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## **ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM**

### **AUTHORITY**

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to California Environmental Quality Act (known as CEQA [Public Resources Code Sections 21000 et seq.]) Section 21081.6 to provide for the monitoring of mitigation measures required of the India Basin Mixed-Use Project, as set forth in the Draft Environmental Impact Report (Draft EIR) prepared for the Project. This report will be kept on file in the offices of the San Francisco Planning Department (Planning Department), 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103.

If any mitigation measures are not being implemented as to any property within the project site, the Agency and/or City may pursue corrective action against the responsible party for such property identified in Table 1 of this MMRP. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) criminal prosecution and/or administrative fines; (6) forfeiture of security bonds or other guarantees; and (7) revocation of permits or other entitlements. These corrective actions shall only be applied against the applicable responsible party identified in Table 1 of this MMRP. To the extent any mitigation measure applies to all project sponsors, the corrective actions shall only be applied against the applicable project sponsor for the affected property for which the mitigation measure is not being implemented.

### **MONITORING SCHEDULE**

Prior to the issuance of building permits, while detailed development plans are being prepared for approval by Agency and/or City staff, Agency and/or City staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project construction, development, and design phases. Agency and/or City staff will prepare or cause to be prepared reports identifying compliance with mitigation measures. Once construction has begun and is underway, monitoring of the mitigation measures associated with construction will be included in the responsibilities of designated Agency and/or City staff, who shall prepare or cause to be prepared reports of such monitoring no less than once a month until construction has been completed. Once construction has been completed, the Agency and/or City will monitor the project as deemed necessary.

### **CHANGES TO MITIGATION MEASURES**

Any substantive change in the monitoring and reporting plan made by Agency and/or Planning Department staff shall be reported in writing to the City Environmental Review Officer. Reference to such changes shall be made in the monthly/yearly Environmental Mitigation Monitoring Report prepared by Planning Department staff. Modifications to the mitigation measures may be made by Planning Department staff subject to one of the following findings, documented by evidence included in the record:

1. The mitigation measure included in the Draft EIR and the Mitigation Monitoring and Reporting Program is no longer required because the significant environmental impact identified in the Draft EIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

OR

2. The modified or substitute mitigation measure to be included in the Mitigation Monitoring and Reporting Program either provides corrections to text without any substantive change in the intention or meaning of the original mitigation measure, or provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Draft EIR and the Mitigation Monitoring and Reporting Program; and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the responsible hearing bodies in their decisions on the Final EIR and the proposed project; and the modified or substitute mitigation measures are feasible, and the Planning Department, through measures included in the Mitigation Monitoring and Reporting Program or other City procedures, can assure their implementation.

## **FORMAT OF MITIGATION MONITORING MATRIX**

Table 1: Mitigation Monitoring and Reporting Program on the following pages identifies the environmental issue areas for which monitoring is required, the required mitigation measures, the timeframe for monitoring, and the responsible implementing and monitoring agencies. Table 2: Improvement Measure Monitoring and Reporting Program outlines optional measures that are intended to improve an impact that was found by the Planning Department to be less than significant. Improvement measures are not requirements, however, the project sponsors or the Planning Department may elect to implement them.

## **DEFINITIONS**

City's Environmental Review Officer—The Environmental Review Officer at the San Francisco Planning Department, referred to herein as "ERO."

Project sponsors—BUILD, the San Francisco Recreation and Parks Department (RPD), or any other individual who or business that constructs urban land uses. This term shall be construed to mean the subsequent developer(s) who constructs or extends urban land uses through subdivision of land and construction or alteration of structures.