From:	Navarrete, Joy (CPC)
To:	BOS Legislation, (BOS)
Cc:	Gibson, Lisa (CPC); Enchill, Charles (CPC); George, Sherie (CPC); Schuett, Rachel (CPC); Somera, Alisa (BOS); Pollak, Josh (CPC)
Subject:	Planning Department Response to Supplemental Appeal of CEQA Determination of Exemption - Proposed 700 Indiana Street Project - Appeal Hearing September 24, 2024
Date:	Monday, September 23, 2024 9:25:28 PM
Attachments:	700 Indiana St Appeal Supplemental Response 09232024.pdf

BOS Clerk-
Please find the Planning Department's General Plan Evaluation Supplemental Appeal Response.

We regret that we were unable to submit this supplemental response sooner. We received the supplemental appeal letter less than a week ago, on September 17, 2024, and required this time to ensure a complete and accurate response.

Thank you,
Joy

Joy Navarrete (she/her)**, Principal Environmental Planner**
Environmental Planning Division
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San Francisco Property Information Map

Board of Supervisors File No. 240777

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GENERAL PLAN EVALUATION APPEAL SUPPLEMENTAL RESPONSE

700 Indiana Street

Date:	September 23, 2024
To:	Angela Calvillo, Clerk of the Board of Supervisors
From:	Lisa Gibson, Environmental Review Officer – lisa.gibson@sfgov.org, (628) 652-7571 Sherie George, Senior Planner – sherie.george@sfgov.org, (628) 652-7558
RE:	Board File No. 240777 Planning Case No. 2023-001074ENV and 2023-001074APL-02
Hearing Date:	September 24, 2024
Project Sponsor:	John Kevlin, jkevlin@reubenlaw.com, (415) 567-9000
Appellants:	Donovan Lacy, on behalf of the Dogpatch Neighborhood Association, and J.R. Eppler, on behalf of the Potrero Boosters Neighborhood Association
Attachment:	A - Agreement to Implement Mitigation Monitoring and Reporting Program, Adopted by the Planning Commission on June 13, 2024 (Motion No. 21576)

Introduction

This memorandum provides the Planning Department's (the department's) response to the appellant's letter dated September 13, 2024 (supplemental appeal letter), to the Board of Supervisors (the board) regarding the department's issuance of a general plan evaluation (GPE) for the proposed 700 Indiana Street project in compliance with the California Environmental Quality Act (CEQA). The appellant's supplemental letter is largely a restatement of the first submitted appeal letter dated July 15, 2024, with expanded discussion in the topics of air quality, shadow, and hazardous materials.

We regret that we were unable to submit this supplemental response sooner. We received the supplemental appeal letter less than a week ago, on September 17, 2024, and required this time to ensure a complete and accurate response.

Planning Department Responses

The concerns raised in the supplemental appeal letter are addressed in the responses below. The numbering of the responses continues from that in the department's first appeal response memorandum to the board dated September 16, 2024 (first appeal response).

Response 4: Project Mitigation Measure 4 regarding toxic air contaminants is consistent with the applicable measure in the Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR). The department's reasons for modifying the PEIR mitigation measure are supported by substantial evidence and do not disqualify the GPE.

The appellant asserts that the Planning Department failed to properly implement Eastern Neighborhoods PEIR Mitigation Measure G-4 to address the air quality impacts of the project. This is false.

PEIR Mitigation Measure G-4: Siting of Uses that Emit Other TACs, is shown in its entirety in the left column of Table 1, below. Implementation of this measure would reduce potential toxic air contaminant (TAC) impacts from equipment associated with operation of a variety of use types, including proposed laboratory operations, to a less than significant level.

Table 1: Comparison of PEIR and Project Toxic Air Contaminant Mitigation Measure Language*

PEIR Mitigation Measure G-4: Siting of Uses that Emit Other TACs*	**Project Mitigation Measure 4: Siting of Uses that Emit Other TACs***
For ***new development*** including commercial, industrial or ***other uses that would be expected to generate toxic air contaminants (TACs)*** as part of everyday operations, the Planning Department shall require the preparation of an ***analysis*** that includes, at a minimum, ***a site survey*** to identify residential or other ***sensitive uses within 1,000 feet*** of the project site, ***prior to the first project approval action***. This measure shall be applicable, at a minimum, to the following uses: dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; ***biotechnology research facilities***; warehousing and distribution centers; and any use served by at least 100 trucks per day.	***Prior to the beginning of operations***, the project sponsor shall ensure that ***all laboratory uses*** prepare an ***analysis*** that includes, at a minimum, a ***site survey*** identifying all residential or other ***sensitive receptors within 1,000 feet*** of the project site, as well ***as all potential toxic air contaminants (TACs) emissions from*** equipment associated with the laboratory operations. The sponsor must demonstrate efforts taken to reduce TAC emissions including incorporating best available control technology and that all relevant regulations, such as from the Bay Area Air Quality Management District (Air District) are met.
**Emphasis added to highlight the substantive elements of the PEIR measure that were carried over to the project measure. The project mitigation language was appropriately tailored to the project to eliminate inapplicable references, to improve the ability of the required study to reflect real-world conditions at the time of the measure's implementation, and to reflect existing regulations.*	

The effectiveness of Project Mitigation Measure 4 is equivalent to that of Eastern Neighborhoods PEIR Mitigation Measure G-4. The revised language modifies the PEIR mitigation measure to eliminate unnecessary applicability criteria language from the programmatic measure, which applies more broadly to other types of uses not included in the project. This improves the ability of the reader to understand the focus of the measure as it is applied to the proposed project, which is to require that each new laboratory use of the project prepare an analysis of all potential TAC emissions that may be generated from its equipment. Like the PEIR measure, the project measure requires the analysis to include a site survey identifying all sensitive receptors within 1,000 feet of the project site. Although not explicitly noted in the PEIR measure, the project measure logically requires that the sponsor demonstrate all applicable and best available technology and regulations will be applied to reduce air quality impacts.

The change in mitigation timing from "prior to the first project approval action" to "prior to the beginning of operations" does not reduce the measure's effectiveness because the potential emissions that the mitigation measure would address would only be caused after the project begins operations. In some cases, the amount of time that could lapse between the first project approval action and the beginning of operations could be many months or even years due to factors such as changes in tenancy, changes to the project, market fluctuations, and construction schedule modifications. The revision to "prior to the beginning of operations" thus allows for a more predictable schedule, with the bonus of allowing greater certainty regarding the proposed tenant's operations. Moreover, any residential projects or other sensitive uses constructed up until the beginning of operations can be considered in the study, thereby improving the ability of the study to accurately reflect conditions in the project vicinity at the timing of the mitigation implementation. Appropriately, Mitigation Measure 4 of the GPE was made a condition of approval by the Planning Commission when it adopted Motion No. 21576 on June 13, 2024.

CEQA case law has long recognized that mitigation measures adopted when a project is approved may be modified or even deleted if the agency gives a legitimate reason for making the change and supports those reasons with substantial evidence. *Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 91 CA4th 342, 359. An agency's later interpretation of a mitigation measure adopted as a condition of approval will be upheld if its interpretation is reasonable and consistent with its intent at the time it was adopted and is not subject to further CEQA review due to new, more severe environmental impacts. *Stone v Board of Supervisors* (1988) 205 CA3d 927. *See also* CEQA Section 21080(f) (allowing for substitution of mitigation measures with others that are equivalent or more effective in mitigating the impact and don't cause a new significant impact). For the reasons described above, the department's reasons for modifying the subject mitigation measure are supported with substantial evidence, and do not disqualify the GPE.

Response 5: The shadow analysis for the project is adequate for the purposes of CEQA.

In the supplemental appeal letter, the appellant correctly points out that "a thorough report was prepared for Esprit Park (a Recreation and Parks Department park) per San Francisco Code Section 295 and CEQA standards as well as the Avalon Dogpatch Dog Park (a public works' owned public open space)" and that "a memo from Prevision Design dated June 13, 2024, was distributed to the Planning Commission [at the hearing], discussing shadowing of the Arts Plaza."

To summarize, two shadow studies were completed for the 700 Indiana Street project. The first shadow study was completed on January 22, 2024; this study analyzed impacts to Esprit Park, a Recreation and Park department property in accordance with Planning Code Section 295, and to Avalon Dogpatch Dog Park, a public open space created as part of the 800 Indiana Street residential project. The 800 Indiana Street project converted the unaccepted dead-end area of the 20th Street right of way (owned by Public Works) west of Indiana Street into this public dog park.

A second shadow analysis was completed on June 13, 2024, to analyze impacts to the Dogpatch Arts Plaza. The Dogpatch Arts Plaza is an 8,200-square-foot public plaza created as part of the 650 Indiana Street residential project on the dead-end portion of the 19th Street right-of-way (owned by Public Works), west of Indiana Street.

The 700 Indiana Street project proposes to make additional improvements to the Dogpatch Arts Plaza including a shade canopy over the stadium seating, adding planter boxes and landscaping, elevating the plaza to align it with the proposed building face, and adding an art installation space and a rock garden with furniture.

As stated in the department's first appeal response memo, page 6, while the June 13, 2024, Dogpatch Arts Plaza shadow analysis memo was provided to the Planning Commission for the project hearing and not in the GPE, its findings are consistent with the conclusion of the GPE that shadow impacts on parks and open spaces would be less than significant.

Additionally, shadow on the Dogpatch Arts Plaza is clearly depicted in the shadow diagrams included in the January 22, 2024 shadow report for the project, starting on page 24. The June 13, 2024 memo characterizes the shadow on the Dogpatch Arts Plaza at the same level of detail as the analysis of shadow on Avalon Dogpatch Dog Park in the final shadow report.

Quantitative analysis of shadow impacts is only required for parks that are under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department, as part of the Section 295 analysis. The qualitative analysis of shadow impacts on both Dogpatch Arts Plaza and Avalon Dogpatch Dog Park is sufficient to characterize the location, extent, and magnitude of shading that would be caused by the project.

Therefore, the shadow analysis for the project is adequate for the purposes of CEQA.

Response 6: The GPE adequately analyzed and disclosed project impacts related to hazardous materials. Compliance with agency regulations would ensure hazardous material impacts from the project for the purposes of environmental review under CEQA would be less than significant.

The appellant's supplemental letter further contends that the GPE and PEIR failed to fully analyze and mitigate potentially significant impacts from hazardous materials related to biotechnology. This is incorrect. As stated in the department's first appeal response memorandum, implementation of the Maher Program, as overseen by the health department, would ensure that potentially significant project impacts related to contaminated soils and hazardous materials are reduced to a less than significant level. The project sponsor submitted a Maher Program Application to SFDPH on February 2, 2023. This will ensure that the project will be developed in a way that is safe for people and the environment.

As noted on page 483 of the Eastern Neighborhoods PEIR, "Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations, with the major objective of protecting public health and the environment. In general, these regulations define hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, remediation, and disposal of hazardous wastes; and require health and safety provisions for workers and the public."

For the proposed lab uses, relevant operational requirements and regulations to ensure worker and environmental safety may include, but not be limited to, regulations under:

- The United States (US) Food and Drug Administration (FDA) regulates MBC Biolabs (project sponsor) resident companies' work on development and testing of pharmaceuticals, biologics, medical devices, and diagnostic tests, ensuring safety, efficacy, and compliance with quality standards. This includes overseeing clinical trials, manufacturing drugs or devices for clinical testing, and the handling of human tissue and cell products.

- The US Department of Occupational Safety and Health Administration (OSHA) and California Division of Occupational Safety and Health (Cal/OSHA) set standards for training for employee health and safety on site, including proper handling of hazardous materials and waste.[1] The federal Occupational Safety and Health Act requires employers to comply with safety and health standards and regulations promulgated by OSHA or by a state with an OSHA-approved state plan. In addition, the Act's General Duty Clause, Section 5(a)(1), requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

- The US Environmental Protection Agency (EPA) and California Department of Toxic Substances Control (DTSC) issue permits to MBC Biolabs and regulate hazardous waste generation. DTSC oversees issuance and compliance oversight of Hazardous Waste Facility Permits.[2]

- The California Environmental Reporting System Unified Program regulates biotech laboratory hazardous materials and hazardous waste management. This entity requires an inventory of all hazardous materials on laboratory sites along with safety data to ensure scientists are appropriately trained and that the laboratory and local officials can respond safely and appropriately in the event of an accident.[3]

- SFDPH regulates and inspects biotech laboratories to ensure hazardous materials and hazardous, medical and biological waste are managed properly. SFDPH oversees a Hazardous Materials and Waste Program which implements six state environmental mandates and two local mandates. Businesses that store, handle, or use hazardous materials are required to obtain a certificate of registration from SFDPH to inspect regulated businesses at least once every three years.[4]

- SF Public Utilities Commission regulates and inspects laboratories to ensure they are not releasing hazardous waste to the water system.

[1] See OSHA, Laboratory Safety Guidance, available online at: https://www.osha.gov/sites/default/files/publications/OSHA3404laboratory-safety-guidance.pdf, last accessed September 18, 2024; OSHA Laboratory Standards website: https://www.osha.gov/laboratories/standards, last accessed September 18, 2024; Cal/OSHA website: https://www.dir.ca.gov/dosh/, last accessed September 18, 2024.
[2] See DTSC web site: https://dtsc.ca.gov/who-we-are/, last accessed September 18, 2024.
[3] See CERS Unified Program web site: https://calepa.ca.gov/cupa/, last accessed September 18, 2024.
[4] See SFDPH Hazardous Materials and Waster Program web site: https://www.sfdph.org/dph/eh/HMUPA/, last accessed September 18, 2024.

- The Bay Area Air Quality Management District (BAAQMD) is the local agency responsible for regulating stationary sources of regulated or hazardous air pollutants in the San Francisco Bay Area.[5]

- The Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) publish a manual outlining what is allowed under biosafety level 2 (BSL2) designation.[6] This advisory document recommends best practices for the safe conduct of work in biomedical and clinical laboratories from a biosafety perspective.

As stated in the Eastern Neighborhoods PEIR beginning on page 497:

> "…compliance with hazardous materials and waste regulations would minimize the risk for accidental releases and would ensure safe handling of hazardous materials and wastes at permitted facilities. Furthermore, new business introduced to the project area would implement newer and improved technology for handling and storage of hazardous materials that would further reduce the risk of a release that could affect public health or the environment.
>
> Similar to existing conditions, any business that handles or stores hazardous materials or petroleum products would be required to comply with the requirements of the City's hazardous materials handling requirements specified in Article 21 of the San Francisco Health Code.
>
> Compliance with the San Francisco Health Code, which incorporates state and federal requirements, would minimize potential exposure of site personnel and the public to any accidental releases of hazardous materials or waste and would also protect against potential environmental contamination. Therefore, the potential impact of accidental releases of hazardous materials associated with development of new land uses resulting from implementation of the project would be less than significant."

Compliance with the Maher Ordinance and requirements from regulatory agencies listed above would control the laboratory use, transport, and disposal of hazardous materials that could be used by the proposed facility. Given the above, the planning department's conclusion that there are no peculiar aspects of the project that would result in more severe impacts related to hazards than were identified in the Eastern Neighborhoods PEIR is supported by substantial evidence, and the appellants have not provided substantial evidence demonstrating otherwise.

[5] See BAAQMD web site: https://www.baaqmd.gov/rules-and-compliance/current-rules, last accessed September 18, 2024.
[6] See CDC & NIH, Biosafety in Microbiological and Biomedical Laboratories, 6th Edition, available online at: https://www.cdc.gov/labs/pdf/SF__19_308133-A_BMBL6_00-BOOK-WEB-final-3.pdf, last accessed September 18, 2024.

Conclusion

The planning department's determination that the proposed project qualifies for a GPE pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183 is supported by substantial evidence in the record. As stated in the department's appeal response and further expanded upon in the supplemental department responses above, the Eastern Neighborhoods PEIR and the GPE adequately and accurately evaluated the physical environmental impacts of the proposed project for the purposes of environmental review under CEQA, including in the topic areas of air quality, shadow, and hazardous materials. The above supplemental department responses are based on substantial evidence, and the appellant has not demonstrated otherwise. Therefore, the planning department respectfully recommends that the board of supervisors uphold the department's determination that the GPE conforms with the requirements of CEQA and deny the appeal.

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.:	2023-001074ENV	*Block/Lot:*	4062/007
Project Title:	700 Indiana Street	*Lot Size:*	31,090 square feet
BPA Nos:	n/a	*Project Sponsor:*	Ryan Guibara, rguibara@mbcbiolabs.com
Zoning:	UMU-Urban Mixed Use District 58-X Height and Bulk District	*Lead Agency:*	San Francisco Planning Department
		Staff Contact:	Ryan Shum, ryan.shum@sfgov.org, 628-652-7542

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Project Mitigation Measure 1: Accidental Discovery	X	X		
Project Mitigation Measure 2: Construction Noise	X	X		
Project Mitigation Measure 3: Construction Air Quality	X	X		
Project Mitigation Measure 4: Siting of Uses that Emit Other TACs			X	

NOTES:

* Prior to any ground disturbing activities at the project site.
** Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

x I agree to implement the attached mitigation measure(s) as a condition of project approval.

Ryan Guibara, Agent for Owner		5/17/24
Property Owner or Legal Agent Printed Name	Property Owner or Legal Agent Printed Name Signature	Date

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

ATTACHMENT B

San Francisco Planning

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
HISTORIC ARCHITECTURAL/CULTURAL RESOURCES				
Project Mitigation Measure 1: Accidental Discovery The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c).				
Alert Sheet. The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel have received copies of the Alert Sheet.	Project sponsor	Prior to any soils-disturbing activities	Project sponsor shall distribute Alert sheet and shall submit a signed affidavit confirming the distribution to the ERO.	Considered complete when ERO receives signed affidavit.
Stop Work and Notification Upon Discovery. Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Project Head Foreman and/or project sponsor	During soils disturbing activity	Project Head Foreman or sponsor shall contact the ERO.	Considered complete when ERO has been notified and resource is protected

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
Discovery Identification, Evaluation, and Treatment Determination. If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the Qualified Archeological Consultant List maintained by the Planning Department. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource as well as if it retains sufficient integrity and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify, document, and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor. Measures might include preservation *in situ* of the archeological resource; an archeological monitoring program; an archeological testing program; and/or an archeological interpretation program. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with the Environmental Planning Division guidelines for such programs and shall be implemented immediately. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Archaeological consultant and ERO	After discovery of possible resource	The sponsor shall retain a qualified archeological consultant at the direction of the ERO. The archeological consultant shall identify and evaluate the archeological resources and recommend actions for review and approval by the ERO. The archeological consultant shall undertake additional treatment if needed.	Considered complete when treatment determination has been approved by the ERO.

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
Consultation with Descendant Communities. On discovery of an archeological site 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. The ERO and project sponsor shall work with the tribal representative or other representatives of descendant communities to identify the scope of work to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Representatives shall be compensated for their work as identified in the agreed upon scope of work. A copy of the Archeological Resources Report (ARR) shall be provided to the representative of the descendant group.	Archaeological consultant, descendant group, project sponsor, and ERO	After discovery of significant resource associated with a descendant group	Archaeological consultant contacts descendant group(s). Archaeological consultant, ERO, and project sponsor, and representative(s) determine scope of work for deliverables. Project sponsor is responsible for compensating descendant(s) for work in preparation and review of deliverables. Archaeological consultant sends ARR to descendant(s).	Considered completed after descendant group has received ARR and been compensated for work on deliverables.

Archeological Data Recovery Plan. An archeological data recovery program shall be conducted in accordance with an Archeological Data Recovery Plan (ADRP) if all three of the following apply: 1) a resource has potential to be significant, 2) preservation in place is not feasible, and 3) the ERO determines that an archeological data recovery program is warranted. 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. ▪ *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.	ERO, archeological consultant, and Project Sponsor.	After determination by ERO that an archeological data recovery program is required	Archeological consultant to prepare an ADRP in consultation with ERO	Considered complete upon approval of ADRP by ERO.

Human Remains and Funerary Objects. The treatment of human remains and funerary objects discovered during any soil-disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco. The ERO also shall be notified immediately upon the discovery of human remains. In the event of the Medical Examiner's determination that the human remains are Native American remains, the Medical Examiner shall notify the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98(a)). The landowner may consult with the project archeologist and project sponsor and shall consult with the MLD and CEQA lead agency on preservation in place or recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop an Agreement with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). Per PRC 5097.98 (b)(1), the Agreement shall address and take into consideration, as applicable and to the degree consistent with the wishes of the MLD, the appropriate excavation, removal, recordation, scientific analysis, custodianship prior to reinterment or curation, and final disposition of the human remains and funerary objects. If the MLD agrees to scientific analyses of the remains and/or funerary objects, the archeological consultant shall retain possession of the remains and funerary objects until completion of any such analyses, after which the remains and funerary objects shall be reinterred or curated as specified in the Agreement. Both parties are expected to make a concerted and good faith effort to arrive at an Agreement, consistent with the provisions of PRC 5097.98. However, if the landowner and the MLD are unable to reach an Agreement, the landowner, ERO, and project sponsor shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance, consistent with state law. Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's Archeological treatment documents, and	Archeological consultant or medical examiner	Discovery of human remains	Notification of County/City Coroner and, as warranted, notification of NAHC.	Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, approval of Archeological Results Report, and disposition of human remains has occurred as specified in Agreement.

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
in any related agreement established between the project sponsor, Medical Examiner and the ERO.				
Cultural Resources Public Interpretation Plan. The project archeological consultant shall submit a Cultural Resources Public Interpretation Plan (CRPIP) if a significant archeological resource is discovered during a project. As directed by the ERO, a qualified design professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, local artists, or community group may also be required to assist the project archeological consultant in preparation of the CRPIP. If the resource to be interpreted is a tribal cultural resource, the CRPIP shall be prepared in consultation with and developed with the participation of Ohlone tribal representatives. The CRPIP shall describe the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. The CRPIP shall be sent to the ERO for review and approval. The CRPIP shall be implemented prior to occupancy of the project.	Archeological consultant at the direction of the ERO will prepare CRPIP. Measure laid out in CRPIP are implemented by sponsor and consultant.	Following completion of treatment and analysis of significant archeological resource by archeological consultant.	Archeological consultant submits draft CRPIP to ERO for review and approval.	CRPIP is complete on review and approval of ERO. Interpretive program is complete on notification to ERO from the project sponsor that program has been implemented.

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
Archeological Resources Report. The project archeological consultant shall submit a confidential draft Archeological Resources Report (ARR) to the ERO that evaluates the historical significance of any discovered archeological resource, describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken, and discusses curation arrangements. Once approved by the ERO, copies of the approved ARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy, and the ERO shall receive a copy of the transmittal of the ARR to the NWIC. The environmental planning division of the planning department shall receive one (1) bound hardcopy of the ARR. Digital files that shall be submitted to the environmental division include an unlocked, searchable PDF version of the ARR, GIS shapefiles of the site and feature locations, 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. The PDF ARR, GIS files, recordation forms, and/or nomination documentation should be submitted via USB or other stable storage device. If a descendant group was consulted during archeological treatment, a PDF of the ARR shall be provided to the representative of the descendant group.	Archeological consultant at the direction of the ERO.	Following completion of treatment by archeological consultant as determined by the ERO.	Planning Department / project sponsor	Complete on certification to ERO that copies of the approved ARR have been distributed
Curation. Significant archeological collections and paleoenvironmental samples of future research value shall be permanently curated at an established curatorial facility. The facility shall be selected in consultation with the ERO. Upon submittal of the collection for curation the sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.	Project archeologist prepares collection for curation and project sponsor pays for curation costs.	In the event a significant archeological resource is discovered and upon acceptance by the ERO of the ARR	Planning Department / project sponsor	Considered complete upon acceptance of the collection by the curatorial facility

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
NOISE				
Project Mitigation Measure 2: Construction Noise The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Planning Department to ensure that maximum feasible construction noise attenuation is achieved. Attenuation measures shall include as many of the following control strategies as follows, or other equivalent strategies that reduce construction noise: • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Use noise control blankets on a building structure as the building is being erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.	Project sponsor's qualified acoustical consultant and construction contractor	Prior to the issuance of construction permits	Planning Department	Considered complete after approval construction noise control plan and construction activities completed.

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
AIR QUALITY				
Project Mitigation Measure 3: Construction Air Quality The project sponsor shall comply with the following: A. Engine Requirements 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 (EPA) or California Air Resources Board (air board) Tier 4 Interim or Tier 4 Final off-road emission standards. 2. Where access to alternative sources of power are available, portable diesel engines (e.g., generators) 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 project sponsor 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 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 use the next cleanest piece of off-road equipment, or another alternative that results in comparable reductions of diesel particulate matter.	Project sponsor and construction contractor	Prior to issuance of construction permits project sponsor to submit: 1. Construction emissions minimization plan for review and approval, and Signed certification statement	Planning Department	Considered complete upon planning departm ent review and acceptance of construction emissions minimization plan, implementation of the plan, and submittal of final report summarizing use of construction equipment pursuant to the plan.

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
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 engine 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 use and hours of operation. 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 project sponsor agrees to comply fully with the plan. 3. The project sponsor shall make the plan available to the public for review on-site during working hours. The project sponsor 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 project sponsor 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 reports every six months 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.				

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
Project Mitigation Measure 4: Siting of Uses that Emit Other TACs Prior to the beginning of operations, the project sponsor shall ensure that all laboratory uses prepare an analysis that includes, at a minimum, a site survey identifying all residential or other sensitive receptors within 1,000 feet of the project site, as well as all potential toxic air contaminants (TACs) emissions from equipment associated with the laboratory operations. The sponsor must demonstrate efforts taken to reduce TAC emissions including incorporating best available control technology and that all relevant regulations, such as from the Bay Area Air Quality Management District (Air District) are met.	Project sponsor	Prior to the beginning of operations for each building operator or manager, provided that the building operator can demonstrate that tenants would not have the potential to emit TACs from laboratory operations. If building tenants have the potential to emit TACs, then this mitigation would apply prior to the beginning of operations for each laboratory use.	Project sponsor to submit TAC emissions analysis to planning department	Considered complete upon planning department approval of analysis

NOTES:

[a] Definitions of MMRP Column Headings:

Adopted Mitigation and Improvements Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

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