



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

Case No.: 2016-005406ENV
 Project Address: 42 Otis Street
 Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit)
 50-X Height & Bulk District
 Block/Lot: 3505/020
 Lot Size: 4,083.55 square feet
 Plan Area: Market and Octavia Neighborhood Area Plan
 Project Sponsor: Jonathan Pearlman, Elevation Architects, 415-537-1125
 Staff Contact: Josh Pollak, josh.pollak@sfgov.org, 415-575-8766

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PROJECT DESCRIPTION

The project site is located on the north side of Otis Street, on the block surrounded by Brady Street, Market Street, and 12th Street in the South of Market neighborhood in the Market & Octavia Neighborhood plan area. The project site contains a two-story industrial building on an approximately 4,100-square-foot lot, currently used as commercial space for a pest management business. The proposed project would demolish the existing building and construct a new 15,805-square-foot, five-story, 55-foot-tall, mixed-used building.


(Continued on next page.)

CEQA DETERMINATION

The project is eligible for streamlined environmental review 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.



 LISA GIBSON
 Environmental Review Officer

2/23/18

 Date

cc: Jonathan Pearlman, Project Sponsor; Supervisor Jane Kim, District 6; Esmeralda Jardines, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed building would have 24 single-room occupancy (SRO) residential units on the upper floors, and 1,900 square feet of ground-floor commercial space fronting Otis Street. A second floor rear deck would provide 820 square feet of open space, while a fifth floor roof deck would provide 970 square feet of open space. Approximately 500 square feet of solar panels would be installed on the roof, covering over 15 percent of the roof area.

In accordance with San Francisco's Inclusionary Housing Program, 3 of the 24 units would be below market rate (BMR) units. No off-street parking would be provided as part of the project, but 24 Class I bicycle parking spaces would be provided for residential use, and two Class II bicycle parking spaces would be provided for commercial use. The Class I bicycle parking would be located on the ground floor of the new building. The proposed project would remove an existing curb cut on Otis Street, which currently provides access to the existing building's ground-level garage. The proposed building would be supported by a mat slab foundation. The proposed project would not involve any excavation.

PROJECT APPROVALS

If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of demolition and building permits by the Department of Building Inspection (DBI) is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EVALUATION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that 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, shall not be subject to additional environmental review 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 42 Otis Street project described above, and incorporates by reference information contained in the Programmatic EIR for the *Market and Octavia Area Plan* (Market and Octavia PEIR).¹ Project-specific studies were prepared

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

for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion No. 17406.^{2,3} The PEIR analyzed amendments to the *San Francisco General Plan (General Plan)* to create the *Market and Octavia Area Plan* and amendments to the Planning Code and Zoning Maps, including the creation of the Upper Market Street NCT (Neighborhood Commercial Transit) District. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the *Market and Octavia Area Plan*. The proposed 42 Otis 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 42 Otis Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Upper Market Street NCT District is located on Market Street from Church to Noe streets and portions of side streets that intersect Market Street. This district is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods but also serves as a shopping district for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. This district is well served by transit and is anchored by the Market Street light rail, with underground stations at Church Street, Castro Street, and Market Street and Van Ness Avenue, and the F-Market historic streetcar line. All light rail lines in the City travel through this district. Market Street is also a primary bicycle corridor. In order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic, off-street residential parking is not required and is generally limited. Commercial establishments are discouraged or prohibited from providing accessory off-street parking. In addition, there are prohibitions on access (curb cuts, driveways, and garage entries) to off-street parking and loading facilities on Market and Church streets. As part of the City's Better Neighborhoods Program, these concepts were fully articulated in the *Market and Octavia Area Plan*.

In May 2008, subsequent to the certification of the PEIR, the Board of Supervisors approved and the Mayor signed into law revisions to the Planning Code, Zoning Maps, and *General Plan* that constituted the "project" analyzed in the Market and Octavia PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs, reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable whole neighborhoods meeting everyday needs. The *Market and Octavia Area Plan*, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 42 Otis Street project.

Individual projects that could occur in the future under the *Market and Octavia Area Plan* will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 42

² San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, Case No. 2003.0347E, certified April 5, 2007. This document is available online at www.sf-planning.org/index.aspx?page=1714, accessed January 8, 2016.

³ San Francisco Planning Commission Motion No. 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=568>, accessed January 8, 2016.

Otis 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 42 Otis Street project, and identified the mitigation measures applicable to the 42 Otis Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{4,5} Therefore, no further CEQA evaluation for the 42 Otis Street project is required. In sum, the Market and Octavia PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located on the north side of Otis Street between Brady Street and 12th Street in the South of Market neighborhood. The project site is occupied by a two-story industrial building on an approximately 4,100-square-foot-lot, currently used as commercial space for a pest management business. Immediately adjacent to the project site to the west is a two-story industrial building, constructed in 1920 with a ground-level motorcycle sales and repair shop. Immediately adjacent to the project site to the east is a single-story industrial building, operated as an auto service center.

Buildings located on the block defined by Otis Street to the south, Gough Street to the west, Market Street to the north, and 12th Street to the east are primarily one to five stories tall, with industrial/retail uses along Otis Street and 12th Street, residential primarily along Gough Street, and commercial/parking uses along Market Street. Across Market Street, north of the project site, 22 Franklin Street is currently under construction, which would add 35 dwelling units.

Market Street is a major transportation corridor through downtown San Francisco that runs northeast to southwest from the Ferry Building on The Embarcadero to the Castro, Upper Market, and Twin Peaks neighborhoods. The project site is well served by public transportation. The San Francisco Municipal Railway (Muni) operates the F Market historic streetcar plus a number of surface buses that run on Church and Market streets. Muni also operates the Muni Metro light rail system, which runs underground beneath Market Street in the project vicinity. There is a Muni Metro station approximately two blocks away from the project site. Within a quarter-mile of the project site, Muni operates the F-Market, J-Church, K-Owl, KT-Ingleside/Third Street, L-Taraval, M-Ocean View, and N-Judah Muni Metro lines, among other bus lines.

The project site is within the NCT-3 (Moderate-Scale Neighborhood Commercial Transit) zoning district. The surrounding parcels are either in the NCT-3 zoning district (along Otis & Brady streets), or C-3-G (Downtown-General) zoning district (along Otis & 12th streets). Height and bulk district in the larger block range between 40-X to 85-X.

POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR analyzed environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind;

⁴ San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 42 Otis Street*, November 16, 2017.

⁵ San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 42 Otis Street*, October 26, 2017.

cultural (historic and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 42 Otis Street project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the area covered by the *Market and Octavia Plan*. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 42 Otis Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for these impacts that will reduce all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line). A shadow fan analysis prepared by the Planning Department determined that the proposed project would not shadow any parks or open spaces.⁶ At a height of 55 feet, the proposed project is not tall enough to substantially alter ground-level wind currents in a manner that would adversely affect public areas and result in a significant wind impact. Also, implementation of the proposed project would involve the demolition of a building that was evaluated in the Market and Octavia Historical Resources Survey, was found to be ineligible for national, state, or local listing, and was not found to be an individual historic resource or a district contributor. Therefore, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Market and Octavia PEIR.

Consistent with the assumptions in the Market and Octavia PEIR, it is anticipated that the proposed project would add vehicle trips to the Market/Otis/South Van Ness streets intersection that could potentially contribute to worsening the intersection operating conditions. This impact was disclosed in the PEIR as significant and unavoidable due to future growth in the project area and the infeasibility of the proposed mitigation measure. As described in the Initial Study Checklist, transit ridership generated by the project would not make a considerable contribution to the significant cumulative transit impacts identified in the Market and Octavia PEIR.

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

⁶ San Francisco Planning Department, *Shadow Fan Analysis, 42 Otis Street*, December 15, 2016.

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
A. Shadow		
A1: Parks and Open Space Not Subject to Section 295	Applicable: Project exceeds a height of 50 feet.	Completed: The Planning Department generated a shadow fan and determined that the proposed project would not shadow any parks or open spaces.
B. Wind		
B1: Buildings in Excess of 85 Feet in Height	Not Applicable: Project does not exceed a height of 85 feet.	Not Applicable
B2: All New Construction	Applicable: Project involves new construction of a 55-foot-tall building.	Completed: The project sponsor has designed the proposed project to minimize its effects on ground-level wind conditions.
C. Archeological Resources		
C1: Soil-Disturbing Activities in Archeologically Documented Properties	Not Applicable: Project site is not located on an archeologically documented property.	Not Applicable
C2: General Soil-Disturbing Activities	Applicable: Project would include soil-disturbing activities.	The Planning Department has conducted a Preliminary Archeological Review, and the project sponsor has agreed to implement the Planning Department's Second Standard Mitigation Measure, which requires an Archeological Monitoring Program (see Project Mitigation Measure 1).
C3: Soil-Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: Project would not include soil-disturbing activities associated with public street or open space improvements.	Not Applicable
C4: Soil-Disturbing Activities in the Mission Dolores Archeological	Not Applicable: Project site is not in the Mission Dolores	Not Applicable

Mitigation Measure	Applicability	Compliance
District	Archeological District.	
D. Transportation		
D3: Traffic Mitigation Measure for Laguna/Market/ Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not Applicable: Plan level mitigation to be implemented by the San Francisco Municipal Transportation Agency (SFMTA).	Not Applicable
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 to be implemented by the SFMTA.	Not Applicable
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 to be implemented by the SFMTA.	Not Applicable
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 to be implemented by the SFMTA.	Not Applicable
E. Air Quality		
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: Superseded by Construction Dust Control Ordinance.	Not Applicable
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: Project site is in the Air Pollutant Exposure Zone. Project construction could exacerbate poor air quality.	The project sponsor has agreed to develop and implement a Construction Emissions Minimization Plan to reduce construction emissions (see Project Mitigation Measure 2).
F. Hazardous Materials		
F1: Program- or Project-Level Mitigation Measures	Not Applicable: Superseded by Construction Dust Control Ordinance and federal, state, and local regulations related to abatement and handling of hazardous materials.	Not Applicable
G. Geology, Soils, and Seismicity		

Mitigation Measure	Applicability	Compliance
G1: Construction-Related Soils Mitigation Measure	Not Applicable: Superseded by San Francisco Public Utilities Commission (SFPUC) Construction Site Runoff Ordinance.	Not Applicable

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

PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on September 20, 2017 to adjacent occupants and owners of properties within 300 feet of the project site. A single response was received, which requested review of the project file and information about the developer, which was provided to the commenter. The comment did not address environmental topics covered in the Initial Study—Community Plan Evaluation. The proposed project would not result in significant adverse environmental impacts beyond those identified in the Market and Octavia PEIR.

CONCLUSION

As summarized above and further discussed in the project-specific initial study checklist:⁷

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

Therefore, no further environmental review shall be required for the proposed project pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

⁷ The initial study checklist is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2016-005406ENV.

42 Otis Street- MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
ARCHEOLOGICAL RESOURCES					
<p>Project Mitigation Measure 1 – Archeological Monitoring (Implements Mitigation Measure C2 of the Market & 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 requirement. The archeological consultant's work shall be conducted in accordance with this requirement 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 requirement 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>	Project sponsor.	Prior to issuance of grading or building permits.	Project sponsor to retain archeological consultant to undertake archaeological testing and, if required, archeological monitoring program in consultation with ERO.	Project sponsor, archeologist, and ERO.	Complete when project sponsor retains a qualified archeological consultant.

Consultation with Descendant Communities: On discovery of an archeological site¹ associated with descendant Native Americans or the Overseas Chinese an appropriate representative² 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 consult with 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.

Project sponsor/archeological consultant in consultation with any individual listed in the current Native American Contact List and Chinese Historical Society of America.

In the event of discovery of an archeological site associated with descendant Native Americans or Overseas Chinese.

Contact any individual listed in the current Native American Contact List and Chinese Historical Society of America and implement any further mitigation advised.

Archeological consultant and ERO.

Considered complete upon notification of appropriate organization and implementation of any further mitigation as advised.

Archeological monitoring program (AMP). 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 project archeologist 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 potential risk these activities pose to 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 archaeological monitor(s) shall be present on the project site according to a

Project sponsor/archeological consultant at the direction of the ERO.

Prior to soil-disturbing activities on the project site.

Prepare and submit draft ATP, implement ATP.

Archeological consultant and ERO.

After consultation with and approval by ERO of ATP. Considered complete on submittal to ERO of report on ATP findings.

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

2 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.

schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the 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 crews and heavy equipment until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant 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:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological 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.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. 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.

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.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* 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.

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, including 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 ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)).

The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, 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

Project sponsor/
archeological
consultant in
consultation
with the San
Francisco
Coroner, NAHC,
and MLD.

In the event
human remains
and/or funerary
objects are
encountered.

Contact San
Francisco
County Coroner.
Implement
regulatory
requirements, if
applicable,
regarding
discovery of
Native
American
human remains
and associated/
unassociated
funerary objects.

Archeological
consultant and
ERO.

Considered
complete on
notification of
the San
Francisco
County
Coroner and
NAHC, if
necessary.

consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

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.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and 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.

Project sponsor/ archeological consultant at the direction of the ERO.	After completion of archeological data recovery, inventorying, analysis, and interpretation.	Submit a draft FARR.	Archeological consultant and ERO.	Considered complete on submittal of FARR.
Archeological consultant at the direction of the ERO.	Written certification submitted to ERO that required FARR distribution has been completed.	Distribute FARR.	Archeological consultant and ERO.	Considered complete on distribution of FARR.

AIR QUALITY

Project Mitigation Measure 2 – Construction Air Quality (Implements Mitigation Measure E2 of the Market & Octavia PEIR).

The project sponsor or the project sponsor’s Contractor shall comply with the following:

A. Engine Requirements.

1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road

Project sponsor and project contractor.	During construction.	Project sponsor to submit Construction Emissions Minimization Plan to the ERO for review and approval	Project sponsor to provide Planning Department with quarterly reports documenting compliance with the plan.	Considered completed upon receipt of final monitoring report at completion of construction reports.
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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.

B. Waivers.

1. The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected 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 2 below.

Table 2 – Off-Road Equipment Compliance Step-down Schedule

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*

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.

C. *Construction Emissions Minimization Plan.* 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.

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 project sponsor 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.

D. *Monitoring.* 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.