



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2015-002600ENV  
 Project Title: 915 Minna Street  
 Zoning/Plan Area: RED-MX (Residential Enclave-Mixed) District  
 45-X Height and Bulk District  
 Western SoMa Community Plan  
 Block/Lot: 3510/058  
 Lot Size: 11,617 square feet  
 Project Sponsor: Kim Nash – Equity Community Builders  
 (415) 561-6200, [kim@ecbsf.com](mailto:kim@ecbsf.com)  
 Staff Contact: Michael Li  
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### PROJECT DESCRIPTION

The project site is on the south side of Minna Street between 10th and 11th streets in San Francisco's South of Market neighborhood. The project site is a T-shaped through lot with about 122 feet of frontage on Minna Street and 25 feet of frontage on Natoma Street. The project site is currently being used as a surface parking lot for about 37 vehicles.

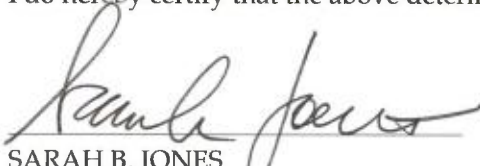
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### EXEMPT STATUS

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

May 9, 2016  
 Date

cc: Equity Community Builders, Project Sponsor  
 Shaunn Mendrin, Current Planning Division  
 Justin Greving, Historic Preservation Planner  
 Supervisor Jane Kim, District 6

Virna Byrd, M.D.F.  
 Exclusion/Exemption Dist. List

## PROJECT DESCRIPTION (continued)

The proposed project consists of removing the existing surface parking lot and constructing two new buildings containing a total of 46 dwelling units and 21 parking spaces. The northern building would front Minna Street, and the southern building would front Natoma Street. There would be a ground-level yard in between the two new buildings.

The four-story, 45-foot-tall northern building would contain 40 dwelling units and 21 off-street parking spaces. There would be a five-foot-tall elevator penthouse and an eight-foot-tall stair penthouse on the roof of the northern building; the maximum building height would be 53 feet. A new garage would be in the basement of the northern building, and a new ramp would lead up to Minna Street. A new driveway and curb cut would be provided on Minna Street for the new ramp, and the existing curb cuts on Minna and Natoma streets would be removed. The four-story, 44-foot-tall southern building would contain six dwelling units and no off-street parking spaces. There would be no elevator or stair penthouse on the roof of the southern building.

A total of 49 bicycle parking spaces would be provided; 46 Class 1 spaces would be provided in a storage room in the basement of the northern building, and three Class 2 spaces would be provided on the Minna Street sidewalk adjacent to the project site. The storage room in the basement of the northern building would be accessible to the residents of both new buildings. Usable open space for the residents of the proposed project would be provided in the form of a ground-level yard in between the two new buildings and private decks on the fourth floor of each new building. Seven street trees along Minna Street would be removed, and new street trees would be installed along Minna and Natoma streets pursuant to the standards set forth in the San Francisco Public Works Code.

## Project Construction

Construction of the proposed project would last about 12 months. The proposed project would be supported by torque-down piles or by a mat foundation over improved soils; pile driving would not be required. Construction of the proposed project would require excavation to a depth of nine feet below ground surface (bgs) and the removal of about 3,250 cubic yards of soil to accommodate the proposed basement-level garage. If mat foundations over improved soils are used for the building foundations, the soil improvement systems (e.g., soil-cement columns or drill displacement sand-cement columns) would reach a depth of about 20 feet bgs for the southern building and about 40 feet bgs for the northern building. If torque-down piles are used for the building foundations, the piles would reach a depth of about 37 feet bgs.

## PROJECT APPROVAL

The proposed project would require the following approvals:

- **Large Project Authorization** (*Planning Commission*)
- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)

Large Project Authorization from the Planning Commission constitutes the Approval Action for the proposed 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.

## 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 915 Minna Street project described above, and incorporates by reference information contained in the Programmatic EIR for the *Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project* (Western SoMa PEIR).<sup>1</sup> 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 Western SoMa PEIR.

The Western SoMa PEIR included analyses of the following environmental issues: land use; aesthetics; population and housing; cultural and paleontological resources; transportation and circulation; noise and vibration; air quality; greenhouse gas emissions; wind and shadow; recreation; public services, utilities and service systems; biological resources; geology and soils; hydrology and water quality; hazards and hazardous materials; mineral and energy resources; and agricultural and forest resources.

The 915 Minna Street project site is located in the area covered by the *Western SoMa Community Plan*. As a result of the Western SoMa rezoning process, the project site has been reclassified from an SLR (Service/Light Industrial/Residential Mixed Use) District and a 50-X Height and Bulk District to an RED-MX (Residential Enclave-Mixed) District and a 45-X Height and Bulk District. The RED-MX District is designed to encourage residential uses, but the zoning controls limit group housing and prohibit student housing and single-room-occupancy units. Small-scale commercial uses (arts activities, restaurants, retail) are principally permitted; some automobile-related and production/distribution/repair (PDR) uses are permitted with certain limitations. The proposed project is consistent with the uses permitted within the RED-MX District.

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<sup>1</sup> San Francisco Planning Department, *Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Final Environmental Impact Report* (PEIR), Planning Department Cases No. 2008.0877E and 2007.1035E, State Clearinghouse No. 2009082031, certified December 6, 2012. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed November 20, 2015.

Individual projects that could occur in the future under the *Western SoMa Community 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 915 Minna Street is consistent with and was encompassed within the analysis in the Western SoMa PEIR. This determination also finds that the Western SoMa PEIR adequately anticipated and described the impacts of the proposed 915 Minna Street project and identified the mitigation measures applicable to the project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>2,3</sup> Therefore, no further CEQA evaluation for the 915 Minna Street project is required. In sum, the Western SoMa 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, and PDR uses. The properties adjacent to the project site are occupied by residential buildings and a photography studio. The remainder of the project block is occupied by residential, retail, and office uses, auto repair shops, retail self-storage facilities, a martial arts studio, and the California Institute of Integral Studies. Other land uses in the area include Templo Calvario Church and Saint Joseph's Roman Catholic Church (abandoned since 1989 due to damage sustained during the Loma Prieta earthquake). The scale of development in the project vicinity varies in height from 15 to 340 feet.

The project site is well served by public transportation. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates buses that run on 11th, Market, Mission, Howard, and Folsom streets as well as light rail service that runs underneath Market Street. The San Mateo County Transit District operates buses that run on Ninth, Tenth, and Mission streets.

## POTENTIAL ENVIRONMENTAL EFFECTS

The proposed 915 Minna Street project is in conformance with the height, use and density for the site described in the Western SoMa PEIR and would represent a small part of the growth that was forecast in the *Western SoMa Community Plan*. Thus, the project analyzed in the Western SoMa PEIR considered the incremental impacts of the proposed 915 Minna Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Western SoMa PEIR.

Significant and unavoidable impacts were identified for the following topics: cultural and paleontological resources, transportation and circulation, noise, air quality, and shadow. The proposed project would not result in demolition, alteration, or modification of any historic or potentially historic resources or any resources contributing to a historic district. Furthermore, the Planning Department concluded that the proposed project's design would be compatible with the existing character of the Western SoMa Light Industrial and Residential Historic District and would not cause a substantial adverse change in the

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<sup>2</sup> Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning Analysis, 915 Minna Street*, May 2, 2016.

<sup>3</sup> Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, 915 Minna Street*, March 23, 2016.

significance of a historic resource.<sup>4</sup> For these reasons, the proposed project would not contribute to any impacts on historic resources. Transit ridership generated by the project would not contribute considerably to the transit impacts identified in the Western SoMa PEIR. The proposed project would not contribute to the shadow impact, because it would not cast shadow on any parks or open spaces.

The Western SoMa PEIR identified feasible mitigation measures to address significant impacts related to cultural and paleontological resources, transportation and circulation, noise and vibration, air quality, wind, biological resources, and hazards and hazardous materials. **Table 1** below lists the mitigation measures identified in the Western SoMa PEIR and states whether each measure would apply to the proposed project.

**Table 1 – Western SoMa PEIR Mitigation Measures**

| Mitigation Measure  | Applicability   | Compliance  |
|---|---|---|
| <b>D. Cultural and Paleontological Resources</b>                        |   |   |
| M-CP-1a: Documentation of a Historical Resource                         | Not Applicable: The project site does not contain a historic resource.                          | N/A   |
| M-CP-1b: Oral Histories   | Not Applicable: The project site does not contain a historic resource.                          | N/A   |
| M-CP-1c: Interpretive Program   | Not Applicable: The project site does not contain a historic resource.                          | N/A   |
| M-CP-4a: Project-Specific Preliminary Archeological Assessment          | Applicable: Soils-disturbing activities are proposed.   | The Planning Department has conducted a Preliminary Archeological Review. The project sponsor has agreed to implement procedures related to archeological testing (see Project Mitigation Measure 3). |
| M-CP-4b: Procedures for Accidental Discovery of Archeological Resources | Not Applicable: Superseded by PEIR Mitigation Measure M-CP-4a and Project Mitigation Measure 3. | N/A   |

<sup>4</sup> San Francisco Planning Department, *Preservation Team Review Form, 915 Minna Street*, February 29, 2016.

| Mitigation Measure  | Applicability   | Compliance  |
|---|---|---|
| M-CP-7a: Protect Historical Resources from Adjacent Construction Activities                 | Applicable: Adjacent historic resources are present.  | The project sponsor has agreed to implement practices to protect adjacent historic resources from damage caused by project-related construction activities (see Project Mitigation Measure 1).                          |
| M-CP-7b: Construction Monitoring Program for Historical Resources                           | Applicable: Adjacent historic resources are present.  | The project sponsor has agreed to implement a program to monitor adjacent historic resources for damage caused by project-related construction activities and to repair such damage (see Project Mitigation Measure 2). |
| <b>E. Transportation and Circulation</b>  |   |   |
| M-TR-1c: Traffic Signal Optimization (Eighth/Harrison/I-80 Westbound Off-Ramp Intersection) | Not Applicable: Automobile delay removed from CEQA analysis.  | N/A   |
| M-TR-4: Provision of New Loading Spaces on Folsom Street                                    | Not Applicable: The project site does not front on Folsom Street.   | N/A   |
| M-C-TR-2: Impose Development Impact Fees to Offset Transit Impacts                          | Not Applicable: Implemented by the Eastern Neighborhoods development impact fees and the Transportation Sustainability Fee. | N/A   |
| <b>F. Noise and Vibration</b>   |   |   |
| M-NO-1a: Interior Noise Levels for Residential Uses   | Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis.                                 | N/A   |
| M-NO-1b: Siting of Noise-Sensitive Uses   | Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis.                                 | N/A   |
| M-NO-1c: Siting of Noise-Generating Uses  | Not Applicable: The proposed project does not include noise-generating uses.  | N/A   |

| Mitigation Measure  | Applicability  | Compliance  |
|---|--|---|
| M-NO-1d: Open Space in Noisy Environments   | Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis.  | N/A   |
| M-NO-2a: General Construction Noise Control Measures                                | Applicable: The proposed project includes construction in a noisy environment.               | The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction (see Project Mitigation Measure 4). |
| M-NO-2b: Noise Control Measures During Pile Driving                                 | Not Applicable: The proposed project would not include pile-driving activities.              | N/A   |
| <b>G. Air Quality</b>   |  |   |
| M-AQ-2: Transportation Demand Management Strategies for Future Development Projects | Not Applicable: The proposed project would not generate more than 3,500 daily vehicle trips. | N/A   |
| M-AQ-3: Reduction in Exposure to Toxic Air Contaminants for New Sensitive Receptors | Not Applicable: The project site is not in an Air Pollutant Exposure Zone.                   | N/A   |
| M-AQ-4: Siting of Uses that Emit PM <sub>2.5</sub> or DPM and Other TACs            | Not Applicable: The proposed project would not site uses that emit TACs.                     | N/A   |
| M-AQ-6: Construction Emissions Minimization Plan for Criteria Air Pollutants        | Not Applicable: The proposed project would not exceed the construction screening criterion.  | N/A   |
| M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards       | Not Applicable: The project site is not in an Air Pollutant Exposure Zone.                   | N/A   |
| <b>I. Wind and Shadow</b>   |  |   |
| M-WS-1: Screening-Level Wind Analysis and Wind Testing                              | Not Applicable: The proposed project would not exceed 80 feet in height.                     | N/A   |

| Mitigation Measure                                    | Applicability   | Compliance  |
|---|---|---|
| <b>L. Biological Resources</b>                        |   |   |
| M-BI-1a: Pre-Construction Special-Status Bird Surveys | Applicable: The proposed project includes the removal of existing street trees.                 | The project sponsor has agreed to conduct pre-construction special-status bird surveys prior to demolition of the existing building (see Project Mitigation Measure 5). |
| M-BI-1b: Pre-Construction Special-Status Bat Surveys  | Not Applicable: The proposed project does not include the demolition of any existing buildings. | N/A   |
| <b>O. Hazards and Hazardous Materials</b>             |   |   |
| M-HZ-2: Hazardous Building Materials Abatement        | Not Applicable: The proposed project does not include the demolition of any existing buildings. | N/A   |
| M-HZ-3: Site Assessment and Corrective Action         | Not Applicable: Superseded by Health Code Article 22A (Maher Ordinance).                        | N/A   |

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 Western SoMa PEIR.

#### PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on September 24, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. The Planning Department did not receive any comments related to the potential environmental effects of the proposed project. One member of the public requested that a copy of the Community Plan Exemption (CPE) be provided to him when it is published.

#### CONCLUSION

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

1. The proposed project is consistent with the development density established for the project site in the *Western SoMa Community 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 Western SoMa PEIR;



3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Western SoMa 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 Western SoMa 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 Western SoMa 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.

**EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM**

| <u>Adopted Mitigation/Improvement Measures</u>   | <b>MONITORING AND REPORTING PROGRAM</b>                                     |   |  |  |
|--|---|---|--|--|
|  | <b>Responsibility for Implementation</b>                                    | <b>Mitigation Action and Schedule</b>               | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b>             |
| <p><b>MITIGATION MEASURES</b></p> <p><b>Project Mitigation Measure 1: Protect Historical Resources from Adjacent Construction Activities (Implementing Western SoMa PEIR Mitigation Measure M-CP-7a)</b></p> <p>The project sponsor of a development project in the Plan Area and on the Adjacent Parcels shall consult with Planning Department environmental planning/preservation staff to determine whether adjacent or nearby buildings constitute historical resources that could be adversely affected by construction-generated vibration. For purposes of this measure, nearby historic buildings shall include those within 100 feet of a construction site if pile driving would be used in a subsequent development project; otherwise, it shall include historic buildings within 25 feet if heavy equipment would be used on the subsequent development project. (No measures need be applied if no heavy equipment would be employed.) If one or more historical resources is identified that could be adversely affected, the project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings. Such methods may include</p> | <p>Project sponsor, contractor, and Environmental Review Officer (ERO).</p> | <p>Prior to and during construction activities.</p> | <p>Project sponsor and contractor.</p>     | <p>During construction activities.</p> |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation/Improvement Measures</b>   | <b>Responsibility for Implementation</b>   | <b>Mitigation Action and Schedule</b>   | <b>Monitoring/Reporting Responsibility</b>   | <b>Monitoring Schedule</b>  |
|--|--|---|--|---|
| <p>maintaining a safe distance between the construction site and the historic buildings (as identified by the Planning Department preservation staff), using construction techniques that reduce vibration, appropriate excavation shoring methods to prevent movement of adjacent structures, and providing adequate security to minimize risks of vandalism and fire.</p>  |  |   |  |   |
| <p><b>Project Mitigation Measure 2: Construction Monitoring Program for Historical Resources (Implementing Western SoMa PEIR Mitigation Measure M-CP-7b)</b></p> <p>For those historical resources identified in Mitigation Measure M-CP-7a, and where heavy equipment would be used on a subsequent development project, the project sponsor of such a project shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program, which shall apply within 100 feet where pile driving would be used and within 25 feet otherwise, shall include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of historical resource(s) identified by the San Francisco Planning Department within 125 feet of planned construction to document and photograph the buildings' existing conditions. Based on the construction</p> | <p>Project sponsor, contractor, qualified historic preservation professional, and ERO.</p> | <p>Prior to the start of and during demolition, earth moving, or construction activities proximate to a designated historical resource.</p> | <p>A Planning Department Preservation Technical Specialist shall review and approve the construction monitoring program.</p> | <p>During demolition, earth-moving, or construction activities.</p> |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation/Improvement Measures</b> | <b>Responsibility for Implementation</b> | <b>Mitigation Action and Schedule</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
|--|--|---------------------------------------|--|----------------------------|
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and condition of the resource(s), the consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inch per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard.

Should vibration levels be observed in excess of the standard, construction shall be halted and alternative construction techniques put in practice, to the extent feasible. (For example, pre-drilled piles could be substituted for driven piles, if feasible based on soils conditions; smaller, lighter equipment might be able to be used in some cases.) The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity on the site.

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation/Improvement Measures</b>  | <b>Responsibility for Implementation</b>                               | <b>Mitigation Action and Schedule</b>             | <b>Monitoring/Reporting Responsibility</b>        | <b>Monitoring Schedule</b>         |
|---|--|---|---|------------------------------------|
| <p><b>Project Mitigation Measure 3 – Archeological Testing (Implementing Western SoMa PEIR Mitigation Measure M-CP-4a)</b></p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure 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</p> | Project sponsor/ archeological consultant at the direction of the ERO. | Prior to issuance of grading or building permits. | Project sponsor/archeological consultant and ERO. | During soil-disturbing activities. |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation/Improvement Measures</b> | <b>Responsibility for Implementation</b> | <b>Mitigation Action and Schedule</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
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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).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>2</sup> 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.

*Archeological Testing Program.* The archeological

<sup>1</sup> By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>2</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation/Improvement Measures</b> | <b>Responsibility for Implementation</b> | <b>Mitigation Action and Schedule</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
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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.

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

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation/Improvement Measures</b> | <b>Responsibility for Implementation</b> | <b>Mitigation Action and Schedule</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
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discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

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

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of



**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation/Improvement Measures</b>  | <b>Responsibility<br/>for<br/>Implementation</b> | <b>Mitigation<br/>Action and<br/>Schedule</b> | <b>Monitoring/Reporting<br/>Responsibility</b> | <b>Monitoring<br/>Schedule</b> |
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| <p>the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> <li>▪ 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;</li> <li>▪ 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;</li> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>▪ 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</li> </ul> |  |   |  |                                |

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evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the

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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.

The scope of the ADRP shall include the following elements:

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

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| <ul style="list-style-type: none"> <li>▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ <i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li>▪ <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.</li> </ul> |  |                                       |  |                            |

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains

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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 an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

*Final Archeological Resources Report.* 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.

Once approved by the ERO, copies of the FARR shall be

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| <p>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><b>Project Mitigation Measure 4: General Construction Noise Control Measures (Implementing PEIR Mitigation Measure M-NO-2a)</b></p> <p>To ensure that project noise from construction activities is minimized to the maximum extent feasible, the sponsor of a subsequent development project shall undertake the following:</p> <ul style="list-style-type: none"> <li>The sponsor of a subsequent development project shall require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control</li> </ul> | Project sponsor and construction contractor. | Prior to issuance of a building permit and during construction activities. | The project sponsor shall prepare and submit monthly noise reports during construction. | During construction activities. |

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| <p>techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible).</p> <ul style="list-style-type: none"> <li>• The sponsor of a subsequent development project shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.</li> <li>• The sponsor of a subsequent development project shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.</li> </ul> |  |                                       |  |                            |

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- The sponsor of a subsequent development project shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to: performing all work in a manner that minimizes noise to the extent feasible; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.

Prior to the issuance of each building permit, along with the submission of construction documents, the sponsor of a subsequent development project shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of



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| <p>extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.</p> <p><b>Project Mitigation Measure 5: Pre-Construction Special-Status Bird Surveys (Implementing Western SoMa PEIR Mitigation Measure M-BI-1a)</b></p> <p>Conditions of approval for building permits issued for construction within the Plan Area or on the Adjacent Parcels shall include a requirement for pre-construction special-status bird surveys when trees would be removed or buildings demolished as part of an individual project. Pre-construction special-status bird surveys shall be conducted by a qualified biologist between February 1 and August 15 if tree removal or building demolition is scheduled to take place during that period. If bird species protected under the Migratory Bird Treaty Act or the California Fish and Game Code are found to be nesting in or near any work area, an appropriate no-work buffer zone (e.g., 100 feet for songbirds) shall be designated by the biologist. Depending on the species involved, input from the California Department of Fish and Game (CDFG) and/or United States Fish and Wildlife Service (USFWS) may be warranted. As recommended by the biologist, no activities shall be conducted within the no-work buffer zone that could disrupt bird breeding. Outside of the breeding season (August 16 – January 31), or after young birds have fledged, as determined by the biologist, work</p> | <p>Project sponsor, qualified biologist, CDFG, and USFWS.</p> | <p>Prior to the issuance of demolition or building permits when trees or shrubs would be removed or buildings demolished as part of project.</p> | <p>Project sponsor, qualified biologist, CDFG, and USFWS.</p> | <p>During demolition or tree removal activities.</p> |

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activities may proceed. Special-status birds that establish nests during the construction period are considered habituated to such activity and no buffer shall be required, except as needed to avoid direct destruction of the nest, which would still be prohibited.