295	Not Applicable: Shadow fan prepared by Planning Staff indicates that the proposed 85-foot tall building (approximately 100 feet tall with mechanical penthouse) would not have the potential to result in shadow impacts on public parks and open spaces. No mitigation is required.
B. Wind	
B1: Buildings in Excess of 85 feet in Height	Applicable, but completed: A wind assessment for the proposed 85-foot tall building (approximately 100 feet tall with mechanical penthouse) determined that the proposed project would not have the potential to result in significant wind hazard impact. The requirements of this mitigation measure have been complied with as part of the environmental review process. No further mitigation is required.
B2: All New Construction	Applicable, but completed: A wind assessment for the proposed 85-foot tall building (approximately 100 feet tall with mechanical penthouse) determined that the proposed project would not have the potential to result in significant wind hazard impact. The requirements of this mitigation measure have been complied with as part of the environmental review process. No further mitigation is required.
C. Archaeological	
C1: Soil Disturbing Activities in Archaeologically Documented Properties	Not Applicable: project site is not an archaeologically documented property.
C2: General Soil Disturbing Activities	Applicable: project would involve general soil disturbing activities. Project underwent a preliminary archeological review and subject to archeological testing.
C3: Soil Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: project site would not include soil disturbing activities in the street or in open

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability
	spaces.
C4: Soil Disturbing Activities in the Mission Dolores Archaeological District	Not Applicable: project site is not located within the Mission Dolores Archaeological District.
D. Transportation	
D1: Traffic Mitigation Measure for Hayes and Gough Streets Intersection (LOS C to LOS F PM peak hour)	Not Applicable: mitigation found to be infeasible by Planning Commission
D2: Traffic Mitigation Measure for Hayes and Franklin Streets Intersection (Los D to LOS F PM peak hour)	Not Applicable: mitigation found to be infeasible by Planning Commission
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 SFMTA and DPW.
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 SFMTA and DPW.
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 SFMTA and DPW.
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 SFMTA and DPW.
D7: Traffic Mitigation Measure for Hayes Street/Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)	Not Applicable: mitigation found to be infeasible by Planning Commission
D8: Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue (LOS F to LOS F with increased delays); Franklin Street (LOS D to LOS F); and Gough Street (LOS C to LOS F) PM peak hour	Not Applicable: mitigation found to be infeasible by Planning Commission
E. Air Quality	
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: Project would comply with the San Francisco Dust Control Ordinance.
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: The project is located in an Air Pollutant Exposure Zone.
F. Hazardous Materials	

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability
F1: Program or Project Level Mitigation Measures	Not Applicable: Project would comply with the San Francisco Dust Control Ordinance.
G. Geology, Soils, and Seismicity	
G1: Construction Related Soils Mitigation Measure	Applicable: Project involves new construction and soil disturbing activities and subject to Best Management Practices to prevent soil erosion and discharge of soil sediments to the storm drain systems

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) 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 July 21, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. The Planning Department received comments in response to the notice. One commenter expressed concern about the parking impacts of the proposed project. The potential parking impacts of the proposed project are discussed in the “Transportation” section of the attached CPE Checklist. There were two requests to be included in the distribution of environmental documents related to the project.

CONCLUSION

As summarized above and further discussed in the CPE Checklist:⁶

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

⁶ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1179E.

5. The project sponsor will undertake feasible mitigation measures specified in the Market and Octavia PEIR to mitigate project-related significant impacts.

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

MITIGATION MONITORING AND REPORTING PROGRAM

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)					
<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Mitigation Action</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Schedule</i>

MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR

Cultural Resources					
<p>Project Mitigation Measure M-CP-1 – Archeological Testing (Mitigation Measure C2 in the Market and Octavia PEIR). Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p>	<p>Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).</p>	<p>Prior to issuance of grading or building permits</p>	<p>Project sponsor to retain a qualified archeological consultant who shall report to the ERO.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Archeological consultant shall be retained prior to any soil disturbing activities. Date Archeological consultant retained: _____</p>

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(Includes Text for Adopted Mitigation Measures)**

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<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group..</p>	<p>Project sponsor / archeological consultant in consultation with the ERO.</p>	<p>In the event archeological sites associated with descendant communities are found.</p>	<p>Project sponsor/ archeological consultant to contact and consult with ERO and representative of descendant group. Project sponsor/ archeological consultant to distribute Final Archaeological Resources Report to representative of the descendant group.</p>	<p>Project sponsor / archeological consultant in consultation with the ERO.</p>	<p>Archeological site associated with descendent communities found? Y N Date: _____ Persons contacted: Date: _____ Persons contacted: Date: _____ Persons contacted: Date: _____ Date of distribution of Final FARR: _____</p>

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

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<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p> <p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Prior to any soil-disturbing activities on the project site.</p> <p>After completion of the Archeological Testing Program.</p>	<p>Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soils disturbing activities on the project site.</p> <p>Archeological consultant shall submit report of the findings of the ATP to the ERO.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p> <p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Date ATP submitted to the ERO: _____</p> <p>Date ATP approved by the ERO: _____</p> <p>Date of initial soil disturbing activities: _____</p> <p>Date archeological findings report submitted to the ERO: _____</p> <p>ERO determination of significant archeological resource present? Y N</p> <p>Would resource be adversely affected? Y N</p> <p>Additional mitigation to be undertaken by project sponsor? Y N</p>

March 12, 2015

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<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological 	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p> <p>Archeological consultant at the direction of the ERO.</p>	<p>ERO & archeological consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program is necessary, monitor throughout sensitive soil-disturbing activities.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.</p> <p>Identify and evaluate archeological resources.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>AMP required? Y N Date: _____</p> <p>Date AMP submitted to the ERO: _____</p> <p>Date AMP approved by the ERO: _____</p> <p>Date AMP implementation complete: _____</p> <p>Date written report regarding findings of the AMP received: _____</p>

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<p>resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>					

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<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 	<p>Project Sponsor/archeological consultant at the direction of the ERO</p>	<p>If there is a determination that an ADRP program is required.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare and implement an ADRP if required by the ERO.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>ADRP required? Y N Date: _____</p> <p>Date of scoping meeting for ARDP: _____</p> <p>Date Draft ARDP submitted to the ERO: _____</p> <p>Date ARDP approved by the ERO: _____</p> <p>Date ARDP implementation complete: _____</p>

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

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Mitigation Action</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Schedule</i>
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>	<p>Project sponsor / archeological consultant in consultation with the ERO, San Francisco Coroner, NAHC, and MDL.</p>	<p>In the event human remains and/or funerary objects are found.</p>	<p>Project sponsor/ archeological consultant/ERO to contact the San Francisco Coroner/ NAHC/ MDL</p>	<p>Project sponsor / archeological consultant in consultation with the ERO, San Francisco Coroner, NAHC, and MDL.</p>	<p>Human remains and associated or unassociated funerary objects found? Y N Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Persons contacted: Date:_____</p>

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<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Archeological consultant to submit a Draft Final Archeological Resources Report (FARR) to the ERO and once approved by the ERO, distribution of the Final FARR</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO</p>	<p>Following completion of soil disturbing activities. Considered complete upon distribution of final FARR.</p> <p>Date Draft FARR submitted to ERO: _____</p> <p>Date FARR approved by ERO: _____</p> <p>Date of distribution of Final FARR: _____</p> <p>Date of submittal of Final FARR to information center: _____</p>

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Air Quality					
<p>Project Improvement Measure M-AQ-1 – Construction Air Quality (Mitigation Measure C2 in the Market and Octavia PEIR)</p> <p><i>The project sponsor or the project sponsor's Contractor shall comply with the following:</i></p> <p>A. <i>Engine Requirements</i></p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit. 4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. 	<p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p>	<p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p>	<p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p>	<p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p>	<p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p>

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<p>B. <i>Waivers.</i></p> <ol style="list-style-type: none"> 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). 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>Table – Off-Road Equipment Compliance Step-down Schedule</p> <table border="1" data-bbox="130 959 823 1118"> <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															
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March 12, 2015

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<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> <ol style="list-style-type: none"> 1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The 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. 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>Project sponsor/ contractor(s).</p>	<p>Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.</p>	<p>Prepare and submit a Plan.</p>	<p>Project sponsor/ contractor(s) and the ERO.</p>	<p>Considered complete on findings by ERO that Plan is complete.</p>

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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.	Project sponsor/ contractor(s).	Quarterly.	Submit quarterly reports.	Project sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is being/was implemented.
Geology, Soils, and Seismicity					
<p>Project Mitigation Measure M-GE-1 – Construction-Related Soils (Mitigation Measure G1 of the Market and Octavia PEIR):</p> <p>Program- or project-level temporary construction-related impacts would be mitigated through the implementation of the following measures:</p> <p>BMPs erosion control features shall be developed with the following objectives and basic strategy:</p> <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	Develop and apply BMP erosion control features	Project sponsor/Building Department	On-site monitoring by project sponsor and Building Department