



SAN FRANCISCO PLANNING DEPARTMENT

REVISED Certificate of Determination Community Plan Evaluation

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Case No.: 2017-001270ENV
Project Title: 3140-3150 16th Street
Zoning: NCT (Valencia Street Neighborhood Commercial Transit) Use District
55-X Height and Bulk District
Block/Lot: 3555/018
Lot Size: 10,214 square feet
Plan Area: Eastern Neighborhoods Area Plan (Mission Plan area)
Project Sponsor: John Kevlin, Reuben, Junius and Rose, LLP 415-567-9000
Staff Contact: Justin Horner, 415-575-9023, justin.horner@sfgov.org

THIS COMMUNITY PLAN EVALUATION (CPE) SUPERSEDES THE CPE THAT WAS PUBLISHED ON SEPTEMBER 27, 2018. FOLLOWING PUBLICATION OF THE PREVIOUS CPE, THE PROPOSED PROJECT WAS REVISED.

PROJECT DESCRIPTION

The 10,214-square-foot (sf) project site is located on the northeast corner of the intersection of 16th and Albion streets on the block bounded by Valencia St to the east, 15th Street to the north, Albion Street to the west and 16th Street to the south in the Mission neighborhood. The project site is occupied by a two-story, 32.5-foot tall, approximately 20,400-sf vacant building formerly used as an automobile repair services business. The existing structure was built in 1926. The project site includes two curb cuts along 16th Street.

(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.


for Lisa Gibson
Environmental Review Officer

November 8, 2018
Date

cc: John Kevlin, Project Sponsor; Supervisor Sheehy, District 8; Doug Vu, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed project would convert the existing building into a 20,400-sf restaurant use (as shown in Figures 2–6). The proposed restaurant would occupy the entire building and an accessory rooftop outdoor activity area. Select portions of the roof would be opened to accommodate three exit stairways to the building interior, two elevator penthouses, two bathrooms, and a storage room that are necessary to support the use of the roof deck. The roof deck would include a 7-foot parapet wall along its northern edge, a 6-foot parapet wall along its western edge and a 3.5-foot parapet wall along its southern edge, and loudspeakers for amplified music that would be mounted no more than 3 feet above the surface of the roof deck. The interior of the restaurant would occasionally be rented for events, such as weddings, that could include amplified music from a DJ or from live performers.

Pedestrian access to the restaurant would be from 16th Street. The proposed project would remove two curb cuts on 16th Street, and would include no vehicle parking. It would include three class 1 and 27 class 2 bicycle parking spaces. The project would include an on-street pedestrian loading zone on 16th Street and an on-street loading zone on Albion Street. Construction of the project would require approximately 17 cubic yards of excavation to a depth of approximately three feet to accommodate a new elevator. Construction would last approximately 18 months.

PROJECT APPROVAL

Pursuant to Planning Code sections 121.2 (nonresidential use of more than 3,000 sf in the Valencia Street NCT), 145.2 (proposed outdoor activity in an NC district), 186.2 (limitations on upper story uses in pre-existing structures), 303 (conditional uses, generally) and 762 (conditional use authorization required to convert retail to restaurant), a Conditional Use Authorization is required for the proposed project. The approval of the Conditional use Authorization would be the Approval Action for the proposed project. 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 3140-3150 16th Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)¹. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 3140-3150 16th Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.^{2,3}

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR. The Eastern Neighborhoods PEIR estimated that implementation of the Eastern Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025). The Eastern Neighborhoods PEIR projected that this level of development would result in a total population increase of approximately 23,900 to 33,000 people throughout the lifetime of the plan.⁴

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

² San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

³ San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

⁴ Table 2 Forecast Growth by Rezoning Option Chapter IV of the Eastern Neighborhoods Draft EIR shows projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning.

topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to NCT (Valencia Street Neighborhood Commercial Transit) District. The NCT-Valencia Street Neighborhood Commercial Transit District provides a limited selection of convenience goods for the residents of sections of the Mission and Dolores Heights, and Valencia Street also serves a wider trade area with its retail and wholesale home furnishings and appliance outlets. The commercial district also has several automobile-related businesses. Eating and drinking establishments contribute to the area's mixed-use character and activity in the evening hours. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Evaluation (CPE) Checklist, under Land Use. The 3140-3150 16th Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 55 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans 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 3140-3150 16th Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 3140-3150 16th Street project, and identified the mitigation measures applicable to the 3140-3150 16th Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.⁵⁶ Therefore, no further CEQA evaluation for the 3140-3150 16th Street project is required. In sum, the Eastern Neighborhoods 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 northeast corner of the intersection of 16th and Albion streets on the block bounded by 16th Street to the south, Albion Street to the west, Valencia Street to the east and 15th Street to the north, in the Mission neighborhood. The project area along 16th Street is characterized by commercial uses, with residential uses above in one- to three-story buildings on the south side of 16th Street and commercial uses in one-story buildings on the north side of 16th Street, with a three-story mixed-use residential building at the northwest corner of Valencia and 16th streets. The project area along Albion Street is characterized by one- to three-story residential buildings. Buildings immediately adjacent to the project site include a one-story commercial building to the east and a three-story residential building to the north. Parcels surrounding the project site are within the Valencia Street NCT (Neighborhood

⁵ Josh Switzky, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 3140-3150 16th Street, July 11, 2018. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2017-001270ENV.

⁶ Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 3140-3150 16th Street, June 8, 2018..

Commercial Transit) and RTO-M (Residential Transit Oriented-Mission) Zoning Districts, and are within 45-X and 55-X Height and Bulk districts.

The closest Bay Area Rapid Transit District (BART) stop is at 16th and Mission Streets, approximately 950 feet east of the project site. The project site is within a quarter mile of several local transit lines, including Muni lines 14-Mission, 14R-Mission Rapid, 22-Filmore, 33-Ashbury/18th Street, 49-Van Ness/Mission and 55-16th Street.

POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 3140-3150 16th Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 3140-3150 16th Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would considerably contribute to the identified land use impacts related to PDR loss because it would preclude an opportunity for development of PDR space given that certain PDR uses (namely, auto-related uses) are allowed in the Valencia Street Neighborhood Commercial Transit Use District. The proposed project would not affect historical architectural resources as the proposed project, as an adaptive reuse and repurposing of an historic property, complies with the Secretary of the Interior's Standards for Rehabilitation. In regards to significant and unavoidable transportation impacts related to traffic and transit, the proposed project would not contribute considerably to project-specific and cumulative traffic and transit impacts identified in the Eastern Neighborhoods PEIR. As the proposed project would not cast any shadow on any parks or other publicly accessible open space, it would not result in significant shadow impacts that were previously not identified or more severe impacts than those analyzed in the PEIR.

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

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed.	N/A
F-2: Construction Noise	Not Applicable: the proposed project does not include any demolition, excavation or other noisy construction methods or heavy equipment.	N/A
F-3: Interior Noise Levels	Not Applicable: CEQA generally no longer requires the consideration of the effect of existing environmental conditions on a proposed project's future users.	N/A
F-4: Siting of Noise-Sensitive Uses	Not Applicable: CEQA generally no longer requires the consideration of the effect of existing environmental conditions on a proposed project's future users.	N/A
F-5: Siting of Noise-Generating Uses	Applicable: The proposed project includes uses that would produce noise in excess of ambient noise levels.	Project Mitigation Measure 2: Operational Noise has been agreed to by project sponsor.
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires the consideration of the effects of the existing environment on a proposed project's future users where that project would not substantially exacerbate existing noise levels.	N/A
G. Air Quality		
G-1: Construction Air Quality	Not Applicable: Project site is not located in Air Pollutant Exposure Zone.	N/A
G-2: Air Quality for Sensitive Land Uses	Not Applicable: proposed project does not include	N/A

Mitigation Measure	Applicability	Compliance
	sensitive receptors.	
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed uses are not expected to emit substantial levels of DPMs.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed project would not include a backup diesel generator or other use that emits TACs.	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: No previous archeological field investigation has been performed for the project site.	N/A
J-2: Properties with no Previous Studies	Applicable: No previous archeological field investigation has been performed for the project site.	Project Mitigation Measure 1: Archeological Monitoring has been agreed to by the project sponsor.
J-3: Mission Dolores Archeological District	Not Applicable: While project site is located in the Mission Dolores Archeological Area, the proposed project does not include volumes of excavation that would require this mitigation measure.	N/A
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department.	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission.	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission.	N/A
L. Hazardous Materials		

Mitigation Measure	Applicability	Compliance
L-1: Hazardous Building Materials	Applicable: Proposed project includes demolition of interior elements of existing building.	Project Mitigation Measure 3: Hazardous Building Materials agreed to by project sponsor.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA.	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA.	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA.	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA.	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA.	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA.	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA.	N/A

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

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on April 4, 2018 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments included concerns regarding the potential for project-related excavation to effect nearby properties; construction-related noise and dust; traffic and parking; noise from business operations and patrons; and the effect of any lead paint that may be disturbed as part of the proposed project. These concerns were covered in the Geology and Soils, Air Quality, Transportation, Noise and Hazardous Materials sections of the Initial Study. Other comments referred to issues not considered environmental impacts under CEQA, and therefore not addressed in this review, including potential littering from users of the proposed project, increased alcohol use, and a preference of housing on the project site. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁷:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
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 Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods 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 Eastern Neighborhoods 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 Eastern Neighborhoods 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 Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2017-001270ENV.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>J. Archeological Resources</p> <p><i>Mitigation Measure 1 Archeological Monitoring</i></p> <p>Based on the reasonable potential 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 a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p>	<p>Project sponsor.</p>	<p>Prior to issuance of site permits.</p>	<p>Project sponsor shall retain archeological consultant to undertake archeological monitoring program in consultation with ERO.</p>	<p>Complete when Project sponsor retains qualified archeological consultant.</p>
<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological 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 interpretive treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><i>Archeological monitoring program (AMP).</i> The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the 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 archeological 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). 	<p>Project Sponsor</p>	<p>Prior to the start of renovation/conservation activities.</p>	<p>Planning Department, in consultation with DPH.</p>	<p>Considered complete upon submittal to Planning confirming compliance with this measure.</p>

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource:</p> <ul style="list-style-type: none"> ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis <p>If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO.</p> <p>If the ERO in consultation with the archaeological consultant determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The project archaeological</p>	<p>The archaeological consultant, Project Sponsor and project contractor.</p> <p>ERO, archaeological consultant, and Project Sponsor.</p>	<p>Monitoring of soils disturbing activities.</p> <p>Following discovery of significant archaeological resource that could be adversely affected by project.</p>	<p>Archaeological consultant to monitor soils disturbing activities specified in AMP and immediately notify the ERO of any encountered archaeological resource.</p> <p>Redesign of project to avoid adverse effect or undertaking of archaeological data recovery program.</p>	<p>Considered complete upon completion of AMP.</p> <p>Considered complete upon avoidance of adverse effect</p> <p>Considered complete upon approval of ADRP by ERO.</p>

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 MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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.</p> <p>The scope of the ADRP shall include the following elements</p> <ul style="list-style-type: none"> ▪ Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. ▪ Cataloging and Laboratory Analysis. Description of selected cataloging 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. <p>Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American</p>	<p>ERO</p>	<p>archaeological data recovery program is required</p>	<p>consultation with ERO</p>	<p>Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been</p>
	<p>Archaeological consultant or medical examiner</p>	<p>Discovery of human remains</p>	<p>Notification of County/City Coroner and, as warranted, notification of NAHC.</p>	

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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 archaeological 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, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archaeological 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 archaeological consultant and the ERO.</p>				<p>adhered to, consultation with MLD is completed as warranted, and that sufficient opportunity has been provided to the archaeological consultant for scientific/historical analysis of remains/funerary objects.</p>
<p>Final Archaeological Resources Report. The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archaeological resource and describes the archaeological 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 draft final report.</p>	<p>Archaeological consultant</p>	<p>Following completion of cataloguing, analysis, and interpretation of recovered archaeological data.</p>	<p>Preparation of FARR</p>	<p>FARR is complete on review and approval of ERO</p>
<p>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 Major Environmental Analysis division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Archaeological consultant</p>	<p>Following completion and approval of FARR by ERO</p>	<p>Distribution of FARR after consultation with ERO</p>	<p>Complete on certification to ERO that copies of FARR have been distributed</p>

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>F. Noise <i>Mitigation Measure 2: Operational Noise Requirements for Proposed Rooftop Use</i> The project sponsor shall incorporate the following elements into the project design to ensure that the proposed rooftop use complies with use compatibility requirements in the General Plan and could meet standards set forth in Police Code section 2909 (Noise Ordinance): (1) glazed roof deck parapet walls should be 7-feet high to the north, 6-feet high to the west, and 3.5-foot high to the south; (2) a solid gasketed door should be installed the exit path west of the elevator, and (3) the placement of loudspeakers should be set at a maximum height of 3 feet above the roof deck. In addition, loudspeakers on the roof deck will be directed away from sensitive receptors and volumes shall be limited to an A-weighted noise level of 80 dB at a distance of 25 feet. Also, whenever amplified music is generated from the interior of the building, due to a live band or otherwise, windows along 16th and Albion streets must be closed and must be of an STC rating of 28 or greater.</p>	<p>Project Sponsor along with Project Contractor.</p>	<p>Prior to final approval of building permit.</p>	<p>Project sponsor to provide Planning Department with plans approved by DBI that include the required elements.</p>	<p>Considered complete upon receipt of final plans approved by DBI that include the required elements.</p>
<p>L. Hazardous Materials <i>Mitigation Measure 3: Hazardous Building Materials</i> The project sponsor shall ensure that any equipment containing polychlorinated biphenyl (PCBs) or Di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	<p>Project Sponsor</p>	<p>Prior to the start of renovation/constant construction activities.</p>	<p>Planning Department, in consultation with DPH.</p>	<p>Considered complete upon submittal to Planning confirming compliance with this measure.</p>