



**DRAFT EIR
RESPONSES TO COMMENTS**



Waterfront Plan

San Francisco Planning
Case No. **2019-023037ENV**

State Clearinghouse No. 2020080458

<i>Final Responses to Comments</i>	<i>Draft EIR Publication Date:</i>	February 23, 2022
	<i>Draft EIR Public Hearing Date:</i>	March 24, 2022
	<i>Draft EIR Public Comment Period:</i>	February 23, 2022–April 25, 2022
	<i>Response to Comments Publication Date</i>	January 19, 2023
	<i>Final EIR Certification Hearing Date:</i>	February 2, 2023





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**San Francisco
Planning**



MEMORANDUM

Date: January 19, 2023
Case No.: **2019-023037ENV**
Project Title: **Waterfront Plan**
To: Members of the Planning Commission and Interested Parties
From: Lisa Gibson, Environmental Review Officer
Re: Attached Responses to Comments on Draft Environmental Impact Report for the Waterfront Plan Project (Planning Department File No. 2019-023037ENV)

Attached for your review please find a copy of the responses to comments document for the draft environmental impact report (EIR) for the above-referenced project. This document, along with the Draft EIR, will be before the planning commission for Final EIR certification on February 2, 2023. The planning commission will receive public testimony on the Final EIR certification at the February 2, 2023, hearing. Please note that the public review period for the Draft EIR ended on April 25, 2022. Comments received after the close of the public review period or at the Final EIR certification hearing, will not be responded to in writing. The agenda for the February 2, 2023, planning commission hearing showing the start time and order of items at the hearing will become available at <https://sfplanning.org/hearings-cpc-grid>, by close of business Friday, January 27, 2023.

The planning commission does not conduct a hearing to receive comments on the responses to comments document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to commission members or to the president of the commission through email at commissions.secretary@sfgov.org (preferred) or through mail at attention Commission Secretary, 49 South Van Ness Avenue, Suite 1400, to express an opinion on the responses to comments document, or the commission's decision to certify the Final EIR for this project.

This document, along with the Draft EIR, constitute the Final EIR. The Draft EIR may be downloaded from <https://sfplanning.org/environmental-review-documents>. If you have any questions concerning the responses to comments document or the environmental review process, please contact Sherie George, EIR coordinator, at CPC.WaterfrontEIR@sfgov.org or 628.652.7558.

Thank you for your interest in this project and your consideration of this matter.

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
ADA	Americans with Disabilities Act
Bay Bridge	San Francisco-Oakland Bay Bridge
Bay Plan	San Francisco Bay Plan
BCDC	San Francisco Bay Conservation and Development Commission
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CO	carbon monoxide
Corps, or USACE	U.S. Army Corps of Engineers
dB	decibel
EIR	environmental impact report
Muni	San Francisco Municipal Railway
NMFS	National Marine Fisheries Service
NOAA	National Oceanographic and Atmospheric Administration
NOP	notice of preparation
PM _{2.5}	fine particulate matter
Port	Port of San Francisco's
PPV	peak particle velocity
regional board	San Francisco Bay Regional Water Quality Control Board
RMS	root mean square
SAP	Special Area Plan
SDAT	Street Design Advisory Team
Seaport Plan	San Francisco Bay Area Seaport Plan
SEL	sound exposure level
SF-CHAMP	San Francisco Chained Activity Modeling Process
SFMTA	San Francisco Municipal Transportation Agency
SUD	Special Use District

Acronyms and Abbreviations

Acronym/Abbreviation	Definition
TAC	toxic air contaminant
U.S. EPA	United States Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles traveled
Waterfront Plan	2019 Draft Waterfront Plan
WEAP	Worker Environmental Awareness Program

CHAPTER 1

INTRODUCTION

1.A Purpose of the Responses to Comments Document

The purpose of this responses to comments (RTC) document is to present comments received on the draft environmental impact report (Draft EIR) for the proposed Waterfront Plan, to respond in writing to comments on environmental issues, and to revise the Draft EIR as necessary to provide additional clarity. Pursuant to the California Environmental Quality Act (CEQA) section 21091(d)(2)(A) and (B), the San Francisco Planning Department (planning department) has considered the comments received on the Draft EIR, evaluated the issues raised, and is providing written responses that address each substantive environmental issue that has been raised by the commenters. In accordance with CEQA, the responses to comments focus on addressing physical environmental effects associated with the proposed Waterfront Plan. Such effects include physical impacts or changes attributable to the proposed Waterfront Plan.

None of the comments received provides new information that warrants recirculation of the Draft EIR. The comments do not identify new significant impacts or a substantial increase in the severity of previously identified impacts. Furthermore, they do not identify any feasible project alternatives or mitigation measures that are considerably different from those analyzed in the Draft EIR and/or that the project sponsor has not agreed to implement.

The Draft EIR together with this RTC document constitutes the Final EIR for the proposed project in fulfillment of CEQA requirements and consistent with CEQA Guidelines section 15132. The Final EIR has been prepared in compliance with CEQA, including the CEQA Guidelines and San Francisco Administrative Code chapter 31. It is an informational document for use by (1) governmental agencies (such as the City and County of San Francisco) and the public to aid in the planning and decision-making process by disclosing the physical environmental effects of the project and identifying possible ways of reducing or avoiding the potentially significant impacts and (2) the San Francisco Planning Commission (planning commission) and other City entities (such as the San Francisco Board of Supervisors), where applicable, prior to their decisions to approve, disapprove, or modify the proposed project. The Port Commission is the City entity that will approve the Waterfront Plan and adopt the CEQA findings. If the planning commission and other City entities approve the proposed project, they would be required to adopt CEQA findings and a mitigation monitoring and reporting program (MMRP) to ensure that mitigation measures identified in the Final EIR are implemented.

1.B Environmental Review Process

Notice of Preparation

The planning department, as lead agency responsible for administering the environmental review of projects within the City and County of San Francisco under CEQA, published a notice of preparation (NOP) of an EIR on August 26, 2020 (included as Draft EIR Appendix A), to inform agencies and the general public that the Draft EIR would be prepared based upon the criteria of CEQA Guidelines sections 15064 (Determining Significant Effects) and 15065 (Mandatory Findings of Significance). A notice of availability of the NOP and the NOP was sent

Chapter 1. Introduction

1.B. Environmental Review Process

to the State Clearinghouse, governmental agencies, organizations, and persons who may have an interest in the Waterfront Plan. A NOP scoping meeting was held remotely on September 9, 2020, to explain the environmental review process for the Waterfront Plan and to provide opportunity to take public comment and concerns related to the Plan's environmental issues. A subsequent video of the NOP presentation and scoping meeting was accessible on the sfplanning.org/sfceqadocs webpage and the planning department's YouTube webpage for the duration of the NOP comment review period. The NOP announcement also was placed in a newspaper of general circulation in San Francisco.

Draft EIR

The planning department prepared the Draft EIR for the Waterfront Plan Project in accordance with CEQA, the CEQA Guidelines, and San Francisco Administrative Code chapter 31. The Draft EIR was published on February 23, 2022. An initial study was attached to the Draft EIR. The Draft EIR was circulated for a 60-day public review and comment period, starting on February 23, 2022, and ending on April 25, 2022.

The planning department distributed paper copies of the notice of public hearing and availability of the Draft EIR to relevant state and regional agencies, organizations, and persons interested in the project, including those listed on the planning department's standard distribution list and the Port's interested stakeholder list. The planning department also distributed the notice electronically, using email, to recipients who had provided email addresses; published notification of its availability in a newspaper of general circulation in San Francisco; and posted the Notice of Public Hearing and Availability of the EIR at the County Clerk's office and multiple locations on the project site. A paper copy of the Draft EIR was distributed for public review at the San Francisco Permit Center, 49 South Van Ness Avenue, 2nd Floor, San Francisco, CA 94103. Electronic copies of the Draft EIR were made available for review or download on the planning department's "Environmental Review Documents" web page:

<https://sfplanning.org/environmental-review-documents>

During the Draft EIR public review period, the planning department received written comments from three agencies, four organizations, and six individuals and received oral comments from nine commenters.

During the public review period, the planning commission conducted a public hearing to receive oral comments on the Draft EIR on March 24, 2022. Due to the COVID-19 emergency, this hearing was held in a hybrid format that included both in-person and remote attendees; comments were collected remotely by phone call and in person in Room 400 at city hall. A court reporter attended the remote public hearing to transcribe the oral comments verbatim and provide a written transcript (Attachment A).

Attachment B of this RTC document includes copies of the comment letters or emails submitted to the planning department on the Draft EIR.

Responses to Comments Document and Final EIR

The comments received during the public review period are the subject of this RTC document, which addresses all substantive written and oral comments on the Draft EIR. Under CEQA Guidelines section 15201, members of the public may comment on any aspect of the project. Furthermore, CEQA Guidelines section 15204(a) states that the focus of public review should be on "the sufficiency of the [Draft EIR] in identifying and analyzing the possible impacts on the environment and ways in which the significant effects

of the project might be avoided or mitigated.” In addition, “when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” As discussed above, CEQA Guidelines section 15088 specifies that the lead agency is required to respond to comments that raise significant environmental issues during the public review period. Therefore, this RTC document is focused on the sufficiency and adequacy of the Draft EIR with respect to disclosing the significance of the physical environmental impacts of the proposed project evaluated in the Draft EIR.

The planning department distributed this RTC document for review to the planning commission, as well as to persons who commented on the Draft EIR. The planning commission will consider the adequacy of the Final EIR, consisting of the Draft EIR and the RTC document, with respect to complying with the requirements of CEQA, the CEQA Guidelines, and San Francisco Administrative Code chapter 31. If the San Francisco Planning Commission finds that the Final EIR is adequate, accurate, complete and in compliance with CEQA requirements, it will certify the Final EIR and then consider the associated MMRP as well as the requested approvals for the proposed project.

Consistent with CEQA Guidelines section 15097, the MMRP is designed to ensure implementation of the mitigation measures identified in the Final EIR and adopted by decision makers to mitigate or avoid the proposed project’s significant environmental effects. CEQA also requires the adoption of findings prior to approval of a project for which an EIR has been certified. Because the Draft EIR identified eight significant adverse impact that cannot be mitigated to a less-than-significant level, the planning commission and Port commission must adopt findings that include a statement of overriding considerations for that significant and unavoidable impact, should they approve the proposed project (CEQA Guidelines section 15093(b)). The project sponsor is required to implement the MMRP as a condition of project approval.

1.C Document Organization

This RTC document consists of the following sections and attachments, as described below:

- **Chapter 1, Introduction**, discusses the purpose of the RTC document, the environmental review process for the EIR, and the organization of the RTC document.
- **Chapter 2, List of Persons Commenting**, presents the names of persons who provided comments on the Draft EIR during the public comment period. The list is organized into the following groups: public agencies and commissions, organizations, and individuals.
- **Chapter 3, Comments and Responses**, presents substantive comments, excerpted verbatim from a transcript of the remote planning commission public hearing and written correspondence. The complete transcript as well as the letters and emails with the comments are provided in Attachments A and B of this RTC document. The comments and responses in this section are organized by topic and, where appropriate, by subtopic, including the same environmental topics addressed in Chapter 4 of the Draft EIR and Section E of the initial study. Following each comment or group of comments on a topic are the planning department’s responses. The responses generally clarify the text in the Draft EIR. In some instances, the responses may result in revisions or additions to the Draft EIR. Text changes are shown as indented text, with deleted material shown as ~~striketrough~~ text and new text double underlined.
- **Chapter 4, Draft EIR Revisions**, presents staff-initiated text changes to the Draft EIR that were made by the planning department in response to comments on the Draft EIR or are included to update, correct, or

Chapter 1. Introduction
1.C. Document Organization

clarify the text of the Draft EIR. These changes do not result in significant new information with respect to the proposed project, including the level of significance of project impacts or any new significant impacts. Therefore, recirculation of the Draft EIR, pursuant to CEQA Guidelines section 15088.5, is not required.

- **Attachments**
 - Attachment A – Draft EIR Public Hearing Transcript
 - Attachment B – Draft EIR Comment Letters and Emails

CHAPTER 2

LIST OF PERSONS COMMENTING

2.A Public Agencies and Commissions, Organizations, and Individuals Commenting on the Draft EIR

This RTC document includes responses to all comments received on the draft EIR, including written comments submitted by letter or email, as well as oral comments presented at the public hearing that was held on March 24, 2022. This section lists all public agencies and commissions, organizations, and individuals who submitted comments on the draft EIR. As described in Chapter 1, Introduction, comments are categorized by individuals as members of the public; individuals representing a governmental agency; and individuals representing non-governmental organizations. **RTC Table 2-1** lists the commenters’ names, along with the corresponding commenter codes used in Chapter 3, Comments and Responses, to denote each set of comments received by category and date received by the planning department. All written and oral comments have been reproduced in Attachment A, Draft EIR Comment Letters. Oral comments given at the planning commission hearing are included in Attachment B, Draft EIR Hearing Transcript.

- Comments from public agencies and commissions are designated by “A-” and the agency’s name or acronym.
- Comments from organizations are designated by “O-” and the organization’s name or acronym.
- Comments from individuals are designated by “I-” and the commenter’s last name.

RTC Table 2-1 Persons Commenting on the Draft EIR

Comment Letter Code	Name and Title of Commenter	Agency/Organization	Comment Format	Comment Date
PUBLIC AGENCIES AND COMMISSIONS				
A-BCDC	Yuri Jewett, Principal Waterfront Planner	San Francisco Bay Conservation and Development Commission	Email	4/25/2022
A-Caltrans	Mark Leong, District Branch Chief	California Department of Transportation	Email	4/22/2022
A-CDFW	Craig Shuman, Marine Regional Manager	California Department of Fish and Wildlife	Email	4/18/2022
A-CPC-Diamond	Commissioner Diamond	San Francisco Planning Commission	Transcript	3/24/2022
A-CPC-Imperial	Commissioner Imperial	San Francisco Planning Commission	Transcript	3/24/2022
A-CPC-Koppel	Commissioner Koppel	San Francisco Planning Commission	Transcript	3/24/2022
A-CPC-Moore	Commissioner Moore	San Francisco Planning Commission	Transcript	3/24/2022
A-CPC-Tanner	Commissioner Tanner	San Francisco Planning Commission	Transcript	3/24/2022

Chapter 2. Project Description

2.A. Public Agencies and Commissions, Organizations, and Individuals Commenting on the Draft EIR

Comment Letter Code	Name and Title of Commenter	Agency/Organization	Comment Format	Comment Date
ORGANIZATIONS				
O-DOLPH1	Ward Bushee, President	Dolphin Swimming and Boating Club	Transcript	3/24/2022
O-DOLPH2	Ward Bushee, President	Dolphin Swimming and Boating Club	Email	4/25/2022
O-Hudson	Jane Connors, General Manager	Hudson Pacific Properties	Email	4/22/2022
O-MCAC	Ellen Johnck and Marina Secchitano, Co-chairs	Maritime Commerce Advisory Committee	Email	4/22/2022
O-SERC	Fran Hegeler, President	South End Rowing Club (SERC)	Email	4/25/2022
INDIVIDUALS				
I-Allan1	Jean Allan	—	Transcript	3/24/2022
I-Allan2	Jean Allan	—	Email	4/22/2022
I-Cincotta	Angela Cincotta	—	Email	4/7/2022
I-Hestor1	Sue Hestor	—	Transcript	3/24/2022
I-Hestor2	Sue Hestor	—	Email	3/24/2022
I-Hong1	Dennis Hong	—	Email	3/28/2022
I-Hong2	Dennis Hong	—	Email	4/25/2022
I-Huang	Erin Huang	—	Email	3/24/2022
I-Sereni	Dean Sereni	—	Email	2/24/2022
I-Wygant	Bill Wygant	—	Transcript	3/24/2022

CHAPTER 3

COMMENTS AND RESPONSES

3.A Introduction

This chapter presents the substantive comments received on the Draft EIR and initial study and responses to those comments. The comments and responses are organized by subject and are generally in the same order as presented in the Draft EIR and initial study. General comments on the EIR, including comments on the merits of the Waterfront Plan, are grouped together at the end of the chapter. The order of the comments and responses in this chapter is shown in **RTC Table 3-1**, along with the corresponding section number, prefix to the topic code, and page of this chapter on which the comments and responses start.

RTC Table 3-1 Comment Organization

Section	Topic Code	Topic Code Prefix	Page No.
3.B	Project Description	PD	3-2
3.C	Aesthetics	AE	3-6
3.D	Transportation and Circulation	TR	3-8
3.E	Noise and Vibration	NO	3-12
3.F	Air Quality	AQ	3-12
3.G	Biological Resources	BI	3-16
3.H	Recreation	RE	3-31
3.I	Geology and Soils	GE	3-32
3.J	Hydrology and Water Quality	HY	3-34
3.K	Hazards and Hazardous Materials	HZ	3-44
3.L	General Comments	GC	3-45

Within each topic, similar comments are grouped together under subheadings, designated by a topic code and sequential number. For example, the comments in Section 1.L, General Comments, coded as “GC,” are organized under subheadings GC-1 through GC-4.

Under each subheading, the applicable comments are listed by comment code, as described in Chapter 2, List of Persons Commenting. Each comment is then presented verbatim and concludes with the commenter’s name and, if applicable, title and affiliation; the comment source (i.e., public hearing transcript, letter, email); and the comment date. Following each comment or group of comments, a comprehensive response is provided to address physical environmental issues raised in the comments and clarify or augment information in the Draft EIR, as appropriate. Response numbers correspond to the topic code; for example, the response to Comment PD-1 is presented under Response PD-1. The responses may clarify the Draft EIR text or revise or

add text to the Final EIR. New or revised text, including text changes initiated by planning department staff, is double underlined; deleted material is shown in ~~strikethrough~~ (also see Chapter 4, Draft EIR Revisions).

3.B Project Description [PD]

The comments and corresponding responses in this section cover the subjects included in Draft EIR Chapter 2, Project Description. The comment topics relate to:

- PD-1: Seawall Lot Development
- PD-2: Waterfront Plan Area

3.B.1 Comment PD-1: Seawall Lot Development

This response addresses the following comment, which is quoted below:

I-Sereni-1

“Hi! As a resident in the Barbary Coast, I would like to know that these 3 remaining undeveloped parcels have the 4 story maximum height limit (if anything is developed) hopefully the city will leave the Tennis / Swim club, beautify the parking lot and create outdoor parks along the embarcadero in the remaining locations:

There are only three remaining undeveloped seawall lots in the Northeast Waterfront: SWL 314 at the foot of Telegraph Hill, SWL 321 within the Barbary Coast, and SWL 351 adjacent to Golden Gateway” (Dean Sereni, Email, 2/24/2022)

RESPONSE PD-1

The commenter seeks assurance of a four-story maximum height limit on Seawall Lots 314, 321, and 351, which the commenter accurately notes are the three remaining undeveloped seawall lots in the Northeast Waterfront subarea. The commenter also expresses hope that the tennis and swim club (located immediately west and northwest of Seawall Lot 351) will remain, and the parking lot will be beautified (presumably the commenter is referring to the parking lot that currently occupies Seawall Lot 351). Finally, the commenter expresses hope that outdoor parks will be developed along The Embarcadero in the remaining locations (presumably Seawall Lots 314 and 321).

With regard to height limits on Seawall Lots 314, 321, and 351, Figure 2-8 on Draft EIR p. 2-14 shows the height and bulk districts in the Northeastern Waterfront subarea. As discussed on Draft EIR p. 2-12, the majority of the area between North Point Street and Broadway (which includes Seawall Lots 314 and 321) is located in a 40X district, which limits new buildings to a maximum height of 40 feet. Between Broadway and Mission Street in the Ferry Building area (which includes Seawall Lot 351), the maximum building height limit is generally 84 feet. As stated on Draft EIR p. 2-24, no changes to the underlying zoning or height and bulk districts are proposed as part of the Waterfront Plan.

With regard to future development on Seawall Lots 314, 321, and 351, as discussed on Draft EIR pp. 2-36 to 2-37, the Waterfront Plan goals and policies would guide the location, types of land use, and property improvements the Port will seek through new leases and developments, rehabilitation of existing piers, waterfront and open space improvements along the shoreline, enhancement of recreational uses in the bay, improvements to existing maritime uses, and development of a resilience program for Port facilities. Since the Waterfront Plan is a policy document, its approval would not directly result in physical changes. The analysis of physical impacts in the Draft EIR is based in part upon estimated land use assumptions and growth projections developed by the planning department in collaboration with the Port planning staff based upon leasing, development, and waterfront improvements that could occur as subsequent projects under the Waterfront Plan.

The environmental effects of these subsequent projects are analyzed at a programmatic level in the Draft EIR. As discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR. The review of subsequent projects, and the degree to which the Draft EIR addresses their impacts or requires additional CEQA environmental review, would be documented by the planning department and made available to the public by the planning department.

The Waterfront Plan project includes proposed Chapter 2I partnering and community engagement policies (particularly Policies 3–11) that include procedures and practices to inform and strengthen public review and participation in Port activities, as well as lease and new development proposal opportunities along the waterfront.

This comment does not pertain to the adequacy, accuracy, or completeness of the Draft EIR’s analysis of the project’s physical environmental impacts and thus does not require further response.

3.B.2 Comment PD-2: Waterfront Plan Area

This response addresses the following comments, which are quoted below:

A-BCDC-1, I-Hong2-1

“The Project area is located within BCDC’s permitting jurisdiction:

- Bay Jurisdiction: In the San Francisco Bay, being all areas subject to tidal action, including tidelands (land lying between mean high tide and mean low tide) and submerged lands (Government Code Section 66610(a)); and
- Shoreline Band Jurisdiction: In the shoreline band consisting of all territory located between the shoreline of the Bay, as described above, and 100 feet landward of and parallel with the shoreline (Government Code Section 66610(b)).

BCDC would like to clarify that the Project Location Map (Figure 2-1) does not fully represent the policies described in this DEIR. The policies and activities in the plan, including maritime activities, water recreation,

and water-oriented transportation for example, must occur within open water, beyond the shoreline and overwater structures. Please see comments related to Biological Resources for further detail.

BCDC confirms that the DEIR accurately cites Port’s jurisdiction articulated with Bay Plan Maps 4 and 5 that include Port Priority Use Areas at China Basin (Piers 48 and 50), Central Basin (Pier 68), and surrounding the Islais Creek Channel (Piers 80, 90, 92, 94, and 96). Bay Plan Map Policies are also correctly noted, including Policy 27, which states at Fisherman’s Wharf, “improve and expand commercial fishing support facilities. Enhance public access to and economic value of Fisherman’s Wharf area by encouraging development of a public fish market,” which is repeated in Plan Map 5 Policy 29. Plan Map 4 also includes Policy 26, regarding the San Francisco Waterfront Special Area Plan, which states “see special area plan for detailed planning guidelines for the shoreline between the east side of Hyde Street Pier and the south side of India Basin,” which is repeated in Plan Map 5 Policy 24. Finally, Plan Map 5 Policy 23 states for the Port of San Francisco, “See the Seaport Plan. Some fill may be needed.” And Bay Plan Map 4 includes “Commission Suggestion A” for a “possible scenic transit system from Ocean Beach to China Basin.”

WATERFRONT PLAN UPDATE AND CONFORMING AMENDMENTS

Section 2.F.5 of the DEIR contains a summary of proposed Special Area Plan amendments as part of the Bay Plan Amendment (BPA) application received by BCDC from the Port of San Francisco on August 11, 2017. Please clarify in the DEIR that this BPA application is pending and that the amendments listed here are proposed and still under consideration. The list of proposed SAP amendments is repeated in Section 3.B.2., State Plans and Policies. BCDC suggests removing this information from this section, since it does not reflect the current Special Area Plan required for the analysis of this DEIR.” (Yuri Jewett, Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

1. Both plans are similar in area with the exception of the new plan. It misses the Aquatic Park area. Can this be added to the Waterfront Plan? Only because we used this recreation area for both fishing off the end of the Muni Pier. Didn’t catch much on the Muni Pier and the park. (Dennis Hong, Email, 4/25/2022)

RESPONSE PD-2

The commenter states that the project area is located within BCDC’s permitting jurisdiction. The commenter states that the Draft EIR accurately cites the Port’s jurisdiction as articulated by BCDC’s San Francisco Bay Plan Maps 4 and 5, and states that Bay Plan Map policies are also correctly noted. The commenter states that the Project Location Map (Figure 2-1, Draft EIR p. 2-2) does not fully represent the policies described in the Draft EIR. The commenter states that the policies and activities in the Waterfront Plan, including maritime activities, water recreation, and water-oriented transportation for example, must occur within open water, beyond the shoreline and overwater structures. The commenter points to BCDC’s additional comments related to biological resources for further detail (see Comment and Response BI-7, p. 3-27).

The commenter also references Draft EIR Section 2.F.5, Waterfront Plan Update and Conforming Amendments, which contains a summary of proposed Special Area Plan (SAP) amendments as part of the Bay Plan Amendment (BPA) application received by BCDC from the Port of San Francisco on August 11, 2017 (Draft EIR pp. 2-38 to 2-41). The commenter requests that the Draft EIR clarify that this BPA application is pending and

that the proposed SAP amendments are still under consideration. The commenter also suggests that the list of proposed SAP amendments repeated in Draft EIR Section 3.B.2, State Plans and Policies, pp. 3-6 to 3-7, should be removed since the commenter states that it does not reflect the current SAP required for the analysis of the Draft EIR.

With regard to the comment that the Project Location Map (Draft EIR Figure 2-1, p. 2-2) does not fully represent the policies and activities described in the Draft EIR, including activities that must occur within open water, beyond the shoreline and overwater structures, Figure 2-1 depicts the locations of properties owned and managed by the Port that comprise the Waterfront Plan area. The figure provides a visual overview of the Waterfront Plan area and is not intended to depict the extent of physical activities related to the Plan and its policies. Physical effects associated with implementation of the Waterfront Plan are addressed and graphically depicted where appropriate in the chapters and technical sections of the Draft EIR. For example, the biological resources analysis in the Draft EIR and the hydrology and water quality analysis in the initial study address impacts to marine species in the bay, as well as water quality impacts affecting the bay from possible future pier and shoreline construction. The comment does not raise specific issues concerning the adequacy, accuracy, or completeness of the Draft EIR's analysis of the Waterfront Plan's physical environmental impacts and, thus, does not require further response.

With regard to the requested revision to the Draft EIR to clarify that the BPA application is pending and the proposed SAP amendments are still under consideration, the following text change has been made to Draft EIR p. 2-38:

BCDC WATERFRONT SPECIAL AREA PLAN

BCDC's planning policies and regulatory framework are set forth in the San Francisco Bay Plan, which applies to the entire Bay region, and the San Francisco Waterfront Special Area Plan (SAP), which specifically addresses the San Francisco waterfront, including all Port properties over or within 100 feet of the shoreline of San Francisco Bay. The Port has filed a BCDC application to amend the SAP to align Port and BCDC policies. As of the publication of this Draft EIR, the Bay Plan Amendment application is pending, and the proposed SAP amendments are still under consideration. Key SAP amendments would include the following:

With regard to the commenter's suggestion to remove the list of proposed SAP amendments that is repeated in Section 3.B.2, State Plans and Policies (Draft EIR pp. 3-6 to 3-7) because it does not reflect the current SAP required for the analysis of the Draft EIR, as discussed on Draft EIR p. 3-7, the environmental effects of the Waterfront Plan and proposed SAP amendments are addressed in the Draft EIR for the purposes of meeting CEQA requirements. Rather than removing the list of proposed SAP amendments, which are part of the project description and are therefore required to be analyzed in the EIR, the following text change has been made to Draft EIR p. 3-6, consistent with the related text change above that has been made to Draft EIR p. 2-38 to clarify that the BPA application is pending and the proposed SAP amendments are still under consideration:

The Waterfront Plan would require amendments to the SAP to incorporate revisions to maintain consistent BCDC and Port policies for the Port waterfront. BCDC approval is required to amend the SAP; additional BCDC permit approval would be required for any subsequent projects that could occur under the Waterfront Plan located within the bay or within the 100-foot shoreline band. The Port has filed a BCDC application to amend the SAP to align Port and BCDC policies. As of the publication of this Draft EIR, the Bay Plan Amendment application is pending, and the proposed SAP amendments are still under consideration. Key proposed SAP amendments would include the following:

The above changes do not result in significant new information with respect to the Waterfront Plan, including the level of significance of impacts before or after mitigation or any new significant impacts.

With regard to the comment that inquires whether Aquatic Park can be added to the Waterfront Plan, as discussed on Draft EIR p. 2-1, the Waterfront Plan sets goals and policies to guide the use, management, and improvement of properties owned and managed by the Port. Aquatic Park west of the Hyde Street Pier is managed by the San Francisco Maritime National Historical Park under the National Park Service. Docks leased to the Dolphin Club and South End Rowing Club are owned and managed by the San Francisco Recreation and Parks Department. The Port owns a small portion of the swim club docks, as shown in the Draft EIR on Figure 2-3, p. 2-8, in Chapter 2, Project Description. The comment does not raise specific issues concerning the adequacy, accuracy, or completeness of the Draft EIR's analysis of the Waterfront Plan's physical environmental impacts and thus does not require further response.

3.C Aesthetics [AE]

The comments and corresponding responses in this section cover the subjects included in Draft EIR Section 4.A, Aesthetics. The comment topics relate to:

- AE-1: Design Review Process

3.C.1 Comment AE-1: Design Review Process

This response addresses the following comment, which is quoted below:

A-BCDC-8

“Impact AE-1: The Waterfront Plan would not have a substantial adverse effect on a scenic vista, damage scenic resources, degrade the existing visual character or quality of public views of the site or its surroundings, or conflict with applicable zoning and other regulations governing scenic quality.

The analysis of Impact AE-1 generally aligns with Bay Plan policies for Appearance, Design, and Scenic Views, as well as relevant Special Area Plan general policies and geographic vicinities policies as it applies to the subareas identified in the Waterfront Plan.

However, while the analysis states that the Waterfront Plan amendments would not require any changes to the height and bulk district for Port property, the proposed Project would amend the planning code by adding section 240.4 to create Waterfront SUD 4. The SUD would apply to Port piers and seawall lots in the Mission Bay and Southern Waterfront subareas that are not included in the Mission Rock, Pier 70, or Potrero Power Station SUDs. Furthermore, the DEIR states the planning code amendment would require waterfront design review process and procedures for future development on Port-owned properties in the Mission Bay and Southern Waterfront subareas.

BCDC would like to clarify that Implementation Requirement 3 in the Special Area Plan states:

“Joint Design Review Process. To achieve a high level of design quality in waterfront development, ensure consistency in agency comments and requirements for the design of

proposed waterfront projects, and to simplify and streamline the project review process, the Port and BCDC will establish a joint design review process for projects proposed within the area of the Special Area Plan. This joint design review process will entail joint meetings of BCDC's Design Review Board and the Port and City's Waterfront Design Advisory Committee. These two design groups will consider the design issues that are pertinent to the authority of each of the agencies, and advise BCDC, the Port and the City on design matters pertinent to each of the agencies' authority."

Please note a formal joint design review process between the two agencies per this requirement has yet to be fulfilled. BCDC agrees with the approach that the newly created SUD resulting from the Waterfront Plan should require a waterfront design review process and the inclusion of the BCDC Design Review Board and staff in the development of this process would be critical to implementing the physical and visual transformation for subsequent projects within BCDC jurisdiction." (Yuri Jewett, Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

RESPONSE AE-1

The commenter conveys BCDC's finding that the analysis under Impact AE-1 in Draft EIR Section 4.A, Aesthetics, beginning on Draft EIR p. 4.A-18, generally aligns with Bay Plan policies for Appearance, Design, and Scenic Views, as well as relevant Special Area Plan general policies and geographic vicinities policies as they apply to the subareas identified in the Waterfront Plan. The commenter provides the full text of Implementation Requirement 3, Joint Design Review Process, which is included in the geographic-specific policies for the Northeastern Waterfront in the Special Area Plan. The commenter notes that a formal joint design review process between the Port and BCDC pursuant to this requirement has yet to be fulfilled.

In addition, the commenter accurately references the Draft EIR description of the Waterfront Plan's proposed amendments to the planning code and zoning map for the creation of Waterfront Special Use District (SUD) 4, which would require a waterfront design review process and procedures for future development on Port piers and seawall lots in the Mission Bay and Southern Waterfront subareas that are not included in the Mission Rock, Pier 70, or Potrero Power Station SUDs. The commenter conveys BCDC's support for the SUD 4 waterfront design review process and includes an accompanying statement that inclusion of the BCDC Design Review Board and staff in the development of the design review process would be critical to implementing the physical and visual transformation for subsequent projects within BCDC jurisdiction.

With regard to BCDC's comment that a formal joint design review process between the Port and BCDC pursuant to Plan Implementation Requirement 3 has yet to be fulfilled and that inclusion of the BCDC Design Review Board and staff in the development of the design review process would be critical to implementing the physical and visual transformation for subsequent projects within BCDC jurisdiction, the comment is acknowledged and will be provided to City decision makers for consideration in their deliberations on the Waterfront Plan. The comment does not raise specific issues concerning the adequacy, accuracy, or completeness of the Draft EIR's analysis of the Waterfront Plan's physical environmental impacts and thus does not require further response.

3.D Transportation and Circulation [TR]

The comments and corresponding responses in this section cover the subjects included in Draft EIR Section 4.C, Transportation and Circulation. The comment topics relate to:

- TR-1: Modes of Transportation
- TR-2: Transit, Parking, and Traffic Studies
- TR-3: ADA Access and Signage

3.D.1 Comment TR-1: Modes of Transportation

This response addresses the following comments, which are quoted below:

O-Hudson-1, O-Hudson-3

-
- “We think overall the growth and diversity of modes of transportation is good but that the proliferation of new modes – scooters, skateboards, e-skateboards, electric scooter, e-bikes, e-unicycle, etc., - with different speed and capacities bears a new look at how all of these can and should share the Embarcadero, where physical intervention is needed, and how they can all work well safely.” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-
- “Port to require geofencing limits on all rentable motorized vehicles so they are forced/required to stay in bike lane by Ferry Building.” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-

RESPONSE TR-1

The comments request consideration of how new modes of transportation (scooters, skateboards, e-skateboards, electric scooters, e-bikes, e-unicycles, etc.) can safely share The Embarcadero. The comments also ask the Port to require geofencing limits on all rentable motorized vehicles.

The Port of San Francisco works with the San Francisco Municipal Transportation Agency (SFMTA) on accommodating the different modes of transportation along the waterfront, including along The Embarcadero. The ongoing multiyear Embarcadero Enhancement Program, including the recently completed quick-build project between Mission Street and Broadway, seeks to improve safety, mobility, connectivity, and accessibility for all users of The Embarcadero. Information on the project development, schedule, phasing, and related reports and documents is available on the SFMTA’s website for the Embarcadero Enhancement Program at <https://www.sfmta.com/projects/embarcadero-enhancement-program>.

Geofencing is a curb management strategy that directs drivers and riders of Transportation Network Companies (TNCs) within a designated geographic area to defined pick-up and drop-off locations. The SFMTA works with TNC companies to establish geofencing at locations where pick-up and drop-off activities create potentially hazardous conditions, and to identify appropriate passenger loading zones. Geofencing as a

strategy for passenger loading and unloading activities would not force or require rentable motorized vehicles to stay in the bicycle lanes by the Ferry Building.

However, the SFMTA, which regulates motorized scooters and bicycles, is working with the three permitted scooter operators to eliminate powered scooter riding on the promenade. SFMTA is requiring that the operators of motorized scooters and bicycles equip such vehicles with sidewalk detection technology that can detect and slow down riders on sidewalks. Recent tests have been conducted on The Embarcadero near the Ferry Building (see <https://www.sfmta.com/blog/scooter-sidewalk-riding-detection-technology-demonstration>), and the operators are expected to equip their entire fleets in the coming year. In addition to the sidewalk detection technology on scooters, the SFMTA is working with the Port on installing signage to make it clear that powered scooters need to ride in the bicycle lane/cycle track along The Embarcadero. SFMTA staff have been issuing administrative penalties directly to the permitted operators for any improper riding that the SFMTA investigators witness, including powered scooter riding on the promenade.¹

Waterfront Plan impacts on transportation and pedestrian safety are evaluated under Impacts TR-1 and TR-2 starting on Draft EIR p. 4.C-52; the analysis concludes that the impacts are less than significant.

3.D.2 Comment TR-2: Transit, Parking, and Traffic Studies

This response addresses the following comment, which is quoted below:

O-Hudson-2

- “Waterfront Plan must conduct and publish a transit and traffic study prior to further developments along the Embarcadero. We need a baseline reading of where the Embarcadero needs are now.
 - Developments along the waterfront will increase delivery, service, shared cars, and emergency vehicle use along the waterfront. Port should consider all long-term vehicular needs of a burgeoning waterfront and impacts.
 - Parking in the Ferry Building area remains extremely constrained; the most recent parking study cited in fn. 140 (p. 4.C-35) dates to 2013, and as far back as 2003. For informational purposes, development projects within a 0.50-mile radius of the Ferry Building should be required to conduct a parking analysis and publish findings for public review prior to approval.” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-

RESPONSE TR-2

The commenter requests that a transit and traffic study be conducted for The Embarcadero prior to further development; that the Port consider the increased delivery, service, shared cars, and emergency vehicle use that will result from developments along the waterfront; and that development projects within a 0.50-mile radius of the Ferry Building be required to conduct a parking analysis.

¹ Email from Philip Cranna (SFMTA) to Diane Oshima (SF Port), Sherie George (SF Planning), Subject: Scooters on The Embarcadero, July 25, 2022.

The transportation impacts of implementation of the Waterfront Plan are presented in Impacts TR-1 through TR-7 (Draft EIR pp. 4.C-52 to 4.C-73) and include the environmental effects of future development within the Port's jurisdiction along the waterfront. As described on Draft EIR p. 4.C-41, the baseline year for analysis of near-term impacts of implementation of the Plan is 2020 for existing plus Plan conditions. Existing 2020 conditions for vehicular traffic, walking, bicycling, public transit, emergency vehicle access, commercial vehicle loading, and parking are presented in Draft EIR Section 4.C.2, starting on p. 4.C-1. Long-term impacts of implementation of the Waterfront Plan, in combination with cumulative projects, were analyzed for year 2050 conditions and are presented in Impacts C-TR-1 through C-TR-7 (Draft EIR pp. 4.C-73 to 4.C-83).

The transportation impact analysis considered the effects of subsequent leasing, development, and improvement projects that could occur under the Waterfront Plan, including approximately 14,800 new jobs and 260 new housing units (see Draft EIR Table 4.C-6, p. 4.C-42, for the distribution of the jobs and housing units among the Waterfront Plan subareas). Draft EIR Table 4.C-10, p. 4.C-46, presents the expected changes in traffic volumes along the waterfront roadways for existing plus Plan and future cumulative conditions during the p.m. peak hour. As described in Impacts TR-2 (p. 4.C-56), TR-3 (p. 4.C-59), and TR-4 (p. 4.C-60), as the Waterfront Plan is implemented, subsequent projects that could occur under the Plan would not create potentially hazardous conditions for people walking, bicycling, or driving or for public transit operations; would not interfere with accessibility of people walking or bicycling to and from the project area and adjoining areas, or result in inadequate emergency access; and would not substantially delay public transit.

Subsequent projects that are developed would be required to accommodate commercial vehicle and passenger loading activities onsite and/or on street. Changes to the roadway network such as new or relocated driveways, new or reconstructed sidewalks, and various color curb changes on streets adjacent to the subsequent project sites could be implemented to accommodate on-street commercial vehicle and passenger loading activities. As described under Impact TR-2 (Draft EIR p. 4.C-56), based on precedent of such review and design and operational changes for past projects on Port property, it is likely that subsequent projects within the Plan area would undergo review by City agencies, such as the City's Street Design Advisory Team (SDAT). The ground-floor/street-level design and operations of subsequent projects would be reviewed to determine if onsite and on-street loading operations and vehicle access to the sites are adequately accommodated.

As presented in Draft EIR Chapter 2, Project Description, p. 2-31, the Waterfront Plan includes new policies that would support enhancing the transportation network and safety for all ways of travel within the Plan area. These policies involve the Port working with City agencies responsible for the design, construction, operation, and maintenance of the transportation network as subsequent projects are developed under the Waterfront Plan.

As described in Draft EIR Section 1.C, Environmental Review of Subsequent Projects, p. 1-10, subsequent projects would be subject to further environmental review, as applicable, at the time they are proposed to determine if subsequent project-specific impacts are covered in the Waterfront Plan EIR and whether potential project-specific impacts require additional analysis. Parking impacts of implementation of the Waterfront Plan are presented in Impact TR-7, Draft EIR p. 4.C-73. As discussed, much of the Plan area is within the planning department's map-based screening area; therefore, subsequent projects under the Waterfront Plan would not result in substantial vehicular parking deficits. Thus, most subsequent projects, including those in the vicinity of the Ferry Building, would not be required to conduct parking analyses as part of their CEQA review. The request for parking studies as part of future development within a half mile of the Ferry Building for informational purposes is acknowledged and may be considered by decision makers before they render a final decision to approve, modify, or disapprove individual projects.

3.D.3 Comment TR-3: ADA Access and Signage

This response addresses the following comments, which are quoted below:

A-Caltrans-2, O-Hudson-7

“If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans’ equity mission to provide a safe, sustainable, and equitable transportation network for all users.” (Mark Leong, District Branch Chief, Local Development Review, California Department of Transportation, Email, 4/22/2022)

- “The current bike lane placement impact curbsides ADA access - before further development of plan please study ADA needs for waterfront visitors.
 - Make sure all signage for projects and wayfinding are multilingual (Chinese, Spanish, English, etc.)” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-

RESPONSE TR-3

One comment states that any Caltrans facilities affected by the project must meet Americans with Disabilities Act (ADA) standards, and requests that subsequent projects that could occur under the Waterfront Plan maintain bicycle and pedestrian access during construction. Another comment requests that a study of ADA needs for waterfront visitors be conducted, and that all signage for projects be multilingual.

There are no Caltrans facilities within the Waterfront Plan area. The closest facilities are U.S. 101 on Van Ness Avenue and Lombard Street in the Fisherman’s Wharf subarea vicinity, the freeway ramps to I-80/Bay Bridge at Harrison and Bryant streets between First and Fremont streets in the South Beach subarea vicinity, and the I-280 ramps on King Street at Sixth Street in the Mission Bay subarea vicinity. In the Southern Waterfront subarea vicinity, there are freeway ramps serving I-280 at Mariposa Street, at 18th Street, at Pennsylvania Avenue/25th Street, at Indiana Street/25th Street, and at Pennsylvania Street/Cesar Chavez Street. Nonetheless, as described on Draft EIR p. 4.C-37, the San Francisco Regulations for Working in San Francisco Streets (also known as the “blue book”) establishes rules and guidance for construction activities affecting City streets so that work can be done safely and with the least possible interference with people walking and bicycling, transit, and vehicular traffic. The manual also contains relevant general information, contact information, and procedures related to working in the public right-of-way when it is controlled by agencies other than SFMTA, such as Caltrans or the federal government (such as in the Presidio).

Transportation infrastructure and development projects that could occur under the Waterfront Plan and affect the street network would be required to conform with the Better Streets Plan. As described on Draft EIR p. 4.C-38, the Better Streets Plan is a unified set of standards, guidelines, and implementation strategies to govern how San Francisco designs, builds, and maintains its pedestrian environment, including conformance with ADA standards. For transportation infrastructure projects located within Port jurisdiction, the Port, public works, and SFMTA coordinate on design elements. For development projects located within Port jurisdiction,

the Port and the planning department coordinate on project design elements that affect the public right-of-way, as needed.

Street signs related to traffic control, warning, and guidance must conform to the California Manual of Uniform Traffic Control Devices and the San Francisco Transportation Code that are applicable at the time of construction and are not a CEQA issue. Signage on San Francisco streets, including those under the Port’s jurisdiction, is reviewed and approved by SFMTA. For development projects, signs must conform to the provisions set forth in article 6 and other applicable sections of the planning code. The request that signage for projects and wayfinding be multilingual is acknowledged and may be considered by decision makers before they render a final decision to approve, modify, or disapprove individual projects. No further response is required.

3.E Noise and Vibration [NO]

The comments and corresponding responses in this section cover the subjects included in Draft EIR Section 4.D, Noise and Vibration. The comment topics relate to:

- NO-1: Future Work near the Ferry Building

3.E.1 Comment NO-1: Future Work near the Ferry Building

This response addresses the following comment, which is quoted below:

O-Hudson-4

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- “Projects within 700 ft of the Ferry Building will not have work occur on Saturdays during Farmer’s Market hours.
 - Projects within 700 ft of the Ferry Building to minimize project noise disruptions to tenants and the public.
 - Projects within 700 ft of the Ferry Building to hire structural engineer at their expense to take initial and subsequent surveys of Ferry Building structure to ensure it remains undamaged by the project.
 - Projects within 700 ft of the Ferry Building to hire a structural or geotechnical engineer to review plans, as they relate to the Ferry Building, or monitoring information.
 - When a certain level of noise is unavoidable because of the nature of the work or equipment involved, and such noise is objectionable to the occupants of adjacent Ferry Building premises, decide with the jurisdictional authorities to perform such work or operate such equipment at the most appropriate time periods of the day.” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-

RESPONSE NO-1

The commenter requests that, for projects within 700 feet of the Ferry Building, the project sponsor not engage in construction activities on Saturdays during farmer’s market hours, minimize noise disruptions to tenants and the public, hire a structural engineer to conduct surveys to ensure the Ferry Building remains undamaged, hire a structural or geotechnical engineer to review plans or monitoring information, and work with

jurisdictional authorities to determine appropriate times of day for work or equipment that will generate unavoidable and objectionable noise.

The San Francisco Police Code, which establishes restrictions on construction noise, does not prohibit construction activities on Saturdays even if commercial operations are occurring in the area. As a commercial land use, the Ferry Building (and its associated farmer's market) is not considered to be a noise-sensitive land use as defined by California's General Plan Guidelines, and as discussed under Section 4.D, Noise and Vibration, p. 4.D-8.² Therefore, for subsequent projects under the Waterfront Plan, there is no city code-specific mechanism for specifically preventing construction activities from occurring on Saturdays.

Construction noise impacts are analyzed under Impact NO-1 on Draft EIR pp. 4.D-20 to 4.D-27. A potentially significant noise impact was identified with regard to a substantial temporary or periodic increase in ambient noise levels on sites occupied by noise-sensitive receptors (residences, hospitals, convalescent homes, schools, churches, hotels and motels, and sensitive wildlife habitat) due to construction activities associated with subsequent projects that could occur with implementation of the Waterfront Plan. Consequently, Mitigation Measure M-NO-1, Construction Noise Control, Draft EIR p.4.D-26, was identified to reduce construction-related noise impacts on sensitive receptors to a less-than-significant level. However, commercial land use tenants and users of the Ferry Building are not considered noise-sensitive receptors. As such, subsequent projects that could occur near the Ferry Building (within 700 feet) would not be required to implement Mitigation Measure M-NO-1, Construction Noise Control. Furthermore, it is not anticipated that subsequent projects consisting of construction of new buildings would occur within 700 feet of the Ferry Building.

Construction-related vibration impacts on buildings adjacent to a subsequent project site (or within 700 feet) are addressed under Impact NO-2 on Draft EIR pp.4.D-28 to 4.D-30, and a potentially significant impact was identified. Consequently, Mitigation Measure M-NO-2a, Protection of Adjacent Buildings/Structures and Vibration Monitoring during Construction, Draft EIR p.4.D-30, was identified to reduce construction-related vibration impacts. This mitigation measure would apply to subsequent projects that could occur under the Waterfront Plan and are determined to result in building damage from the use of vibration-generating equipment during construction. Specifically, this mitigation measure requires the project sponsor to submit a project-specific Pre-construction Survey and Vibration Management and Monitoring Plan for review and approval by the planning department. This measure requires pre-construction surveys, periodic vibration monitoring by a structural engineer and/or historic preservation professional, and if warranted, building repair.

In addition, because the Ferry Building is a historic resource, construction activities for subsequent projects that could occur adjacent to the Ferry Building would be subject to Mitigation Measure M-CR-1b, Best Practices and Construction Monitoring Program for Historic Resources, as discussed on p. 4.B-42 of the Draft EIR in Section 4.B, Historic Resources. The mitigation measure requires the project sponsor of a subsequent project that uses heavy-duty construction equipment onsite or directly adjacent to a historic resource, such as the Ferry Building, to incorporate into contract specifications a requirement that the contractor use all feasible means to protect and avoid damage to the historic resource. This includes staging of equipment and materials to avoid direct damage to the historic resource, and maintaining a buffer zone when possible between heavy equipment and the historic resource. The mitigation measure further states that prior to the start of construction activities, the project sponsor must submit to the planning department preservation staff for

² Governor's Office of Planning and Research, *State of California 2017 General Plan Guidelines* (2017), p. 136, accessed April 16, 2021, http://www.opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf.

review and approval a list of measures to be included in contract specifications to avoid damage to historic resources. These mitigation measures would ensure that subsequent projects would not result in significant adverse construction-related impacts on adjacent structures, such as the Ferry Building. The commenter's request for the Port to work with jurisdictional authorities to operate construction equipment at the most appropriate time of day if the noise is objectionable to occupants of or adjacent to the Ferry Building is acknowledged and may be considered by decision makers before they render a final decision to approve, modify, or disapprove individual projects. No further response is required.

Regarding geotechnical considerations during building permit review, as discussed under Section E.16, Geology and Soils, in the initial study (see Appendix B of the Draft EIR), subsequent projects that could occur pursuant to the Waterfront Plan would be required to submit a site-specific geotechnical investigation for review and approval by the Port to obtain a building permit. The structural design of any subsequent projects would be developed using information obtained from the site-specific geotechnical investigation reports prepared by qualified, state-licensed engineers in accordance with chapters 16 and 18 of the San Francisco and Port of San Francisco building codes. The structural design developed for a subsequent project based on the site-specific geotechnical investigation would be required to be implemented as a condition of approval for the Port building permit. No further response is required.

3.F Air Quality [AQ]

The comments and corresponding responses in this section cover the subjects included in Draft EIR Section 4.E, Air Quality. The comment topics relate to:

- AQ-1: Air Quality Impacts from Increased Traffic

3.F.1 Comment AQ-1: Air Quality Impacts from Increased Traffic

This response addresses the following comment, which is quoted below:

I-Cincotta-1

“Both the analyses of air quality and traffic do not take into account the Port’s push for increased sales of fresh fish and crab directly from vessels². This is an ongoing endeavor by the Port which results in increased traffic and parking issues, along with – presumably – decreased air quality in the Fisherman’s Wharf area. We recognize that the analyses were undoubtedly conducted prior to the onset of the COVID-19 pandemic and so information about the effects of the Port’s efforts to promote more off-vessel sales were unavailable. Nevertheless, this is an ongoing matter and the EIR should be updated to reflect current conditions.” (Angela Cincotta, Email, 4/7/2022)

² See, for example: <https://youtu.be/IJFC7YV1L-c>

RESPONSE AQ-1

The commenter states that the Port is acting to increase sales of fish direct from boats to consumers; that this ongoing endeavor results in increased traffic and parking issues, presumably along with decreased air quality; and that the Draft EIR should be updated to reflect current conditions. The commenter cites a Port-published YouTube video to support the claim that the Port is promoting direct boat-to-consumer fish sales.

The Port is working to provide and expand opportunities for fishers to sell fish directly from their boats. This endeavor began with a pilot fish sales program in 2017 before the COVID-19 pandemic, and the Port expects it to continue.³ Therefore, direct fish sales from boats are an existing activity that is captured in the 2020 baseline condition.

The YouTube video cited by the commenter is not evidence that direct fish sales are occurring more frequently than in the past, or that the Waterfront Plan itself would result in increased direct fish sales compared to existing conditions, or that these activities would worsen transportation or air quality impacts. The commenter provides no additional evidence to support this assumption.

Fish sales from boats are allowed under the 1997 Waterfront Land Use Plan, which would not change under the Waterfront Plan analyzed in this Draft EIR. As noted above, these activities are already occurring and are part of the 2020 baseline condition. Increased direct fish sales could occur independently from the proposed updated policies in the Waterfront Plan project. Therefore, implementation of the Waterfront Plan itself would not directly or indirectly result in air quality- or transportation-related effects associated with increased fish sales from boats.

The Draft EIR evaluated the increased traffic and associated air quality impacts that could result from the Waterfront Plan's additional growth (see Draft EIR Section 4.E, Air Quality, p. 4.E-21; and Section 4.C, Transportation, pp. 4.C-32 and 4.C-42). This analysis includes new traffic and associated emissions generated by all Waterfront Plan uses and populations, including customers, visitors and tourists, employees, and residents. This analysis was conducted based on the San Francisco County Transportation Authority's San Francisco Chained Activity Modeling Process (SF-CHAMP) travel demand model. As stated in Section 4.E, implementation of the Waterfront Plan would result in additional growth that would generate vehicle trips, and the travel demand memorandum⁴ assessed roadways within the Waterfront Plan area that would be affected by this growth. The air quality analysis estimated air pollutant impacts from an increase in vehicle miles traveled (VMT) and included a health risk assessment of fine particulate matter (PM_{2.5}), and toxic air contaminants from increases in vehicle trips on roadways most affected by the Plan (Section 4.E, p. 4.E-21).

The analysis determined that impacts due to operational activities (including vehicle travel) that could result in a cumulatively considerable net increase in any criteria air pollutant would be significant and unavoidable; mitigation measures were identified to reduce this impact (see Impact AQ-4, Section 4.E, Air Quality, p. 4.E-41). However, the impact would still be significant and unavoidable, even with mitigation, because it cannot be stated with certainty that operational criteria air pollutant impacts associated with all subsequent projects that could occur under the Waterfront Plan would be reduced to less-than-significant levels. The analysis also determined that the Waterfront Plan could result in emissions of fine particulate matter (PM_{2.5}) and toxic air contaminants (TAC) that could expose sensitive receptors to substantial pollutant concentrations, and this

³ Port of San Francisco, Memorandum to Port Commission, September 8, 2017.

⁴ LCW Consulting and Advant Consulting, Waterfront Plan EIR – Estimation of Proposed Project Travel Demand (see Appendix E), January 28, 2022.

impact would be significant and unavoidable; mitigation measures also were identified to reduce this impact (Impact AQ-5, Section 4.E, Air Quality, p. 4.E-45). Again, the impact would still be significant and unavoidable, even with mitigation, because it cannot be stated with certainty that these mitigation measures would reduce exposure of sensitive receptors to less-than-significant health risk levels given that project-specific health risks are highly dependent on the specific characteristics and surroundings of subsequent projects under the Waterfront Plan, such as local terrain and meteorology, TAC emission release parameters, sensitive receptor proximity, and the specific effectiveness of the mitigation measures on a project's TAC emissions, among other factors. Consequently, the Waterfront Plan's impacts on air quality and transportation due to increased traffic were adequately analyzed in the Draft EIR and no additional analysis is needed.

In conclusion, direct fish sales from boats are an existing activity that is captured in 2020 baseline conditions. The Draft EIR also evaluates and mitigates to the maximum extent feasible all potential direct and indirect transportation and air quality impacts that could occur with implementation of the Waterfront Plan, and no further response is required.

3.G Biological Resources [BI]

The comments and corresponding responses in this section cover the subjects included in Draft EIR Section 4.F, Biological Resources. The comment topics relate to:

- BI-1: NOAA Consultation
- BI-2: Marine Species and Eelgrass Beds
- BI-3: Mitigation Measures
- BI-4: Noise Effects
- BI-5: Migratory Fish
- BI-6: Procedures
- BI-7: Framework

3.G.1 Comment BI-1: NOAA Consultation

This response addresses the following comment, which is quoted below:

I-Cincotta-2

“Although Appendix H contains information on consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act (16 U.S.C. 1531 *et seq*), there is no information on consultation with the National Oceanic and Atmospheric Administration (NOAA), which has jurisdiction over several marine species, including both fish and marine mammals, which could be affected by the Plan and subsequent actions³. At the very least, the EIR needs to include a response from NOAA about any Section 7 consultation.” (Angela Cincotta, Email, 4/7/2022)

³ See pages H1-8 through H1-10 of Appendix H of the EIR

RESPONSE BI-1

The commenter states that consultation with the National Oceanic and Atmospheric Administration (NOAA) should be conducted and presented in the Draft EIR.

Appendix H includes results of database queries with the U.S. Fish and Wildlife Service (USFWS) for species that could be present in the vicinity of subsequent projects that could occur under the Waterfront Plan and does not constitute consultation with USFWS or NOAA/National Marine Fisheries Service (NMFS). Consultation with USFWS and NOAA/NMFS would occur during the permitting phase of a subsequent project, not as part of the CEQA process. Should consultation be necessary, a Biological Assessment would be drafted to initiate consultation with USFWS and/or NOAA/NMFS.

3.G.2 Comment BI-2: Marine Species and Eelgrass Beds

This response addresses the following comments, which are quoted below:

A-BCDC-3, A-BCDC-5, A-CDFW-1, A-CDFW-2

“The study area for the biological resources analysis includes a 250-foot buffer around the Waterfront Plan area to account for indirect impacts on biological resources that could occur with implementation of the Waterfront Plan. Aquatic resources described in the Section 4.F.2 included in the 250-foot study area, but no analysis was conducted to determine if the Waterfront Plan would result in significant impacts to aquatic resources beyond activities related to pile-driving. Construction activities such as riprap placement, fill, dredging/grading below MHHW, or pier maintenance as well as changes in use of overwater structures through changes in vessel mooring, realignment of overwater structures, or increased shading due to wharf use may impact special status fish or marine mammals or their habitat. The Waterfront Plan may result in impacts from these types of activities and thus, further analysis should be conducted to determine impacts to special status fish or marine mammals or their habitat. Additionally, all current biological resources mitigation measures should be reviewed to ensure that impacts from changes in use of overwater structures and the shoreline are accounted for.” (Yuri Jewett, Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

“Impact BI-5: The Waterfront Plan would not have a substantial adverse effect the eelgrass bed sensitive natural community: Eelgrass beds have been observed along the San Francisco waterfront within the Fisherman’s Wharf Plan Subarea (e.g., near Hyde Street Pier) and the Southern Waterfront Plan Subarea. Given the forward-looking nature of this plan, presuming that there is no eelgrass habitat that may be impacted based on surveys conducted most recently in 2014 seems like insufficient evidence to support the “no impact” level of significance. The Waterfront plan includes policies that could affect fill, shading, turbidity, or dredging the Bay within potentially suitable habitat for eelgrass. BCDC recommends that a mitigation measure to survey and if needed- avoid and mitigate for eelgrass bed sensitive natural communities should be included. This may occur on the project-level, however, noting “no impact” on the Waterfront Plan level does not reflect current conditions or adequately account for potential impacts of the Plan.” (Yuri Jewett, Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

“Pacific herring:

Comment: Portions of the Project have been identified as being sensitive habitat for Pacific herring. CDFW has identified the area from Oracle Park/Mission Bay south to Islais Creek as being important spawning habitat for herring. In certain years the herring spawns in this area can account for a significant percentage of the yearly herring spawning biomass. Given the potential for a significant herring spawn in any given year, CDFW has been very cautious with in-water work occurring during the winter months and may not consider requests for work to occur in this area during the spawning season from approximately December 1 to March 15.

The types of activities that are described in the DEIR are the types of activities that could be a source of significant impacts to Pacific herring. CDFW understands that the DEIR describes in water work will occur during the approved work windows. However, some of the potential projects described within the DEIR could have year-round impacts such as water pumping, dry dock operations, and increased shoreline usage from public access improvements.

Recommendations

- CDFW recommends that all future activities considered under the Project consider potential impacts to Pacific herring during construction and also from the continued operation and/or use of individual projects.
- CDFW recommends that all future activities covered under the Project consider the construction timeline in areas from Mission Bay south to Islais Creek to assure that no work may occur in the winter months given the concern with the potentially significant impacts to spawning herring.

Back-Up Cruise Terminal and Shore Power:

Comment: Pier 50 is within the portion of the San Francisco waterfront that CDFW has identified as being sensitive habitat for Pacific herring and has state listed species, specifically the longfin smelt and chinook salmon, present during portions of the year. The Project anticipates Pier 50 requiring in-bay pile work and construction to be able to accommodate cruise ships. Activities described for preparing Pier 50, such as in-bay pile work and construction, could have significant impacts on the species mentioned above depending on the types of equipment, materials, and time of year in which in water work occurs. Additionally, there is no discussion on whether dredging would be necessary at Pier 50 to accommodate a deep draft vessel such as a cruise ship.

Recommendations

- CDFW recommends that the Port of San Francisco consult with CDFW early in the planning phase to determine whether there is potential for incidental take of state listed species may occur and to design portions of the project to avoid and or minimize take of state listed and impacts to state managed species.
 - If potential impacts to state listed species are identified, CDFW recommends the Port of San Francisco consult with CDFW on obtaining incidental take coverage via a 2081(b) Incidental Take Permit.” (Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife, Email, 4/18/2022)
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“Oyster Restoration and Habitat Creation

Comment: It is the Department’s understanding that the Project is proposing potential environmental enhancements designed to act as an artificial reef or habitat. The Department has authority for artificial reefs under a variety of roles including Statutory/Legislative Authority, Trustee and Responsible Agency Status under CEQA and the Marine Life Management Act, and an advisory role to other agencies. Fish and Game Code Section 6420-6425 established the California Artificial Reef Program (CARP) through legislation in 1985. The program was created to investigate the potential to enhance declining species through the placement of artificial reefs and is currently unfunded with no identified source of funding. However, the CARP does not consider reef placement for mitigation, dampening effects of sea level rise, improve diving opportunities, or restoration. In order to provide adequate consultation and advice to the principal permitting agencies on reef design, development, and purpose, the Department seeks to develop a comprehensive statewide scientifically based plan for overseeing the placement of artificial reefs in state waters. Without a scientifically based statewide artificial reef plan for California, the Department does not recommend any new artificial reef or artificial habitat at this time, regardless of intent.

The Department is also concerned that artificial reefs and habitat creation could attract invasive species. Any proposed artificial enhancement that will act to attract fish or invertebrates should be accompanied by a detailed monitoring plan during the planning phase, which should also be reviewed and approved by CDFW.

Recommendations

- CDFW recommends that the Final EIR include discussion on developing an invasive species monitoring plan for habitat enhancements or creation that includes monitoring measures, adaptive management measures, and protocols if invasive species are identified for all future construction covered under the Project. The discussion should also state that CDFW will be provided any invasive species monitoring plan for review prior to adoption.” (Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife, Email, 4/18/2022)

RESPONSE BI-2

The comments request further analysis to determine impacts on special-status fish or marine mammals or their habitat; express disagreement with the finding that the Waterfront Plan would not adversely affect eelgrass beds; request that the EIR include provisions for impacts on Pacific herring to be considered during construction and operation of subsequent projects; request that consultation with CDFW occur early in the planning process to consider potential for incidental take of state-listed species; and request that the Final EIR include a discussion of developing an invasive species monitoring plan for habitat enhancements or creation that includes monitoring measures, adaptive management measures, and protocols if invasive species are identified for all future construction covered under the Waterfront Plan.

As discussed on Draft EIR pp. 2-36 to 2-37, the Waterfront Plan goals and policies would guide the location, types of land use, and property improvements the Port would seek through new leases and developments, rehabilitation of existing piers, waterfront and open space improvements along the shoreline, enhancement of recreational uses in the bay, improvements to existing maritime uses, and development of a resilience program for Port facilities. Since the Waterfront Plan is a policy document, its approval would not directly result in physical changes.

The analysis of physical impacts in the Draft EIR is based in part upon estimated land use assumptions and growth projections developed by the planning department in collaboration with the Port planning staff based upon leasing, development, and waterfront improvements that could occur as subsequent projects under the Waterfront Plan. The environmental effects of these subsequent projects are analyzed at a programmatic level in the Draft EIR. As discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR. The analysis of subsequent projects would be based on existing conditions at the site and vicinity, at such time a project is proposed, and would take into account any updated information relevant to the environmental analysis of the subsequent project.

Potential impacts associated with riprap placement, fill, dredging/grading below Mean Higher High Water (MHHW), pier maintenance, changes in vessel mooring, realignment of the overwater structures, or increased shading proposed as part of a subsequent project would be reviewed at that time to determine if project construction or operation would result in any new or greater impacts on biological resources than those identified in the Draft EIR. Aside from the footprints of new or refurbished in-water facilities, which are considered in the Draft EIR, the comment does not identify any specific impacts on special-status fish, marine mammals, or their habitat beyond those discussed in the Draft EIR. Note that Section 2.F.4, Construction, on Draft EIR p. 2-37, describes anticipated construction activities that could occur with implementation of the Waterfront Plan, and these activities specifically exclude new dredging.

As discussed on Draft EIR pp. 4.F-12 to 4.F-13, based on the most recently conducted San Francisco Bay eelgrass surveys conducted in 2014, the presence of existing eelgrass beds is likely to be limited to small portions of Lash Lighter Basin and India Basin in the Southern Waterfront subarea. As discussed in the Draft EIR under Impact BI-5, no in-water work is proposed in either of these locations, and therefore no impact on eelgrass is expected to occur as a result of implementation of the Waterfront Plan. Therefore, the CDFW recommendation to adopt an eelgrass bed protection measure is not needed in the EIR. In addition, as discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR.

With regard to Pacific herring, no specific operational impacts on Pacific herring were described in the comment; however, potential construction and operational (dry dock) impacts on herring would be considered for any in-water work proposed for subsequent projects along the waterfront, including the area from Oracle Park/Mission Bay south to Islais Creek. As discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR. Mitigation Measure M-BI-3, Fish and Marine Mammal Protection during Pile Driving, limits the work window for subsequent projects covered under the Waterfront Plan to June 1 through November 30, which would avoid the herring spawning season identified by CDFW (December 1 through March 15). Because in-water work would occur outside of the Pacific herring spawning season, the recommendations in Comment A-CDFW-1 are not needed to avoid impacts on this species.

With regard to oyster restoration and habitat creation, the Waterfront Plan goals and policies would guide the location, types of land use, and property improvements the Port would seek through new leases and developments, rehabilitation of existing piers, waterfront and open space improvements along the shoreline, enhancement of recreational uses in the bay, improvements to existing maritime uses, and development of a resilience program for Port facilities. Under the Waterfront Plan, policies to protect and enhance biodiversity of the Port's natural resources through projects include "in-water structures such as oyster baskets or textured vertical surfaces." Since the Waterfront Plan is a policy document, its approval would not directly result in physical changes. As noted above, the analysis of physical impacts in the Draft EIR is based in part upon estimated land use assumptions and growth projections developed by the planning department in collaboration with the Port planning staff. The environmental effects of these subsequent projects are analyzed at a programmatic level in the Draft EIR. Also as noted above and discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR.

The Port of San Francisco would confer with CDFW early in the project planning phase and, to the extent practical, design portions of the project to avoid and minimize impacts on state-listed species. If potential impacts on state-listed species are identified and cannot be avoided or minimized, the Port of San Francisco or project sponsor would coordinate with CDFW about obtaining incidental take coverage, as recommended by CDFW.

3.G.3 Comment BI-3: Mitigation Measures

This response addresses the following comments, which are quoted below:

A-BCDC-4, A-CDFW-3

"Mitigation Measure M-BI-3: Fish and Marine Mammal Protection During Pile Driving: On page 45 of the Biological Resources section there is mention of "implementation of in-water construction best management practices." Those were not defined in the DEIR or affiliated documents. If these BMPs are sufficient to minimize direct and indirect impacts to less than significant please clarify what these BMPs are.

Mitigation Measure M-BI-6: Avoidance of Impacts on Wetlands and Waters: Please update the mitigation measure in the summary table (Page S-35) to include mention of BCDC's permitting requirements alongside CDFW, Waterboard, and USACE.

Mitigation Measures M-BI-3 and M-BI-6 also do not discuss impacts to marine species, habitat, wetlands, and waters as a result of changes in use of overwater structures and the shoreline, but rather, focuses on construction-related impacts. Impacts due to increased water-oriented use through wakes, shading, or increased turbidity could impact wetlands and waters in the Plan Area. Please revisit these mitigation measures to account for the long-term changes in use that may occur as a result of the Waterfront Plan." (Yuri Jewett, Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

“Fish and Marine Mammal Protection during Pile Driving: Mitigation Measure M- BI-3

Comment: Mitigation Measure M-BI-3 only describes the approvals and work windows put in place with the federal resource agencies. CDFW may need to exercise its regulatory authority for various portions of the Project. Under this role, CDFW would also be an approving agency for the various types of plans and protective measures for the species we would be permitting under Fish and Game Code Section 2081.

CDFW, as a coordinating agency to the San Francisco Bay Long Term Management Strategy (LTMS), was also involved with the development of the regionally specific LTMS work windows for species which received protection under these in-water work windows. CDFW is directly responsible for the management and protection of several species that received work windows under LTMS such as, Pacific herring and Dungeness crab.

Recommendations

- CDFW recommends that Mitigation Measure M-BI-3 specifically include language on coordination with CDFW for potential sound impacts to fish and the associated work windows for species that CDFW is responsible for managing and protecting.
- CDFW recommends that the inclusion of a bubble curtain be added as a best management practice for impact pile driving. In addition to the use of cushion block, a bubble curtain could provide a significant increase in sound attenuation under certain conditions.” (Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife, Email, 4/18/2022)

RESPONSE BI-3

The comments request clarification of best management practices (BMPs) related to in-water construction; an update to a mitigation measure to include mention of BCDC, CDFW, U.S. Army Corps of Engineers (USACE), and San Francisco Bay Regional Water Quality Control Board permitting requirements; and revisions to mitigation measures to address overwater structures and coordination with CDFW for potential sound impacts on fish.

With regard to BMPs related to in-water construction, the sources of the “in-water construction best management practices” are included in the prior paragraph (Draft EIR footnotes 364 and 365, p. 4.F-45), where they are first mentioned. Both footnotes refer to the Caltrans Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish, Final Report, prepared for California Department of Transportation by ICF, Jones & Stokes, and Illingworth & Rodkin Inc. (2015), available at <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/bio-tech-guidance-hydroacoustic-effects-110215-a11y.pdf>. The BMPs are incorporated into Mitigation Measure M-BI-3, Fish and Marine Mammal Protection during Pile Driving, and include measures applicable to minimizing impacts to marine mammals, such as using vibratory pile drives in place of impact hammers for the installation of support piles; using a soft start technique during impact hammer pile driving to give fish and marine mammals an opportunity to vacate the area; utilizing a sound attenuation system such as a bubble curtain if established NMFS pile driving thresholds would otherwise be exceeded; using a NMFS-approved biological monitor to conduct surveys before and during pile driving if NMFS sound level criteria are still exceeded with the use of attenuation methods to ensure that safety zone for marine mammals are maintained; and that work is halted when marine mammals enter a safety zone. The benefits of these BMPs are discussed further under Mitigation Measure M-BI-3 in the Draft EIR.

For Impact BI-6, the first bullet under Mitigation Measure M-BI-6, Avoidance of Impacts on Wetlands and Waters, in Draft EIR Table S-1, p. S-35, and in the same mitigation measure on Draft EIR p. 4.F-49, is amended as follows:

- The proposed project shall be designed to avoid, to the extent practical, work within wetlands and/or waters under the jurisdiction of USACE, regional board, BCDC, and CDFW. If applicable, permits or approvals shall be sought from the above agencies, as required. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction shall be identified and the area outside avoided.

With regard to impacts due to increased water-oriented use through wakes, shading, or increased turbidity, the Waterfront Plan is a policy document; therefore, its approval would not directly result in physical changes. As discussed on Draft EIR p. 1-10, the Draft EIR notes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR.

With regard to sound impacts on fish, as stated on Draft EIR p. 4.F-44, if the exceedance of NMFS-sound thresholds is anticipated due to proposed construction methods, a bubble curtain or another comparable agency-approved sound attenuation method would be used to reduce underwater noise levels during impact pile driving. Additionally, Mitigation Measure M-BI-3, Fish and Marine Mammal Protection during Pile Driving, p. 4.F-44, and in Table S-1, p. S-31, is amended as follows:

Mitigation Measure M-BI-3: Fish and Marine Mammal Protection during Pile Driving. If required by the National Marine Fisheries Service (NMFS), a sound attenuation monitoring plan shall be prepared to reduce impacts to fish and marine mammals. The plan shall incorporate the following best management practices subject to modification in the NMFS- and CDFW-approved plan:

3.G.4 Comment BI-4: Noise Effects

This response addresses the following comment, which is quoted below:

A-CDFW-4

“II. Editorial Comments and/or Suggestions

Table 4.F-2 Potential Effects to Fish at Varying Noise Levels

Comment: The second row for fish < 2 grams should be 183 decibels (dB) accumulated sound exposure level (SEL), not 186 dB. Additionally, the table is confusing as the 206 peak sound level is utilized for fish > 2 grams and < 2 grams. The way it is currently presented it seems that that the peak sound level is only for fish > 2 grams.

Recommendation

- CDFW recommends that table 4.F-2 make two edits 1) change the sound level in the second row from 186 dB to 183 dB for fish < 2 grams and 2) a fourth row should be added specifically for the peak sound level of

206 dB indicating that it is used for all fish regardless of size.” (Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife, Email, 4/18/2022)

RESPONSE BI-4

The comment correctly identifies an error in Draft EIR Table 4.F-2. In response to this comment, Table 4.F-2, p. 4.F-43, is amended as follows:

Table 4.F-2 Potential Effects to Fish at Varying Noise Levels

Taxa	Sound Level (dB)	Effect	Reference
FISH			
All fish > 2 grams in size	206 peak 187 (SEL)	Acute Barotraumas	Fisheries Hydroacoustic Working Group, 2008
All fish < 2grams	186 183 (SEL)	Acute Barotraumas	Fisheries Hydroacoustic Working Group, 2008
<u>All fish</u>	<u>206 peak</u>	<u>Acute Barotraumas</u>	<u>Fisheries Hydroacoustic Working Group, 2008</u>
Salmon, steelhead	150 (RMS)	Avoidance behavior	Halvorsen et al. 2012

NOTES: SEL = sound exposure level; RMS = root-mean-square pressure level

3.G.5 Comment BI-5: Migratory Fish

This response addresses the following comment, which is quoted below:

A-CDFW-5

“Impact BI-7: The Waterfront Plan could interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

Comment: Impact BI-7 has several misleading statements. Pacific herring spawning within San Francisco Bay is not consistent or predictable from year to year. The lack of spawning along the waterfront in recent years does not suggest spawning in this location has become less frequent, only that no or smaller spawns had occurred in those years. As mentioned in Comment #1, CDFW has identified a portion of the San Francisco waterfront from Mission Bay to Islais Creek as being particularly important in spawning seasons over the last decade with very large spawning events occurring there.

Additionally, longfin smelt are likely present year-round along the San Francisco waterfront. Given the proximity of San Francisco to the ocean, salinity likely does not play as large of a role to affect presence and is more likely the cause of seasonal migrations for spawning. CDFW agrees there are likely less longfin present in the winter as the fish are migrating to spawning habitat both north and south of San Francisco, but adult fish remain during this time and have been observed in research trawls in the deeper channels adjacent to San Francisco in the winter.

Recommendations

- CDFW recommends that the second paragraph under Marine Biological Resources on p. 4.F-50 be changed as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):
 - ‘Pacific herring are known to breed on in-water structures and utilize this habitat along the San Francisco waterfront. A lack of observed spawning in recent years suggests that ~~spawning along the waterfront has become less frequent~~ ***spawning activity varies from year to year***. Of all the special-status fish species, longfin smelt have the greatest potential to occur within the waterfront adjacent to the Plan area. However, because longfin smelt distribution within the San Francisco Bay-Delta is driven by fluctuations in salinity ***and migration to spawning habitats outside of the study area***, they are unlikely to occur in large numbers near the study area ~~outside of late summer~~ ***at certain times of the year.***’ (Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife, Email, 4/18/2022)

RESPONSE BI-5

The commenter states the Draft EIR descriptions of Pacific herring spawning activities in San Francisco Bay are not accurate. In response to this comment, the text on Draft EIR pp. 4.F-50 to 4.F-51 is amended to incorporate CDFW’s recommendations as follows:

Pacific herring are known to breed on in-water structures and utilize this habitat along the San Francisco waterfront. A lack of observed spawning in recent years suggests that ~~spawning along the waterfront has become less frequent~~ spawning activity varies from year to year. Of all the special-status fish species, longfin smelt have the greatest potential to occur within the waterfront adjacent to the Plan area. However, because longfin smelt distribution within the San Francisco Bay-Delta is driven by fluctuations in salinity and migration to spawning habitats outside of the study area, they are unlikely to occur in large numbers near the study area ~~outside of late summer~~ at certain times of the year.

The above changes do not result in significant new information with respect to the Waterfront Plan, including the level of significance of impacts before or after mitigation or any new significant impacts.

3.G.6 Comment BI-6: Procedures

This response addresses the following comment, which is quoted below:

A-CDFW-6

“ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd.(e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)” (Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife, Email, 4/18/2022)

RESPONSE BI-6

The commenter notes that CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into the California Natural Diversity Database (CNDDDB) and requests that any special-status species and natural communities detected during project surveys be reported to CNDDDB. The commenter also states that the Waterfront Plan would have an impact on fish and/or wildlife and therefore filing fees are necessary.

Since the Waterfront Plan is a policy document, its approval would not directly result in physical changes. However, the following text (shown as double-underlined text) is added to Mitigation Measure M-BI-1, Worker Environmental Awareness Program Training, pp. S-25 and 4.F-36:

Mitigation Measure M-BI-1a: Worker Environmental Awareness Program Training and Special-Status Species and Natural Communities Reporting. Project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist and attended by all project personnel performing demolition or ground-disturbing work where buildings, bridges, landscaping/street trees, natural vegetation or shoreline habitats are present prior to the start of work. The WEAP training shall generally include, but not be limited to, education about the following:

- Applicable state and federal laws, environmental regulations, project permit conditions, and penalties for non-compliance.
- Special-status plant and animal species with the potential to be encountered on or in the vicinity of the project area during construction.
- Avoidance measures and a protocol for encountering special-status species including a communication chain.
- Preconstruction surveys and biological monitoring requirements associated with each phase of work and at specific locations within the project area (e.g., shoreline work) as biological resources and protection measures will vary depending on where work is occurring within the site, time of year, and construction activity.

- Known sensitive resource areas in the project vicinity that are to be avoided and/or protected as well as approved project work areas, access roads, and staging areas.
- Any special-status species and sensitive natural communities detected during surveys or monitoring or subsequent projects will be reported to the California Department of Fish and Wildlife California Natural Diversity Database using the field survey forms found at <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>.

The above changes do not result in significant new information with respect to the Waterfront Plan, including the level of significance of impacts before or after mitigation or any new significant impacts.

Regarding comments pertaining to CDFW filing fees, for subsequent projects that could occur pursuant to the Waterfront Plan, the Port and the planning department understand that filing fees are due to CDFW per the filing fee schedule on CDFW's website.⁵

3.G.7 Comment BI-7: Framework

This response addresses the following comment, which is quoted below:

A-BCDC-2

“In addition to the Project Location Map mentioned in the general comment above, the Habitat Map (Figure 4.F-1 of the Biological Resources section) does not appear to represent the full area described in the Plan's policies. Only terrestrial and overwater structures are shown, however, policies and activities in the Waterfront Plan, including topics related to enhancing the San Francisco Bay Water Trail, as well as ferry and water taxi service for example, would need to occur within open water – beyond the shoreline and overwater structures. Please revise the plan area and habitat map to better define the bayward extent of the Waterfront Plan and to account for biological resources that are within tidal marsh, tidal flat, and open water habitat where the Waterfront Plan will apply.

The “Critical Habitat” section on page 25 states: “A review of GIS-based habitat data for USFWS Critical Habitat for Threatened and Endangered Species shows that the Plan area is not located within designated critical habitat for any listed species.” A review of this dataset shows that the federally threatened green sturgeon (*Acipenser medirostris*) has designated critical habitat up to the elevation of mean higher high water (<https://www.fisheries.noaa.gov/inport/item/65369>). This includes areas below and adjacent to overwater structures within the Waterfront Plan area. Please revise this statement.

The DEIR Chapter 4.F.3 Regulatory Framework mentions the Bay Plan under “Local Regulations.” This section refers to the applicable policies related to Bay filling, but does not mention Bay Plan Policies related to biological resources. BCDC recommends adding reference to Bay Plan Findings and Policies concerning Fish, Other Aquatic Organisms and Wildlife in the Bay (Bay Plan Policies Part III) and indicating consideration of these policies throughout the DEIR's impact analysis of the Waterfront Plan, such as Impact BI-8: Waterfront Plan would not conflict with any local policies or ordinances protecting biological resources.” (Yuri Jewett,

⁵ <https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees#56227991-annual-adjustments>.

Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

RESPONSE BI-7

The commenter requests revisions to the habitat map to better define the bayward extent of the Waterfront Plan area and to account for biological resources that are within tidal marsh, tidal flat, and open water habitat. The commenter also requests revisions to the description of the habitat for threatened green sturgeon (*Acipenser medirostris*) and added discussion of BCDC's Bay Plan Findings and Policies concerning Fish, Other Aquatic Organisms, and Wildlife in the Bay in Draft EIR Section 4.F.3, Regulatory Framework, and in the analysis.

With regard to the comment that the Waterfront Plan area shown in Figure 4.F-1, Habitat Map – Fisherman's Wharf Subarea, on Draft EIR p. 4.F-3, does not fully represent the Waterfront Plan policies and activities, including activities that must occur within open water beyond the shoreline and overwater structures, Figure 4.F-1 depicts the locations of properties owned and managed by the Port that comprise the Waterfront Plan area. The figure provides a visual overview of the Waterfront Plan area and is not intended to depict the physical extent of activities related to the Plan and its policies. Physical effects associated with implementation of the Waterfront Plan are addressed and graphically depicted where appropriate in the chapters and technical sections of the Draft EIR. The comment does not raise specific issues concerning the adequacy or accuracy of the Draft EIR, and no further response to this comment is required pursuant to CEQA Guidelines section 15088.

With regard to green sturgeon, as noted on Draft EIR p. 4.F-25, "Critical habitat for green sturgeon and Central California coast steelhead is designated for the whole of San Francisco Bay and includes the waters adjacent to the Plan area." This designation informs the subsequent analysis as it relates to potential impacts on special-status aquatic species. The text in question is related to USFWS-covered species, for which no critical habitat occurs within the Plan area.

With regard to BCDC's Bay Plan Findings and Policies concerning Fish, Other Aquatic Organisms and Wildlife in the bay, the following text is added under Section 4.F.3, Regulatory Framework, San Francisco Bay Plan, on Draft EIR p. 4.F-33:

Fish, Other Aquatic Organisms and Wildlife Policies

1. To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.
2. Native species, including candidate, threatened, and endangered species; species that the California Department of Fish and Wildlife, the National Marine Fisheries Service, and/or the U.S. Fish and Wildlife Service have listed under the California or Federal Endangered Species Act; and any species that provides substantial public benefits, as well as specific habitats that are needed to conserve, increase, or prevent the extinction of these species, should be protected, whether in the Bay or behind dikes. Protection of fish, other aquatic organisms, and wildlife and their habitats may entail placement of fill to enhance the Bay's ecological function in the near-term and to ensure that they persist into the future with sea-level rise.

3. In reviewing or approving habitat restoration projects or programs the Commission should be guided by the best available science, including regional goals, and should, where appropriate, provide for a diversity of habitats for associated native aquatic and terrestrial plant and animal species.
4. The Commission should:
 - a. Consult with the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species;
 - b. Not authorize projects that would result in the "taking" of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal Endangered Species Acts, or the federal Marine Mammal Protection Act, or species that are candidates for listing under these acts, unless the project applicant has obtained the appropriate "take" authorization from the U.S. Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Wildlife; and
 - c. Give appropriate consideration to the recommendations of the California Department of Fish and Wildlife, the National Marine Fisheries Service or the U.S. Fish and Wildlife Service in order to avoid possible adverse effects of a proposed project on fish, other aquatic organisms and wildlife habitat.
5. The Commission may permit fill or a minimum amount of dredging in wildlife refuges necessary to enhance or restore fish, other aquatic organisms and wildlife habitat, or to provide appropriately located public facilities for wildlife observation, interpretation and education
6. Allowable fill for habitat projects in the Bay should (a) minimize near term adverse impacts to and loss of existing Bay habitat and native species; (b) provide substantial net benefits for Bay habitats and native species; and (c) be scaled appropriately for the project and necessary sea level rise adaptation measures in accordance with the best available science. The timing, frequency, and volume of fill should be determined in accordance with these criteria.
7. Sediment placement for habitat adaptation should be prioritized in (1) subsided diked baylands, tidal marshes, and tidal flats, as these areas are particularly vulnerable to loss and degradation due to sea level rise and lack of necessary sediment supply, and/or in (2) intertidal and shallow subtidal areas to support tidal marsh, tidal flat, and eelgrass bed adaptation. In some cases, sediment placement for a habitat project in deep subtidal areas may be authorized if substantial ecological benefits will be provided and the project aligns with current regional sediment availability and needs.

In addition, the following edits are made to the Impact BI-8 discussion on Draft EIR p. 4.F-51:

The Waterfront Plan establishes 9 goals – each supported by specific policies - for subsequent projects that could occur under the Waterfront Plan along the 7.5-mile waterfront and upland properties managed by the Port. Some of the goals include maintaining and enhancing the historic function and character of the waterfront, providing a diverse range of activities to engage residents, providing a safe and accessible waterfront for all users, and ensuring the Port remains financially viable through collaborative partnerships; however, one of the goals, “An Environmentally Sustainable Port,” relates to the biological resources within the Plan area. This goal aims to “improve the ecology of the bay and

its environs” and meet “the highest standards for environmental sustainability, stewardship, and justice.”

Specific policies that benefit biological resources include greenhouse gas emissions, water quality and conservation, and biodiversity. The vast majority of sensitive terrestrial resources in the study area are located in the Southern Waterfront subarea (Crane Cove Park to India Basin). Within this subarea, the Waterfront Plan aims to improve and enhance open space and public access areas that do not compromise sensitive environmental habitat areas, as well as to protect wildlife habitat and shoreline areas. Subsequent projects that could occur under the Waterfront Plan would conform to the goals and policies in the Waterfront Plan, which would benefit biological resources.

The Waterfront Plan is consistent with the San Francisco Bay Plan’s Findings and Policies concerning Fish, Other Aquatic Organisms and Wildlife in the bay. Mitigation Measures M-BI-1a, Worker Environmental Awareness Program Training; M-BI-1b, Special-Status Plant Species Surveys; M-BI-2a, Nesting Bird Protection Measures; M-BI-2b, Avoidance and Minimization Measures for Bats; and M-BI-3, Fish and Marine Mammal Protection during Pile Driving, would avoid and minimize impacts on special-status species by requiring worker environmental awareness training; conducting a rare plant survey and avoiding special-status species where feasible and, if avoidance is not feasible, implementing salvage and relocation of the plants; and limiting construction to the non-nesting bird season when feasible or, if avoiding the bird nesting season is not feasible, conducting pre-construction surveys for nesting birds and establishing no-disturbance buffers around any active nests to ensure they are not disturbed by construction and repeating the pre-construction surveys when work resumes after being suspended for seven days. These mitigation measures also require pre-construction surveys to identify active bat roosts, establishing protective buffers until roosts are no longer in use, and limiting the removal of trees or structures with potential bat roosting habitat to the time of year when bats are active to avoid disturbing bats during the maternity roosting season or months of winter torpor. With regard to in-bay water work, these mitigation measures require implementing in-water construction best management practices; conducting pile driving only during the seasonal work window (June 1–November 30); to the extent feasible, using vibratory pile drivers in accordance with the USACE’s “Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California”; implementing a soft start technique; and, during the use of an impact hammer, not exceeding NMFS pile driving noise thresholds or, if exceeding those thresholds, installing a noise attenuation method (e.g., bubble curtain). In addition to the Draft EIR mitigation measures, subsequent projects would be subject to project-specific avoidance and minimization requirements as conditions of permits issued by regulatory agencies to conduct in-water or shoreline construction and improvement work.

Should a street tree, “landmark tree,” or “significant tree” be proposed for removal under a subsequent project that could occur under the Waterfront Plan, the Port would be required to comply with article 16 of the San Francisco Public Works Code. Therefore, subsequent projects that could occur with implementation of the Waterfront Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and this impact would be **less than significant**. No mitigation measures are necessary.

The above changes do not result in significant new information with respect to the Waterfront Plan, including the level of significance of impacts before or after mitigation or any new significant impacts.

3.H Recreation [RE]

The comments and corresponding responses in this section cover the subjects included in initial study Section E.12, Recreation. The comment topics relate to:

- RE-1: Impacts on Recreational Use

3.H.1 Comment RE-1: Impacts on Recreational Use

This response addresses the following comment, which is quoted below:

O-SERC-2

“Second – We are concerned by the DEIR conclusion that the Plan has less than a significant impact on recreational facilities and uses. The potential for increased commercialization and industrialization of the area could have a significant impact by curtailing the public's recreational use and enjoyment of this area.” (Fran Hegeler, President, South End Rowing Club, Email, 4/25/2022)

RESPONSE RE-1

The commenter expresses concern that the Draft EIR conclusion that implementation of the Waterfront Plan would result in less-than-significant impacts related to recreation does not consider the potential for increased commercialization and industrialization to curtail the public's recreational use and enjoyment, which the commenter states could result in a significant impact related to recreation.

As discussed on Draft EIR pp. 2-36 to 2-37, the Waterfront Plan goals and policies would guide the location, types of land use, and property improvements the Port will seek through new leases and developments, rehabilitation of existing piers, waterfront and open space improvements along the shoreline, enhancement of recreational uses in the bay, improvements to existing maritime uses, and development of a resilience program for Port facilities. Since the Waterfront Plan is a policy document, its approval would not directly result in physical changes. The Waterfront Plan includes new policies to recognize and support water recreation uses and facilities along the Port's waterfront, including policies to protect the safety of swimmers, rowers, and maritime vessels. The Plan policies would support effective management of these activities along with other uses allowed in the Plan and guide future subsequent project proposals. As discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed; and that the planning department would determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR. If one or more of these conditions is identified, the subsequent project would undergo further environmental review, as applicable, to address the new issues.

As discussed on p. 118 of Draft EIR Appendix B, Initial Study, Section E.12, Recreation, implementation of the Waterfront Plan would likely result in an increase in the use of recreational facilities due to subsequent projects that could occur pursuant to the Plan. However, as discussed in the analysis, this increase would not be significant enough to result in the physical deterioration of existing recreational facilities. Nor would

implementation of the Waterfront Plan result in the construction of new or expanded recreational facilities that could have an adverse physical effect on the environment, which is the question that has to be answered under CEQA because CEQA focuses on impacts to existing recreational facilities (constructed or provided on land) as opposed to in-water recreational activities.

As noted above, the increase in the use of recreational facilities as a result of implementation of the Waterfront Plan would be addressed in part through implementation of the various Plan policies that seek to enhance open space programming and public access to new open spaces in the Plan area, which would also address the commenter's concern that commercial and industrial development would curtail the public's recreational use and enjoyment of the waterfront. In fact, new waterfront developments have been a key means to increase and improve shoreline parks, public access areas, and new water recreation facilities and benefits. Therefore, the Waterfront Plan would not increase the use of existing neighborhood and regional parks and other recreational facilities to such an extent that substantial physical deterioration of existing recreational facilities would occur or be accelerated, or that construction of new or expanded recreational facilities would be required. As such, the impact is less than significant.

It should also be noted that the Waterfront Plan supports and includes proposed policies to promote public recreation on land and in the bay for swimmers, kayakers, and human-powered vessels, as well as recreational boating, as described in Chapter 2, Project Description, on p. 2-29. These policies include promoting ways to create and improve the public realm, and connections between the city, waterfront, and the bay (Policies 2-3, 11); promoting the Bay Water Trail, enhancing water recreation facilities, and safe access in areas shared with maritime vessel operations and natural habitat areas (Policy 18); and improvements to complete and enhance the Port's open space network by increasing the recreational uses, no/low-cost activities and events, and connections with nature; and creating an improved Ferry Plaza on the bay side of the Ferry Building (Policies 4-6). In addition, see project sponsor-initiated changes to Waterfront Plan policies regarding revisions to recognize open-water swimming, rowing and human-powered water recreation activities as noted in Chapter 4, Draft EIR Revisions.

The commenter has not submitted evidence demonstrating that the Plan would result in the physical deterioration of existing parks or other recreational facilities to such an extent that construction of new or expansion of such facilities would be required, either within the Plan area or elsewhere. For these reasons, impacts on recreation were adequately analyzed and recirculation of the Draft EIR, as defined in CEQA Guidelines section 15088.5, is not required.

3.1 Geology and Soils [GE]

The comments and corresponding responses in this section cover the subjects included in initial study Section E.16, Geology and Soils. The comment topics relate to:

- GE-1: Bay Fill, Groundwater, and Sea-Level Rise

3.1.1 Comment GE-1: Bay Fill, Groundwater, and Sea-Level Rise

This response addresses the following comments, which are quoted below:

I-Hestor1-1, I-Hestor2-1

“The EIR -- I'm going to submit written comments, but the EIR is a great opportunity to provide information on the scope of bay fill in the City. I found out that even the Planning Department doesn't have a total comprehension of it. East of Montgomery Street, bay fill. Most of south of Market, bay fill. Mission Bay, bay fill. A lot of the Mission itself was bay fill.

And so having that information solidly provided in a Waterfront EIR, available in the Waterfront Plan EIR, I think, is important to -- for people that are really trying to understand why street levels -- why there's burbling up on groundwater in the Mission District. There's burbling up on groundwater because it's bay fill. And people could really understand that better if there was something in the Planning Department that was readily available about how the City historically filled in. Thank you very much.” (Sue Hestor, Planning Commission Hearing Transcript, 3/24/2022)

“WATERFRONT PLAN DEIR - Case 2019-023037ENV

The Waterfront Plan DEIR includes abundant data and maps. However, given the reality of measures the Port and others must take because of both sea level (San Francisco Bay) rise and climate change - including new seawalls and changes to current piers - additional information must be provided.

The EIR needs to show areas from Golden Gate Bridge to San Mateo County line which were added to the land mass of San Francisco by **filling San Francisco Bay**. Most of this area is adjacent to property under Port jurisdiction. Slightly larger than Waterfront Plan Area delineated on **Project Location Map - Figure 2-1**. Such a map is not readily available the Planning website.

Some measures the Port will take are required by expansion of the "land" of the city by adding fill into the bay or by removing marshes and creeks that connected peninsula to the Bay. A clear map which shows **terrain of the "pre-1849ers" San Francisco peninsula** - compared to map of current San Francisco - is necessary to understand changes that will invariably be needed on Port property in the next 20 years. Projects will occur on land, piers and water under jurisdiction of Port. Modifications will/should be done to protect site areas not shown on maps in this DEIR. Some filled areas already show impacts of that fill - in Mission flooded basements because of filled in creeks. Others will be visible when very low buildings are replaced by taller apartment or commercial buildings as former industrial areas evolve particularly in south of Market.

Hills such as Telegraph Hill and Rincon Hill had eastern edges "scalped" to dump rock into the Bay and expand "dry land." Other areas were dredged. North of what is now "Market Street" current "Montgomery Street" was more or less the edge of the bay. Ships were moored along east of the evolving seawalls.

The areas surrounding Telegraph Hill to the north and east - commercial, government/Muni yard, residential - that are NOT Port property, should/will be protected by expansion of the sea wall and other waterfront improvements.

Chapter 3. Plans and Policies
3.1. Geology and Soils [GE]

The area to the south of Broadway now includes the rezoned financial district. And former Redevelopment areas for Golden Gateway and Embarcadero Center. A map should show how much of it is bay fill. A portion is already available in maps that show the sea walls in 8 Washington EIR. But THAT FEIR was written before the reality of serious climate change and sea level rise affected decisions on steps that must be taken to allow planning for expanded residences in San Francisco.

The sandy areas in the industrial areas south of what is now Market had an irregular shore line, with creeks west from the bay south of "Market" to China Basin toward 10th and South Van Ness.

When Loma Prieta occurred, sand boils bubbled up in what was then a very low-rise area M-1 and C-M district. Because the Planning and Building Code implementation did not require that piles be driven to bedrock for the Millennium Tower high rise at 301 Mission Street that building was NOT so anchored to bedrock. Extraordinary efforts and funds have been necessary to stabilize that building of luxury condo residences. There have been tens of thousands of new residences in the past 30 years. Many in new towers surrounding Rincon Hill. Which IS on bedrock. Recently erected housing tends to be extremely expensive housing.

The areas "downhill" north, east and south of Rincon Hill towards the Bay are much more affordable, and more likely to be on bay fill. They have formerly been various Redevelopment Areas under the jurisdiction of SF Redevelopment Agency and rental housing. With the abolition of the Redevelopment Agency, zoning controls shifted to Planning Department which has different criteria as it considers housing towers.

Some of the areas which were filled are now public or low-income housing, areas east of Potrero Hill, areas of the Mission. The fill areas should be visible so that the housing that exists OR THAT IS POSSIBLE can be protected by improvements on Port property in the next 20 years while the sea/Bay level rises." (Sue Hestor, Email, 4/25/2022)

RESPONSE GE-1

The commenter requests information be added to the Draft EIR addressing the history of fill along the San Francisco waterfront and states that the EIR needs to consider the impacts of sea-level rise and climate change on areas where fill has occurred from the Golden Gate Bridge to the San Mateo County line.

Draft EIR Appendix B, Initial Study, Section E.16, Geology and Soils, Environmental Setting discusses the existing pattern of artificial/bay fill in the Waterfront Plan area, and the remainder of Section E.16 evaluates potential environmental impacts of the Waterfront Plan on geology and soils. As stated in the Environmental Setting, the Plan area generally encompasses areas along the eastern waterfront of San Francisco that were open water prior to being artificially filled during the 19th and 20th centuries. As stated in the initial study discussion of Impact GE-1, the Waterfront Plan would introduce a new Resilience goal that includes policies to reduce seismic and life safety risks (Policy 2a), promote seismic retrofit and repairs to the Embarcadero seawall and Port facilities (Policies 2b and c), and provide for a program of resilience planning that is transparent and accountable to public review and engagement to adapt waterfront risks, conditions, and priorities over time (Policies 4a-h). The initial study discussion of Impact GE-1 also identifies the process for identifying ground improvements that may be determined appropriate by site-specific geotechnical investigations that would be required for subsequent projects constructed in the Plan area. Regarding the commenter's request that the planning department provide a map of bay fill along the San Francisco

shoreline, Map 4, Seismic Hazard Zones San Francisco, 2012, of the San Francisco General Plan Community Safety Element that generally illustrates the extent of bay fill along San Francisco’s northern and eastern shorelines as “liquefaction zone”.⁵ Finally, the Waterfront Plan area encompasses only property owned by the Port of San Francisco; therefore, assessing impacts from sea-level rise and climate change on fill in Rincon Hill, Mission Bay, and the Financial District is beyond the scope of this EIR.

Refer to Draft EIR Appendix B, Initial Study, Section E.17, Hydrology and Water Quality, and Response HY-1 for discussion of impacts of the Waterfront Plan related to flooding.

3.J Hydrology and Water Quality [HY]

The comments and corresponding responses in this section cover the subjects included in initial study Section E.17, Hydrology and Water Quality. The comment topics relate to:

- HY-1: Flooding and Sea-Level Rise
- HY-2: Water Quality for Recreational Users
- HY-3: Groundwater and Water Quality

3.J.1 Comment HY-1: Flooding and Sea-Level Rise

This response addresses the following comments, which are quoted below:

A-BCDC-6, A-Caltrans-1, I-Hong2-5, I-Huang-1

“Page 158 of the Initial Study states “The sea-level rise vulnerability zone is 108 inches above today’s high tide (mean higher high water). This includes 66 inches of sea-level rise plus 42 inches of tidal and storm surge, an upper-range scenario for end of century.” While these values are based on current San Francisco Planning Guidance, please note that BCDC currently considers the Ocean Protection Council Sea Level Rise Guidance (2018) as the best available science for selecting sea level rise projections, and an update to the Sea Level Rise Guidance is expected in 2023. Another notable recent source used by BCDC for regional sea level rise projections and compound flooding impacts is the 2022 NOAA Technical Report.” (Yuri Jewett, Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

“Please keep Caltrans informed about sea level rise adaptation measures as the Waterfront Plan project area encompasses along the San Francisco Bay Shoreline. Objective 9 on page 6-35 states, “strengthen Port resilience to hazards and promote adaptation to climate change and rising tides through equitable investments to protect community, ecological, and economic assets and services along its 7.5-mile waterfront.” In particular, and of relevance to this objective, Caltrans is interested in engaging in multi-agency collaboration early and often, to find multi-benefit solutions when planning and implementing shoreline adaptation measures to protect communities, infrastructure, and the environment by fostering collaboration and exploring innovative adaptation approaches such as nature-based solutions. Please contact Vishal Ream-

⁵ San Francisco Planning Department, Community Safety Element, <https://sfplanning.org/resource/community-safety-element>, accessed July 29, 2022.

Rao, Climate Change Branch Chief, at vish.reamrao@dot.ca.gov with any questions.” (Mark Leong, District Branch Chief, Local Development Review, California Department of Transportation, Email, 4/22/2022)

“7. Will the on going climate change, floods due to the high tide be addressed as part of this plan?” (Dennis Hong, Email, 4/25/2022)

“In the latest EIR, it was not mentioned how hydrology and water quality will impact flows/existing water bodies and how sea level rise will be addressed based on land use changes. Along with king tide effects occurred back in December 2021, flooding is a concern when a combination of storm surge and sea level rise doubled the effects, causing significant traffic disturbance. Sea level rise will cause more damage to the streets and the properties in the upcoming ten or twenty years. It is understood that the new development will increase or decrease flows impacting the city storm drain systems and or creeks along The Embarcadero.” (Erin Huang, Email, 3/24/2022)

RESPONSE HY-1

The comments note that, while sea-level rise projections are based on current San Francisco Planning Guidance, BCDC currently considers the Ocean Protection Council Sea-Level Rise Guidance (2018) as the best available science for selecting sea level rise projections; request that Caltrans be kept informed about sea-level rise adaptation measures in the Waterfront Plan area; and state that the Draft EIR does not address hydrology, water quality, or sea-level rise impacts.

BCDC’s comment about recommendations for the best available science for selecting sea-level rise projections is noted. San Francisco’s sea-level rise projections are based on the 2018 Ocean Protection Council Sea-Level Rise Guidance. The projections include the likely and 1-in-200 chance values for representative concentration pathway (RCP) 4.5 and RCP 8.5.7 For the likely values, San Francisco’s previous guidance recommended using 36 inches at 2100. This compared well with the updated science, which ranges from 33 inches under RCP 4.5 to 41 inches under RCP 8.5. For the upper range values, San Francisco’s previous guidance recommendation of 66 inches by 2100 is less than the updated science, which projects 71 to 83 inches of sea-level rise by 2100.⁸ In response to this comment, the following double-underlined text has been added to the first full paragraph of Draft EIR Appendix B, p. 158:

Most of the Plan area is within the city’s sea-level rise vulnerability zone.²⁴³ The sea-level rise vulnerability zone is 108 inches above today’s high tide (mean higher high water). This includes 66 inches of sea-level rise plus 42 inches of tidal and storm surge, an upper-range scenario for end of century. Since development of the City’s sea-level rise vulnerability zone, San Francisco’s sea-level rise projections have been updated to between 71 and 83 inches by 2100, depending on the greenhouse gas emissions scenario assumed.^{243a}

⁷ “Representative concentration pathways” represent different greenhouse gas emissions scenarios. Each RCP represents a collection of possible underlying socioeconomic conditions, policy options, and technological considerations, spanning from a low-end scenario (RCP 2.6) that requires significant emissions reductions to a high-end, “business-as-usual,” fossil-fuel-intensive emission scenario (RCP 8.5).

⁸ City and County of San Francisco Sea Level Rise Coordinating Committee, Guidance for Incorporating Sea Level Rise into Capital Planning, updated on January 3, 2020.

The following footnote has been added to Draft EIR Appendix B, p. 158:

^{243a} City and County of San Francisco Sea Level Rise Coordinating Committee, *Guidance for Incorporating Sea Level Rise into Capital Planning*, updated January 3, 2020.

Note that this change would not necessitate modification to any of the analyses in the Draft EIR since the Waterfront Plan is a policy document and its approval would not directly result in physical changes. As discussed on Draft EIR p. 1-10, the Draft EIR notes that subsequent projects in the Plan area would be subject to environmental review, including an assessment of vulnerability to sea-level rise, at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR.

Comment A-Caltrans-1 expresses interest in multi-agency and stakeholder collaboration on the project, with a focus on implementing shoreline adaptation measures. The comment is acknowledged and has been forwarded to the Port but does not address the adequacy or accuracy of the EIR impact analysis of physical impacts and therefore, in accordance with CEQA Guidelines section 15088, does not require a response.

Regarding Comment I-Hong2-5, the Waterfront Plan includes an Environmentally Sustainable Port goal and associated policies that recognize and support actions to reduce climate change impacts (such as minimizing greenhouse gas emissions and encouraging installation of solar) and a Resilient Port goal and associated policies that strengthen resilience to hazards and climate change effects by developing and implementing a resilience plan that protects and enhances the existing waterfront in collaboration with city, state, and federal agency partners and the public.

Regarding Comment I-Huang-1, the initial study (Draft EIR Appendix B) evaluates whether the project would affect flows or existing water bodies, including how it would impede or redirect water surface elevations during a tidal flood. The commenter's concern regarding the potential damage caused by future sea-level rise is acknowledged in Draft EIR Appendix B, Initial Study, Section E.17, Hydrology and Water Quality, which states as follows:

Flooding conditions in the Plan area along San Francisco's bay shoreline would be exacerbated with projected sea-level rise over the remainder of the century due to climate change. Coastal areas are vulnerable to periodic flooding due to extreme tides, storm surge, storm waves, and El Niño storm events. These conditions can result in many effects, including flooding of low-lying areas including roads, boardwalks, and waterfront promenades; storm drain backup; wave damage to coastal structures; and erosion of natural shorelines. Rising sea level due to climate change has the potential to increase the frequency, severity, and extent of flooding as a result of these conditions. FEMA FIRMs did not consider future sea-level rise in assessing the flood risks.

The comment that new development will increase flows affecting the city storm drain systems and or creeks along The Embarcadero is not correct. As stated in the initial study discussion of Impact HY-4 (Draft EIR Appendix B), stormwater in the Plan area currently drains to either the combined sewer system or directly to San Francisco Bay via the separate storm sewer system, and the subsequent projects that could occur pursuant to the Waterfront Plan would not result in substantial additions of new impervious area. Compliance with standard stormwater control design requirements, subject to approval by San Francisco Public Works, would ensure that subsequent projects would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems.

3.J.2 Comment HY-2: Water Quality for Recreational Users

This response addresses the following comments, which are quoted below:

A-CPC-Moore-2, O-DOLPH1-1, O-DOLPH2-1, O-SERC-3, I-Allan1-1, I-Allan2-1, I-Wygant-1

“I would echo some of the public comments that were made regarding water quality and recreational uses. I do believe that public health, in addition to the Dolphin Club and the South End Rowing Club not feeling included, deals also with public health and water quality relative to people who do informal water and swimming in Aquatic Park and other parts of the Waterfront. I think we owe it to everybody to have that part addressed because, for many people, also visitors, being able to physically touch the water on the Waterfront is a very important part. As to whether or not you’re just wading, or if you are canoeing, anything else, hanging your legs over into the water, we need to know what happens as changes occur and how this long-term plan, as described in the EIR, will affect water quality and public health.” (Kathrin Moore, Planning Commission Hearing Transcript, 3/24/2022)

“And Bill Wygant very artistically spelled out our concern as well at the Dolphin Club – our next-door neighbor. And I would just add to it that our concern is based on the fact that, between the two clubs, we have approximately well over 2,000 members, and more than half of them swim in the Bay, and a good part of the other half are rowers in the Bay as well.

So I just wanted to let you know that we raise our hand and want everybody in this process to know we’re there, and we’re watching, and we appreciate being included in discussion. Thank you very much.” (Ward Bushee, President, Dolphin Swimming and Boating Club, Planning Commission Hearing Transcript, 3/24/2022)

“The Dolphin Club and our Jefferson Street neighbor, The South End Rowing Club, together have over 3,500 members and collectively about 300 years of history enjoying the Bay waters. As has been the case since 1877, many of Dolphin members swim and row every day in areas likely to be affected by future Port projects. Specifically, hydrology and water quality, which were found to lack significance in the Waterfront Draft EIR (2019-023037ENV), are critical to our members being able to use area’s waters for recreation.” (Ward Bushee, President, Dolphin Swimming and Boating Club, Email, 4/25/2022)

“Third – We are concerned by the DEIR’s conclusion that the Plan has less than a significant on hydrology and water quality. Water quality is of the utmost importance to our members. We have an interest in ensuring that no project adversely impacts water quality and that adequate safeguards are in place to prevent such impact. Any construction activity along the waterfront has the potential to disturb the seabed, releasing contaminants that are currently encapsulated. Such impacts also could adversely affect wildlife in the Plan area – a matter that the DEIR does not seem to fully address.” (Fran Hegeler, President, South End Rowing Club, Email, 4/25/2022)

“My name is Jean Allan. I’m a San Francisco native and long-term Bay swimmer and kayak paddler. I’m a current member of the Dolphin Club as well as a former member of the South End. And in addition to accessing the Waterfront boundary waters via the two clubs, I’ve also accessed the Plan-included waters via the public access entry, Aquatic Park, which is to the immediate west of the boundary area.

The two swim clubs are over a hundred years old, with a combined membership of over 300 members. Both were also lessees of the City and the Port. It doesn’t appear that their use of the waters within the boundary area were considered in the initial studies, and there are numerous other small swim organizations and unaffiliated members of the general public who swim or use small, human-powered watercraft in the area.

So swimmers and boaters, including those in sliding-seat rowboats, stand-up paddle boards, kayaks, shells, routinely use the waterways within the boundaries of the Fisherman’s Wharf subarea of the Waterfront Plan, and yet there’s no mention of the existing swimming or human-powered small watercraft activity in the over-500-page long Draft Environmental Impact Report.

There’s no mention of the routine swimming in the boundary area up and down both sides of Hyde Street Pier as well as inside and outside the Fisherman’s Wharf breakwater, or analysis of the plan’s impact on water hydrology in the form of changes in currents, for example, when pier pylons are removed and/or replaced.

Similarly, there’s no analysis of water quality on swimmers who are fully immersed in the water, for example, when construction-related dredging occurs.

So the Draft is currently inadequate and inaccurate, to the extent that it doesn’t analyze these current uses, and –” (Jean Allan, Planning Commission Hearing Transcript, 3/24/2022)

“The Waterfront DEIR requires recirculation under each of those three definitions standing alone and/or any combination of two or more because it wholly fails to fully address two CEQA mandated ‘resource topics’: (1) Recreation; and (2) ‘Hydrology and Water Quality.’

Unfortunately, the Initial Study inaccurately determined that the Waterfront Plan would have no significant impacts on those two resource topics; hence, they were omitted from the DEIR. (DEIR at p. S-2.) However, both resources are negatively impacted in a significant manner in the context of two pre-existing and entirely overlooked activities that regularly take place within the boundaries of the Waterfront Plan: (1) open water swimming; and (2) the use of human powered watercraft (e.g., kayaks, rowboats, shells, and SUPs).¹

Swimmers are immersed in the water and thereby especially vulnerable to changes in water quality (e.g., pollutants, construction debris, etc.) and/or changes in hydrology (e.g., changes in predicted currents, whether direction or intensity). Depending on the type of watercraft, human-powered vessel operators are subject to similar in-water exposures. And those vessel operators who are not routinely exposed to the water in terms of bodily contact nonetheless remain vulnerable to any changes in the predicted currents.

Both open water swimming and the use of human-powered vessels are well-known, longstanding recreation uses within the Fisherman’s Wharf Subarea and to a lesser degree in other subareas² of the project area. For example, many members of the Dolphin Swimming & Boating Club, founded in 1877 and now numbering almost 1900 members, swim or boat within the boundaries of the Waterfront Plan (e.g., both sides of Hyde Street Pier and inside/outside the Fisherman’s Wharf Breakwater) (see Draft EIR pp. 2-9, 2-10). Numerous other

nonprofit organizations, small businesses, and myriad unaffiliated individual users regularly engage in these same activities within the Waterfront Plan boundaries, including the following:

- South End Rowing Club (founded 1873)
- Water World Swim
- Swim Art
- Suzie Dods Swim Coaching
- Pacific Open Water Swimming

It is the Lead Agency's responsibility to assess identify, analyze and mitigate significant environmental impacts. The lack of any data or analysis on the current and projected use of the waters within the Waterfront Plan boundaries by swimmers and human-powered vessel operators makes it virtually impossible for interested agencies and the public to provide meaningful and informed comment on the DEIR. The Lead Agency, Project Sponsor and its environmental consultant—Environmental Science Associates—need to go back and thoroughly identify and analyze the impacts of the Waterfront Plan on these ongoing recreation activities, and then set forth mitigation measures to address those specific impacts. Thereafter, the public needs to be given an opportunity to provide comment.” (Jean Allan, Attorney at Law, Email, 4/22/2022)

¹A word search for “swim” or “swimming” in the 228-page Initial Study returns “zero finds.” In the “Recreation” resource category, the text indicates: “Hyde Street Pier, and Aquatic Park provide recreational boating facilities and recreational viewing of historic maritime boating facilities and artifacts.” (See Initial Study at p. 115.) Similarly, there is no mention of human swimming or human-powered, water-exposed vessel operation within the “Hydrology & Water Quality” resource category. (See Initial Study at pp. 155-58.) Yet, the same very same Waterfront Plan was deemed to have potentially significant impact on the CEQA resource category of “Biological Resources” (e.g., plants, fish and marine mammals) for which mitigation measures are included in the DEIR. By logical extension. There would necessarily be significant impacts on human in-water use, which would require a separate environmental analysis to identify those impacts and consider appropriate mitigation measures.

² Crane Cove, itself a Port-developed property in the Southern Waterfront subarea of the Waterfront Plan is widely recognized as an open water swimming venue as well as an area of calm water for paddle boarding and kayaking. Yet, while it is identified by name on the DEIR map, neither its intended nor actual use for open water swimming and human-powered vessel operation is acknowledged or considered. (See DEIR at pp. 2.20-2.23; see also <https://www.sfgate.com/places/article/Crane-Cove-Park-opens-san-francisco-15675737.php#tabooia-1>.)

“Some of our concerns were, you know, we were not part of the sourcing. I mean, I don't represent the Dolphin Club, but there's two clubs at Aquatic Park, with virtually over a hundred years of experience and use of that park for the, you know, members. And we feel that we could have had a positive effect on the creation of the DEIS [sic] had we been consulted. And some of our concerns are, while water quality is mentioned in the DEIS, we're more concerned with disturbing the sediment that is underlying the water because of its contamination possibilities, maybe even health impact on our members as they use Aquatic Park.

And while the DEIS, you know, kind of cut it off at Hyde Street, we use those historic recreational areas every month, 12 months a year, during the winter. And, you know, an example is, one of our largest fundraisers is a swim for the public from Alcatraz. Well, that cuts right through the area that this DEIS is supposed to be relating to.” (Bill Wygant, Planning Commission Hearing Transcript, 3/24/2022)

RESPONSE HY-2

The comments generally express concern about the Waterfront Plan's impact on water quality related to recreational users of the bay, in particular swimmers and human-powered watercraft.

While the Draft EIR concludes that the Waterfront Plan would not result in significant and unavoidable impacts on hydrology and water quality, this does not mean that these topics were "found to lack significance" as mentioned in Comment O-DOLPH1-2. Draft EIR Appendix B, Initial Study, Section E.17, Hydrology and Water Quality, evaluates whether environmental impacts on hydrology and water quality would be significant by discussing many aspects of hydrology and water quality including stormwater runoff during construction and operations, in-water work, and changes in flooding.

Regarding comments that express concern about how the Waterfront Plan would affect water quality and public health (A-CPC-Moore-2, I-Allan1-1, I-Allan2-1), the water quality of the bay for water contact recreation use is managed by the San Francisco Bay Regional Water Quality Control Board (regional water board) in the San Francisco Bay Basin Plan. The San Francisco Bay Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Basin Plan includes a statement of beneficial water uses that the regional water board will protect, the water quality objectives needed to protect the designated beneficial water uses, and the strategies and time schedules for achieving the water quality objectives. Recreational uses such as swimming and human-powered watercraft, conducted by such organizations as the South End Rowing Club, Water World Swim, Swim Art, Suzie Dods Swim Coaching, and Pacific Open Water Swimming, are designated beneficial uses of the portion of San Francisco Bay along the Port of San Francisco waterfront.⁹ The Basin Plan provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses in a manner that will result in maximum benefit to recreational users of the bay.

The description of the San Francisco Bay Basin Plan has been added to Draft EIR Appendix B, Section E.17 Hydrology and Water Quality, p. 156, as follows:

WATER QUALITY

The quality of stormwater runoff from the Plan area is typical of urban watersheds where water quality is affected primarily by discharges from both point and nonpoint sources. Point-source discharges are known sources of pollutants, such as outfalls, while nonpoint source discharges generally result from diffuse sources, such as land runoff, precipitation, or seepage. Some common pollutants associated with activity along the San Francisco waterfront include motor oil, vehicle wash water, trash, abandoned waste, sediment from construction sites, and bilge water from recreational and commercial watercraft.²³⁶

The water quality of San Francisco Bay is managed by the San Francisco Bay Regional Water Quality Control Board (regional water board) in the San Francisco Bay Basin Plan. The San Francisco Bay Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Basin Plan

⁹ Regional Water Quality Control Board, San Francisco Bay Basin Plan, Table 2-1: Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region. The Central and Lower San Francisco Bay Basins are managed to support water contact recreation (REC-1) and noncontact water recreation (REC-2).

includes a statement of beneficial water uses that the regional water board will protect, the water quality objectives needed to protect the designated beneficial water uses, and the strategies and time schedules for achieving the water quality objectives. Recreational uses such as swimming and human-powered watercraft, conducted by such organizations as the South End Rowing Club, the Dolphin Club, Water World Swim, Swim Art, Suzie Dods Swim Coaching, and Pacific Open Water Swimming, are designated beneficial uses of the portion of San Francisco Bay along the Port of San Francisco waterfront. The Basin Plan provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses in a manner that will result in maximum benefit to the people of California.²³⁷ The regional water board enforces water quality objectives, including objectives needed for bay water to meet water contact recreation use, by issuing waste discharge requirements (permits) for activities that affect San Francisco Bay water quality.

²³⁷ San Francisco Bay Regional Water Quality Control Board, *San Francisco Bay Basin Plan*, adopted May 4, 2017.

The regional water board enforces water quality objectives, including objectives needed for bay water to meet water contact recreation use, by issuing waste discharge requirements (permits) for activities that affect San Francisco Bay water quality. Such permits are issued by the regional water board for many activities including remediation of contaminated sites and include management practices that must be implemented during sediment disturbance (a concern expressed in Comments O-SERC-3 and I-Wygant-1) and other remediation work to avoid or limit the release of potentially contaminated material into the bay. These and other requirements are executed through permits issued by the RWQCB to regulate and manage site- and project-specific construction and other details in subsequent projects that could occur pursuant to the Waterfront Plan.

As a result of both the regional water board's enforcement and permitting activities and broader collaboration between the regional board and its permittees, regular monitoring of bay water quality has documented gradual improvement of water quality over the past 25 years.¹⁰

The initial study discussion of Impact HY-1 (Draft EIR Appendix B) reviews the water quality permits and associated requirements that would apply during construction of subsequent projects. Subsequent projects would be required to implement standard practices adopted by San Francisco that are designed to meet the requirements of water quality permits, as discussed in detail in Impact HY-1. In-water work, such as removal of piles or installation of new piles as mentioned by Comment I-Allan1-1, is also discussed in Impact HY-1. The Draft EIR concludes that in-water work could result in changes in sediment transport, water quality, and salinity, but that impacts would be less than significant with implementation of Mitigation Measure M-HY-1, Water Quality Best Management Practices for In-Water Work. Best management practices for in-water work listed in Mitigation Measure M-HY-1 include but are not limited to precautions to protect listed species and their habitats; mooring of barges in a position to capture and contain debris generated during any sub-structure or in-water work; preparation of a spill prevention control and countermeasure plan; and a requirement that construction crews reduce the amount of disturbance within a project site to the minimum necessary to accomplish the project. For these reasons, impacts on hydrology and water quality were adequately analyzed and recirculation of the Draft EIR, as defined in CEQA Guidelines section 15088.5, is not required.

Regarding Comments O-SERC-3 and I-Wygant-1, as reviewed in the initial study discussion of Impact HZ-2 (Draft EIR Appendix B, Initial Study, Section E.18, Hazards and Hazardous Materials), subsequent projects that could occur pursuant to the Waterfront Plan could be located within a hazardous materials site that has been

¹⁰ Regional Monitoring Program for Water Quality in San Francisco Bay, *The Pulse of the Bay: the 25th Anniversary of the RMP*, 2017.

identified on a list compiled pursuant to Government Code section 65962.5 or at an otherwise contaminated site. However, compliance with article 22A of the San Francisco Health Code would be required for subsequent projects; article 22A requires that any hazardous materials on a given site be remediated prior to issuance of a building permit or equivalent approval. The discussion of Impact HZ-2 concludes that due to compliance with article 22A and other regulations, activities associated with subsequent projects including the placement of foundation structures would not result in significant impacts.

Finally, as discussed on Draft EIR pp. 2-36 to 2-37, the Waterfront Plan goals and policies would guide the location, types of land use, and property improvements the Port will seek through new leases and developments, rehabilitation of existing piers, waterfront and open space improvements along the shoreline, enhancement of recreational uses in the bay, improvements to existing maritime uses, and development of a resilience program for Port facilities. Since the Waterfront Plan is a policy document, its approval would not directly result in physical changes. As discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR. The analysis of subsequent projects would be based on existing conditions at the site and vicinity, at such time a project is proposed.

Refer to Response RE-1 for discussion of impacts of the Waterfront Plan related to recreation and recreational users of the bay.

3.J.3 Comment HY-3: Groundwater and Water Quality

This response addresses the following comment, which is quoted below:

A-BCDC-7

“Impact HY-2: The Waterfront Plan would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Plan may impede sustainable groundwater management of the basin or conflict with a sustainable groundwater management plan.

Impact HY-3: The Waterfront Plan would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion, siltation, or flooding on or off site.

Please note that the Project and subsequent projects should consider recent scientific studies that suggest remediation sites or other contaminated areas that experience shallow groundwater rise may adversely impact the Bay and the surrounding environment through the mobilization of contaminants. These impacts could be avoided or mitigated by proper remediation that does not allow for mobilization of contaminants due to a changing groundwater table. This is supported by Bay Plan Shoreline Protection Policy 8, which states “All contamination remediation projects in the Bay or along the Bay shoreline should integrate the best available science on sea level rise, storm surge, and associated groundwater level changes into the project design in order to protect human and ecological health by preventing the mobilization of contaminants into the environment and preventing harm to the surrounding communities.”

In response to the list of Projects on the State Hazardous Materials list, each of the projects on this list could be reviewed for current and future water quality, groundwater flooding, and contaminant mobilization impacts to the environment based on the emerging field of science incorporating shallow groundwater rise into flood impact analysis. Please note that BCDC’s Adapting to Rising Tides Program maintains this information on our website as a regional resource.” (Yuri Jewett, Principal Waterfront Planner, San Francisco Bay Conservation and Development Commission, Email, 4/25/2022)

RESPONSE HY-3

The commenter requests that subsequent projects consider recent scientific studies that suggest remediation sites or other contaminated areas that experience shallow groundwater rise may adversely impact the bay and the surrounding environment through the mobilization of contaminants.

As discussed in Draft EIR Appendix B, Initial Study, Section E.18, Hazards and Hazardous Materials, the entire Plan area is mapped by the City as land with known or potential soil and/or groundwater contamination and subject to the City’s Maher Ordinance.¹¹ Consistent with the regulations, ordinances, and programs applicable to the handling of onsite hazardous materials listed in the initial study discussion of Impact HZ-2 (Draft EIR Appendix B), excavated soil could require disposal as a hazardous waste, and groundwater pumped during dewatering could require treatment before being discharged. In the event that affected soil and groundwater are encountered, specific handling/disposal procedures would be required as specified in article 22A of the San Francisco Health Code. Project sponsors must remediate any site contamination, including in soil or groundwater, or otherwise achieve the environmental and public health and safety goals of article 22A before the issuance of a building permit or other construction authorization issued by the City.

The risk that a subsequent project would expose people or the environment to existing hazardous materials in soil or groundwater is generally site-specific, and generally considers contaminants both onsite and surrounding the site during groundwater risk evaluation. In the future, when subsequent project proposals are submitted for review, the project-level CEQA document would include site-specific and project-specific information about the potential remediation of the site needed to reduce significant impacts, consistent with regulatory and permitting requirements.

The San Francisco Health Department oversees compliance with article 22A. The planning department understands that, as a strategic response to potential effects of flooding and rising groundwater on contaminated sites, the Adapting to Rising Tides short report identifies the need to “Conduct studies of dryland site remediation standards to determine their efficacy if sites are impacted by temporary flooding, permanent flooding, or changes in groundwater salinity levels” and identifies state and federal agencies as key players along with county health departments.

As discussed in Draft EIR Chapter 3, Plans and Policies, subsequent projects in areas under BCDC jurisdiction would be reviewed by BCDC for consistency with the Bay Plan and Waterfront Special Area Plan prior to permit issuance.

¹¹ City of San Francisco, Data SF Maher map, <https://data.sfgov.org/Energy-and-Environment/Maher/hqsk-4xmh>, accessed February 2, 2021.

3.K Hazards and Hazardous Materials [HZ]

The comments and corresponding responses in this section cover the subjects included in initial study Section E.18, Hazards and Hazardous Materials. The comment topics relate to:

- HZ-1: Hyde Street Wharf

3.K.1 Comment HZ-1: Hyde Street Wharf

This response addresses the following comment, which is quoted below:

I-Cincotta-3

“The most egregious omission in the EIR is any information relating to the ongoing oil spill cleanup work under the supervision of the Environmental Protection Agency (EPA) occurring on and around Hyde Street Wharf. Indeed, the list of projects on the State’s Hazardous Materials list, which is attached as an appendix to the EIR but has no source identification, lists the Hyde Street Wharf as “no further action” in spite of the current efforts by EPA and Pilot Thomas to clean it up. In addition, no mention is made of the fuel leak under the old J-10 Wharf footprint or the fact that it has been tested and – to our knowledge – no source has been identified. Further, as a result of this omission – or ignorance – the EIR states that the Plan would have no significant impact on the category of “Hazards and Hazardous Materials.”⁴ This is flat out wrong. The Port is dealing with an oil spill of unknown magnitude, whose source may be more than from the fuel dock, cleanup efforts are ongoing as are efforts to fully identify the source, and the EIR sweeps the whole issue under the rug as “case closed” and “no further action” in an unidentified document. This is of special concern to Alioto-Lazio since our operations and facility are directly affected by the oil spill. The lack of attention paid to this oil spill and the finding of no significant impact need to be closely examined and addressed before the EIR becomes final.” (Angela Cincotta, Email, 4/7/2022)

⁴ Chapter 1, page 1-2 of the EIR

RESPONSE HZ-1

The commenter states that the Draft EIR fails to address ongoing oil spill cleanup work on and around Hyde Street Wharf and the fuel leak under the old J-10 Wharf footprint and disagrees with the finding of no significant impact with regard to hazards and hazardous materials.

The cleanup status of the hazardous materials site identified by the commenter (Hyde Street Harbor, T10000018609, RB Case #: 38S0066) was updated after the Draft EIR was published on February 23, 2022.¹² As of March 2, 2022, the cleanup status of this site is “Open – Assessment & Interim Remedial Action.”

¹² GeoTracker, Cleanup Status History for Hyde Street Harbor, T10000018609, RB Case #: 38S0066.

Draft EIR Impact HZ-2 states the following:

The Waterfront Plan would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. In addition, *subsequent projects could occur on sites identified on the list of hazardous materials sites compiled pursuant to Government Code section 65962.5, but compliance with regulations would ensure that impacts remain less than significant.* [italics added]

The initial study discussion of Impact HZ-2 (Draft EIR Appendix B) indicates that over 60 currently active or closed hazardous materials cleanup sites are located within or adjacent to the Plan area, including multiple sites with land use restrictions. The discussion states that subsequent projects that could occur pursuant to the Waterfront Plan could be located within a hazardous materials site that has been identified on a list compiled pursuant to Government Code section 65962.5 or at an otherwise contaminated site; this statement would apply to the site specified by the commenter, should remediation not be complete by the time subsequent projects are undertaken in the Plan area. The discussion states that, as a result, construction activities could encounter hazardous materials in the soil and groundwater, and future site occupants, workers, and visitors could be exposed to hazardous materials; this statement would also apply to the site specified by the commenter, should remediation not be complete by the time subsequent projects are undertaken in the Plan area.

It should be noted that the current Hyde Street Harbor remediation effort is not a result of the Waterfront Plan. The remediation effort is to remove contamination resulting from a leaking fuel supply line of an existing waterfront operation, as previously directed by the U.S. Environmental Protection Agency (EPA). The EPA transferred regulatory oversight of the project to the Regional Water Quality Control Board in June 2022.

A comprehensive list and analysis of each potentially contaminated site in the Plan area is not necessary for discussion of the potential impacts of the Waterfront Plan on public health and the environment, as the regulations applicable to development on such sites would be the same regardless of site location. The initial study discussion of Impact HZ-2 (Draft EIR Appendix B) lists the applicable regulations, which would apply to the site specified by the commenter, should remediation not be complete by the time subsequent projects are undertaken in the Plan area. Since these regulations would apply to a subsequent project on the site specified by the commenter, the impact would be less than significant, as identified in the Draft EIR.

3.L General Comments [GC]

The comments and corresponding responses in this section cover general subjects included in the Draft EIR. The comment topics relate to:

- GC-1: Support for the EIR
- GC-2: Construction Management
- GC-3: NOP Noticing and Public Review of the EIR
- GC-4: Communication for Subsequent Projects

3.L.1 Comment GC-1: Support for the EIR

This response addresses the following comments, which are quoted below:

A-CPC-Diamond-1, A-CPC-Imperial-1, A-CPC-Koppel-1, A-CPC-Moore-1, A-CPC-Tanner-1, O-MCAC-1, I-Hong1-1, I-Hong2-2, I-Hong2-6

“I just wanted to take a moment to commend staff on Chapter 3 of the EIR. It is an incredibly succinct and clear explanation of the multiple layers of overlapping jurisdiction, local, regional, state and federal, that affect decision-making on the Bay. And I have worked with many of the statutes that are described there, and I’ve never seen it presented in such a clear manner before, especially the interactions between the different statutes. So I really want to just take a moment to thank you for having spent the time to explain that so clearly.” (Sue Diamond, Planning Commission Hearing Transcript, 3/24/2022)

“I do want to highlight the importance of – that the staff did when it comes to the air quality. In terms of the mitigation, I mean, this – I appreciate the study that’s being done and the risk and the hazard impacts that it may have, but also, at the same time, the kind of mitigation measures. Usually we don’t talk about air quality, especially when it comes to rezoning, and I would like us to really do more when it comes to the health and hazard of projects that come through us. So I just want to emphasize that. So thank you.” (Theresa Imperial, Planning Commission Hearing Transcript, 3/24/2022)

“I also agree. Great job. Our Environmental Review staff is top notch, always, so I’m nothing but supportive.” (Joel Koppel, Planning Commission Hearing Transcript, 3/24/2022)

“I’d like to comment on the comprehensive and thorough document that’s in front of us to also bring it in the context of the significant work that has been done for decades on the Waterfront and now expanding into the southern part of Waterfront.” (Kathrin Moore, Planning Commission Hearing Transcript, 3/24/2022)

“I’ll just add that it’s just a very thorough job by our staff. I want to thank them and the Port as well for all the time and energy they are putting into this EIR and also to the project overall.” (Rachael Tanner, Planning Commission Hearing Transcript, 3/24/2022)

“The Port of San Francisco’s Maritime Commerce Advisory Committee (MCAC) writes to express its support for the S. F. Planning Department’s Waterfront Plan Project Draft EIR. The document is well written and thorough. The Draft EIR contains comprehensive information and analysis that will be helpful in the application of the Waterfront Land Use (WLUP) Draft Plan goals and policies in the local, state and federal environmental review process for much needed historic pier restoration and resiliency projects identified in the Port’s Waterfront Resilience Program. As co-chair of the MCAC, I represented MCAC on the Waterfront Land Use Plan (WLUP)

Working Group for three years. MCAC supports the goals and policies of the Waterfront Land Use Draft Plan which in summary affirms the:

- Proposition H Maritime Priority
- Diverse Urban mix of Economic, Public and Recreation uses, and Public Trust Benefits
- Waterfront Urban Design and Historic Preservation Design Policies

And establishes new goals and policies in specific areas, which in summary are:

- Integrates Equity and Inclusion in Waterfront activities and Opportunities
- Added the Blue Greenway, Extending Public Access along the entire 7½ mile waterfront
- Identified multi-modal transportation access and public realm improvements
- Established Financial and Capital Repair requirements for the historic waterfront and pier resiliency adaptation for sea level rise

The members of the MCAC represent the Port’s multi-faceted maritime businesses and labor and strives to preserve this essential Port industry mission held in trust for the people of the city of San Francisco and the state of California. The MCAC members include cruise and cargo shipping, ferries, excursion boats, and water taxis; tugs, barges and harbor services; commercial fishing and recreational marinas; ship repair and railroad service; ready-reserve ships and labor union hiring halls. MCAC is eager for the Port Commission’s adoption of the WLUP Draft Plan as the WLUP Final Plan and Final EIR. Thank you for a job well done.” (Ellen Johnnek, Co-chair, and Marina Secchitano, Co-chair, Maritime Commerce Advisory Committee, Email, 4/22/2022)

“Good afternoon folks, I have been trying to look at this DEIR on line but the quality of my internet has not been good and was unable to see some of the details. I will be unable to attend the SF Planning Commission meeting this Thursday 3/24/2022 to comment further on this DEIR, But I’m in support, as I grew up along the waterfront while living in North Beach/Chinatown. Upon review of the hard copy of this DEIR I will be submitting my written comments by 4/8/2022 as requested.” (Dennis Hong, Email, 3/28/2022)

“3. How was the 250’ distance determined?” (Dennis Hong, Email, 4/25/2022)

“From the very beginning I fully supported this Waterfront Plan as a useful document.

- Hummm this has been 54 years in the making of the original 1968 Plan. The current DEIR speaks volumes to what San Francisco needs here. A wonderful plan to use as reference. The SF Planning department and Team Waterfront, has done a wonderful job with this DEIR. And is a spot on doc.” (Dennis Hong, Email, 4/25/2022)

RESPONSE GC-1

The comments express support for the Draft EIR and will be provided to City decision makers for consideration in their deliberations on the Waterfront Plan. One comment asks how the 250’ distance was determined, but

it is unclear what the commenter is referring to. However, if the commenter is referring to the 250-foot buffer around the Waterfront Plan area with regard to the biological resources analysis, the distance was determined based on technical expertise to account for indirect impacts on biological resources that could occur with implementation of the Waterfront Plan. These comments do not pertain to the adequacy, accuracy, or completeness of the Draft EIR's analysis of the project's physical environmental impacts and thus do not require further response.

3.L.2 Comment GC-2: Construction Management

This response addresses the following comments, which are quoted below:

O-Hudson-5, O-Hudson-6

- “Development or Improvement Projects to dispose of waste, trash, and debris in a safe, acceptable manner, in accordance with applicable laws and ordinances and as prescribed by authorities having jurisdiction.
 - Erect and maintain temporary bracing, shoring, lights, barricades, signs, and other measures as necessary to protect the public, workers, and adjoining property from damage from demolition work, all in accordance with applicable codes and regulations.
 - Protect utilities, pavements, and facilities from damage caused by settlement, lateral movement, undermining, washout, and other hazards created by demolition or construction operations.” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-
- “Any project or development work within 700 ft of Ferry Building should plan for a weekly integrated pest control to mitigate any issues that may arise due to construction.” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-

RESPONSE GC-2

The commenter requests actions to be implemented during project construction activities. The requested actions include disposal of waste, trash, and debris in a safe, acceptable manner in accordance with applicable laws and ordinances; protection of the public, workers, and adjoining property from damage from demolition work in accordance with applicable codes and regulations; protection of utilities, pavements, and facilities from damage and other hazards created by demolition or construction operations; and weekly integrated pest control for project or development work within 700 feet of the Ferry Building.

As discussed on Draft EIR pp. 2-36 to 2-37, the Waterfront Plan goals and policies would guide the location, types of land use, and property improvements the Port will seek through new leases and developments, rehabilitation of existing piers, waterfront and open space improvements along the shoreline, enhancement of recreational uses in the bay, improvements to existing maritime uses, and development of a resilience program for Port facilities. Since the Waterfront Plan is a policy document, its approval would not directly result in physical changes. The environmental effects of subsequent projects that could occur under the

Waterfront Plan are analyzed at a programmatic level in the Draft EIR. As discussed on Draft EIR p. 1-10, the Draft EIR assumes that subsequent projects in the Plan area would be subject to environmental review at such time that those projects are proposed to determine whether they would result in physical environmental effects that are peculiar to the project or site, that are greater than the impacts disclosed in the Draft EIR, or that were not previously disclosed in the Draft EIR.

Impacts related to hazards and hazardous materials that could result from subsequent projects are addressed in Draft EIR Appendix B, Initial Study, Section E.18, Hazards and Hazardous Materials, pp. 169 to 180). As discussed on pp. 170 to 171, transport, use, and disposal of hazardous materials must comply with applicable regulations, such as U.S. Department of Transportation hazardous materials regulations and California Division of Occupational Safety and Health (Cal/OSHA) regulations. In addition, vendors and contractors responsible for transport and delivery of hazardous materials to project sites would be required to comply with the regulations of the California Highway Patrol and Caltrans related to the transportation of hazardous materials during construction. With implementation of these regulatory requirements, including any applicable future updates, impacts related to the routine transport, use, or disposal of hazardous materials during construction of subsequent projects would be less than significant. In addition, construction activities for subsequent projects would be required to comply with all applicable requirements of the San Francisco Building Code (ordinance 60-20), including the regulations set forth in chapter 33, Safeguards During Construction, which include safety requirements for demolition, protection of pedestrians, and protection of adjoining property. Finally, construction activities for subsequent projects would be required to comply with all applicable requirements of the San Francisco Environment Code (ordinance 144-21), including the regulations set forth in chapter 33, Integrated Pest Management Program.

3.L.3 Comment GC-3: NOP Noticing and Public Review of the EIR

This response addresses the following comments, which are quoted below:

O-DOLPH2-2, O-SERC-1, O-SERC-4, I-Allan2-2, I-Hong2-3

“Our clubs also take issue with the Port not providing us with sufficient notification in the planning process. We hope you keep us informed as the updated plans are made.” (Ward Bushee, President, Dolphin Swimming and Boating Club, Email, 4/25/2022)

“Despite constituting the northern-most boundary of the Port's Waterfront Plan, neither SERC nor the Dolphin Club were included among the initially noticed groups during the public scoping process. Nor did we receive specific notice of the DEIR. Given limited opportunity to review the far-reaching and open-ended Waterfront Plan, our concerns at this point are high level.

First – We object to the entire process for failing to provide adequate notice to SERC and the Dolphin Club to participate in the scoping or DEIR process. We expect to receive future updates about the planning and environmental processes.” (Fran Hegeler, President, South End Rowing Club, Email, 4/25/2022)

“SERC views the SF Port as a partner with whom we share many of the same goals. However, we believe our concerns about the DEIR and the Plan are sufficiently compelling to justify an extension of the public comment period to allow a more considered assessment of the Plan's impacts by the users of Aquatic Park.” (Fran Hegeler, President, South End Rowing Club, Email, 4/25/2022)

“To my knowledge, none of the above were included in the 2020 Notice of Preparation (NOP) or early consultation/scoping process,³ which is truly unfortunate given that early public consultation "solves many potential problems that would arise in more serious forms later in the [EIR] review process." (14 CCR § 15083.) It is not without irony that here the Project Sponsor (Port of San Francisco) itself owns a portion of the property leased by two of these organizations.⁴ And the rest is owned by the City & County of San Francisco, umbrella entity to the Lead Agency. In the case of the South End Rowing Club, these recreational activities have been ongoing for just shy of 150 years; the Dolphin Swimming & Boat Club's similar use of the Bay commenced just a few years thereafter. It is hard to fathom how both clubs were overlooked in the notice and scoping process.

Recirculation of a DEIR requires notice pursuant to 14 CFR § 15087, as well as consultation, which may include any person identified by the applicant whom the applicant believes will be concerned with the environmental effects of the project. In addition to those I mentioned above, I urge you to proactively identify, notify and consult with existing users of the area within the Waterfront Plan boundaries, which include swimming and boating-based organizations and businesses, as well as myriad unaffiliated public users.” (Jean Allan, Attorney at Law, Email, 4/22/2022)

³ See SF Planning's WPP_Distribution List_2020-0812.xlsx

⁴ The Dolphin Swimming & Rowing Club and the South End Rowing Club are lessees of both the City & County of San Francisco and the Port of San Francisco (Port-owned property managed by SF Recreation & Park Commission under MOU with Port).

4. I attended the 3/24/2022 Public Hearing. Will the public comments be part of the DEIR's RTC? (Dennis Hong, Email, 4/25/2022)

RESPONSE GC-3

Commenters state they were not properly noticed and/or included in the EIR scoping process and/or the public review of the Draft EIR and that recirculation of the Draft EIR is required. One commenter states that their concerns about the Draft EIR and the project are sufficiently compelling to justify an extension of the public comment period to allow a more considered assessment of the project impacts related to users of Aquatic Park. This commenter's additional comments are provided and addressed in responses RE-1: Impacts on Recreational Use, and HY-2: Water Quality for Recreational Users.

Commenters also ask to be included in future updates regarding the planning and environmental process for the Waterfront Plan. This comment is noted and has been provided to the project sponsor.

Chapter 3. Plans and Policies
3.L. General Comments [GC]

As presented in Section 1.B, Environmental Review Process, of this document, the scoping, noticing, and public and agency review process for the Draft EIR has been conducted in accordance with CEQA requirements identified in CEQA Guidelines section 15087 and Chapter 31 of the San Francisco Administrative Code.

The planning department, as lead agency responsible for administering the environmental review of projects within the City and County of San Francisco under CEQA, published a notice of preparation (NOP) of an EIR on August 26, 2020, to inform agencies and the general public that the Draft EIR would be prepared based upon the criteria of CEQA Guidelines sections 15064 (Determining Significant Effects) and 15065 (Mandatory Findings of Significance). A notice of availability of the NOP and/or the NOP was sent to the State Clearinghouse, governmental agencies, organizations, and persons who may have an interest in the Waterfront Plan, including those listed on the planning department's standard distribution list and the Port's interested stakeholder list. A NOP scoping meeting was held remotely on September 9, 2020, to explain the environmental review process for the Waterfront Plan and to provide opportunity to take public comment and concerns related to the Plan's environmental issues. A subsequent video of the NOP presentation and scoping meeting was accessible on the sfplanning.org/sfceqadocs webpage and the planning department's YouTube webpage for the duration of the NOP comment review period. The NOP announcement also was placed in a newspaper of general circulation in San Francisco.

The Draft EIR was circulated for a 60-day public review and comment period, starting on February 23, 2022, and ending on April 25, 2022. The planning department distributed paper copies of the notice of public hearing and availability of the Draft EIR to relevant state and regional agencies, organizations, and persons interested in the Waterfront Plan, including those listed on the planning department's standard distribution list and the Port's interested stakeholder list. The planning department also distributed the notice electronically, using email, to recipients who had provided email addresses; published notification of its availability in a newspaper of general circulation in San Francisco; and posted the Notice of Public Hearing and Availability of the EIR at the County Clerk's office and approximately 45 locations in the Waterfront Plan area.¹³ A paper copy of the Draft EIR was distributed for public review at the San Francisco Permit Center, 49 South Van Ness Avenue, 2nd Floor, San Francisco, CA 94103. Electronic copies of the Draft EIR were made available for review or download on the planning department's "Environmental Review Documents" webpage (<https://sfplanning.org/environmental-review-documents>). During the Draft EIR public review period, the planning department received written comments from three agencies, four organizations, and six individuals and received oral comments from nine commenters. During the public review period, the planning commission conducted a public hearing to receive oral comments on the Draft EIR on March 24, 2022. Due to the COVID-19 emergency, this hearing was held in a hybrid format that included both in-person and remote attendees; comments were collected remotely by phone call and in person in Room 400 at city hall. A court reporter attended the hybrid public hearing to transcribe the oral comments verbatim and provide a written transcript (Attachment A).

Regarding the request for an extension of Draft EIR comment period to allow a more considered assessment of the Plan's impacts by the users of Aquatic Park, as indicated above, the Draft EIR was circulated for a 60-day public review and comment period, starting on February 23, 2022, and ending on April 25, 2022. As set forth in CEQA Guidelines section 15105(a), the public review period for a Draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. The commenter does not provide any evidence for the presence of unusual circumstances that would warrant an extension of the public review

¹³ See the Declaration of Posting for a Draft Environmental Impact Report, February 23, 2022, for a visual depiction of the posting locations in the Waterfront Plan area.

period for the Draft EIR, such as significant new information with respect to the Waterfront Plan or identification of new significant impacts or a substantial increase in the severity of previously identified impacts.

Per section 15088.5 of the CEQA Guidelines, recirculation of an EIR is only required where significant new information is added, which includes the following situations: (1) a new significant environmental impact from the project or from a new proposed mitigation measure; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would lessen the significant environmental impacts of the project but is not adopted; or (4) the DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The comments do not address any of these factors; therefore, recirculation of the Draft EIR is not required.

Regarding the question from the commenter who attended the planning commission public hearing conducted to receive oral comments on the Draft EIR on March 24, 2022, this RTC document addresses all substantive written and oral comments received on the Draft EIR, including substantive oral comments on the Draft EIR provided at the March 24, 2022, public hearing.

These comments do not raise specific issues concerning the adequacy, accuracy, or completeness of the Draft EIR's analysis of the project's physical environmental impacts and thus do not require further response.

3.L.4 Comment GC-4: Communication for Subsequent Projects

This response addresses the following comment, which is quoted below:

O-Hudson-8

-
- “Projects to install, and update as needed, graphics on project info, contact info and any potential environmental impacts.
 - Each Waterfront Plan Project to Develop a Community Outreach Plan - and have 7 day a week Point of Contact.” (Jane Connors, General Manager, Hudson Pacific Properties, Email, 4/22/2022)
-

RESPONSE GC-4

The commenter requests informational noticing and community outreach actions related to subsequent projects that could occur with implementation of the Waterfront Plan.

The comment does not raise specific issues concerning the adequacy or accuracy of the Draft EIR under CEQA. Additional requirements or preferences related to notification or community outreach may be considered by decision makers before they render a final decision to approve, modify, or disapprove individual projects. These considerations are carried out independent of the environmental review process. The comments are noted and do not require a response in this Final EIR.

3.L.5 Comment GC-5: Cumulative Analysis

This response addresses the following comment, which is quoted below:

I-Hong2-4

5. Will the following projects be part of the Cumulative Project list? I realize that during the production of this DEIR-IS? Other projects may have crept up such as:

- Teatro ZinZani theater
- 55 Francisco
- 425 Broadway St
- Any impact to the Mission Bay, Pier 70, the USF plans an others.

6. How will these if any impact the Waterfront Plan and the timing from start to finish (3 years--??). (Dennis Hong, Email, 4/25/2022)

RESPONSE GC-5

The commenter asks whether a list of projects, including the Teatro ZinZanni, 55 Francisco Street, 425 Broadway Street, Mission Bay, Pier 70, and the University of San Francisco plans, will be part of the cumulative project list and how these projects will impact the Waterfront Plan and the “timing from start to finish.”

The commenter is referred to the discussion of Cumulative Impacts (pp. 4-8 to 4-10) in Draft EIR Chapter 4, Environmental Setting, Impacts, and Mitigation Measures, which identifies the CEQA requirements for evaluation of cumulative impacts and the factors that were applied in accordance with CEQA to conduct the cumulative impact analyses in the Draft EIR. A discussion of cumulative impacts is also included in the Draft EIR under each relevant resource topic area; additional projects beyond those identified in Draft EIR Chapter 4 are also considered on an as-needed basis for relevant topic areas. This comment does not raise specific issues concerning the adequacy, accuracy, or completeness of the Draft EIR’s analysis of the Waterfront Plan’s physical environmental impacts and thus does not require further response.

CHAPTER 4

DRAFT EIR REVISIONS

The following changes to the text of the Draft EIR are made in response to comments on the Draft EIR or are included to clarify the Draft EIR text. The revisions reflect changes identified in Chapter 3, Comments and Responses, or staff-initiated text changes; all of which clarify, expand, or update information and/or graphics presented in the Draft EIR. Staff-initiated changes to clarify information presented in the Draft EIR are highlighted with an asterisk (*) in the margin to distinguish them from text changes in response to comments. The revised text does not provide new information that would result in any new significant impact not already identified in the Draft EIR and initial study or a substantial increase in the severity of an impact identified in the Draft EIR and initial study that cannot be mitigated to less than significant with implementation of mitigation measures agreed to by the project sponsor. Thus, none of the text revisions would require recirculation pursuant to CEQA Guidelines section 15088.5. The Draft EIR and this response to comments document together constitute the final EIR for the Waterfront Plan. In the revisions shown below, deleted text is shown in ~~strike through~~ and new text is double-underlined.

4.A Revisions to the Cover and Title Page

*** COVER AND TITLE PAGE, STATE CLEARINGHOUSE NUMBER**

State Clearinghouse No. ~~2020099002~~ 2020080458

4.B Revisions to Waterfront Plan EIR Summary

*** PAGE S-6, TABLE S-1, IMPACT C-CR-1, THIRD COLUMN**

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
...			
EIR SECTION 4.B, HISTORIC RESOURCES			
...			
Impact C-CR-1: The Waterfront Plan, in combination with cumulative projects, could result in a significant cumulative impact on historic resources, as defined in CEQA Guidelines section 15064.5.	S	Mitigation Measures M-CR-1a; <u>and</u> M-CR-1b; <u>and</u> M-CR-1c would apply.	LTSM
...			

* PAGE S-10, TABLE S-1, MITIGATION MEASURE M-NO-2A

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
...			
EIR SECTION 4.D, NOISE AND VIBRATION			
<p>Impact NO-1: Construction under the Waterfront Plan could generate a substantial temporary or increase in ambient noise levels in the Plan area in excess of standards</p>	S	<p>Mitigation Measure M-NO-2a: Protection of Adjacent Buildings/Structures and Vibration Monitoring during Construction. Prior to issuance of any demolition or building permit, the project sponsor shall submit a project specific Pre-construction Survey and Vibration Management and Monitoring Plan for approval to the Environmental Review Officer (ERO). The plan shall identify all feasible means to avoid damage to potentially affected buildings. The project sponsor shall ensure that the following requirements of the Pre-construction Survey and Vibration Management and Monitoring Plan are included in contract specifications, as necessary:</p> <p><i>Pre-construction Survey.</i> Prior to the start of any ground disturbing activity, the project sponsor shall engage a consultant to undertake a pre-construction survey of potentially affected buildings. If potentially affected buildings and/or structures are not potentially historic, a structural engineer or other professional with similar qualifications shall document and photograph the existing conditions of the potentially affected buildings and/or structures. The project sponsor shall submit the survey for review and approval prior to the start of vibration-generating construction activity.</p> <p>If nearby affected buildings are known historic resources or potential historic resources, unless there is evidence in the record the building is not a historic resource or would not be particularly sensitive to construction vibration, the project sponsor shall engage a qualified historic preservation professional and a structural engineer or other professional with similar qualifications to undertake a pre-construction survey of potentially affected historic buildings. The pre-construction survey shall include descriptions and photographs of all identified historic buildings including all facades, roofs, and details of the character-defining features that could be damaged during construction, and shall document existing damage, such as cracks and loose or damaged features (as allowed by property owners). The report shall also include pre-construction drawings that record the pre-construction condition of the buildings</p>	LTSM

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>and identify cracks and other features to be monitored during construction. The qualified historic preservation professional shall be the lead author of the pre-construction survey if historic buildings and/or structures could be affected by the project. The pre-construction survey shall be submitted to the ERO for review and approval prior to the start of vibration-generating construction activity.</p> <p><i>Vibration Management and Monitoring Plan.</i> The project sponsor shall undertake a monitoring plan to avoid or reduce project related construction vibration damage to adjacent buildings and/or structures and to ensure that any such damage is documented and repaired. Prior to issuance of any demolition or building permit, the project sponsor shall submit the plan for review and approval.</p> <p>The Vibration Management and Monitoring Plan shall include, at a minimum, the following components, as applicable:</p> <ul style="list-style-type: none"> ◆ <i>Maximum Vibration Level.</i> Based on the anticipated construction and condition of the affected buildings and/or structures on adjacent properties, a qualified acoustical/vibration consultant in coordination with a structural engineer (or professional with similar qualifications) and, in the case of potentially affected historic buildings/structures, a qualified historic preservation professional, shall establish a maximum vibration level that shall not be exceeded at each building/structure on adjacent properties, based on existing conditions, character defining features, soil conditions, and anticipated construction practices (common standards are a peak particle velocity [PPV] of 0.25 inch per second for historic and some old buildings, a PPV of 0.3 inch per second for older residential structures, and a PPV of 0.5 inch per second for new residential structures and modern industrial/commercial buildings). ◆ <i>Vibration Generating Equipment.</i> The plan shall identify all vibration-generating equipment to be used during construction (including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction). ◆ <i>Alternative Construction Equipment and Techniques.</i> The plan shall identify potential 	

Chapter 4. Environmental Setting, Impacts, and Mitigation Measures
 4.B. Revisions to Waterfront Plan EIR Summary

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>alternative equipment and techniques that could be implemented if construction vibration levels are observed in excess of the established standard (e.g., drilled shafts [caissons] could be substituted for driven piles, if feasible, based on soil conditions, or smaller, lighter equipment could be used in some cases):</p> <ul style="list-style-type: none"> ◆ <i>Pile Driving Requirements.</i> For projects that would require pile driving, the project sponsor shall incorporate into construction specifications for the project a requirement that the construction contractor(s) use all feasible means to avoid or reduce damage to potentially affected buildings. Such methods may include one or more of the following: <ul style="list-style-type: none"> — Incorporate “quiet” pile driving technologies into project construction (such as drilled shafts, using sonic pile drivers, auger cast in-place, or drilled displacement), as feasible; and/or — Ensure appropriate excavation shoring methods to prevent the movement of adjacent structures. ◆ <i>Buffer Distances.</i> The plan shall identify buffer distances to be maintained based on vibration levels and site constraints between the operation of vibration generating construction equipment and the potentially affected building and/or structure to avoid damage to the extent possible. ◆ <i>Vibration Monitoring.</i> The plan shall identify the method and equipment for vibration monitoring to ensure that construction vibration levels do not exceed the established standards identified in the plan. <ul style="list-style-type: none"> — Should construction vibration levels be observed in excess of the standards established in the plan, the contractor(s) shall halt construction and put alternative construction techniques identified in the plan into practice, to the extent feasible. — The qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures) shall inspect each affected building and/or structure (as allowed by property owners) in the event the construction 	

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>activities exceed the vibration levels identified in the plan:</p> <ul style="list-style-type: none"> — The structural engineer and/or historic preservation professional shall submit monthly reports to the ERO during vibration inducing activity periods that identify and summarize any vibration level exceedances and describe the actions taken to reduce vibration. — If vibration has damaged nearby buildings and/or structures that are not historic, the structural engineer shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged. — If vibration has damaged nearby buildings and/or structures that are historic, the historic preservation consultant shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged. — Following incorporation of the alternative construction techniques and/or planning department review of the damage report, vibration monitoring shall recommence to ensure that vibration levels at each affected building and/or structure on adjacent properties are not exceeded. — <i>Periodic Inspections.</i> The plan shall identify the intervals and parties responsible for periodic inspections. The qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures) shall conduct regular periodic inspections of each affected building and/or structure on adjacent properties (as allowed by property owners) during vibration-generating construction activity on the project site. The plan will specify how often inspections shall occur. — <i>Repair Damage.</i> The plan shall also identify provisions to be followed should damage to any building and/or structure occur due to construction-related vibration. The building(s) and/or structure(s) shall be remediated to their pre-construction condition (as allowed by property owners) at the conclusion of vibration-generating activity on the site. For historic 	

Chapter 4. Environmental Setting, Impacts, and Mitigation Measures
 4.B. Revisions to Waterfront Plan EIR Summary

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>resources, should damage occur to any building and/or structure, the building and/or structure shall be restored to its pre-construction condition in consultation with the qualified historic preservation professional and planning department preservation staff.</p> <ul style="list-style-type: none"> <p><i>Vibration Monitoring Results Report.</i> After construction is complete the project sponsor shall submit a final report from the qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures). The report shall include, at a minimum, collected monitoring records, building and/or structure condition summaries, descriptions of all instances of vibration level exceedance, identification of damage incurred due to vibration, and corrective actions taken to restore damaged buildings and structures. The ERO shall review and approve the Vibration Monitoring Results Report.</p> <p><u>Mitigation Measure M-NO-1: Construction Noise Control.</u> <u>Prior to issuance of any demolition or building permit, the project sponsor shall submit a project-specific construction noise control plan to the ERO or the ERO’s designee for approval. The construction noise control plan shall be prepared by a qualified acoustical engineer, with input from the construction contractor, and include all feasible measures to reduce construction noise. The construction noise control plan shall identify noise control measures to meet a performance target of construction activities not resulting in a noise level greater than 90 dBA at noise sensitive receptors and 10 dBA above the ambient noise level at noise sensitive receptors (residences, hospitals, convalescent homes, schools, churches, hotels and motels, and sensitive wildlife habitat). The project sponsor shall ensure that requirements of the construction noise control plan are included in contract specifications. If nighttime construction is required, the plan shall include specific measures to reduce nighttime construction noise. The plan shall also include measures for notifying the public of construction activities, complaint procedures, and a plan for monitoring construction noise levels in the event complaints are received. The construction noise control plan shall include the following measures to</u></p> 	

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>the degree feasible, or other effective measures, to reduce construction noise levels:</u></p> <ul style="list-style-type: none"> • <u>Use construction equipment that is in good working order, and inspect mufflers for proper functionality;</u> • <u>Select “quiet” construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures);</u> • <u>Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors;</u> • <u>Prohibit the idling of inactive construction equipment for more than 5 minutes;</u> • <u>Locate stationary noise sources (such as compressors) as far from nearby noise sensitive receptors as possible, muffle such noise sources, and construct barriers around such sources and/or the construction site;</u> • <u>Avoid placing stationary noise-generating equipment (e.g., generators, compressors) within noise-sensitive buffer areas (as determined by the acoustical engineer) immediately adjacent to neighbors;</u> • <u>Enclose or shield stationary noise sources from neighboring noise-sensitive properties with noise barriers to the extent feasible. To further reduce noise, locate stationary equipment in pit areas or excavated areas, if feasible; and</u> • <u>Install temporary barriers, barrier-backed sound curtains, and/or acoustical panels around working powered impact equipment and, if necessary, around the project site perimeter. When temporary barrier units are joined together, the mating surfaces shall be flush with each other. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, shall be closed with material that completely closes the gaps, and dense enough to attenuate noise.</u> <p><u>The construction noise control plan shall include the following measures for notifying the public of construction activities, complaint procedures and monitoring of construction noise levels:</u></p> <ul style="list-style-type: none"> • <u>Designation of an on-site construction noise manager for the project;</u> • <u>Notification of neighboring noise sensitive receptors within 300 feet of the project construction area at least 30 days in advance of</u> 	

Chapter 4. Environmental Setting, Impacts, and Mitigation Measures
 4.B. Revisions to Waterfront Plan EIR Summary

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>high-intensity noise-generating activities (e.g., pier drilling, pile driving, and other activities that may generate noise levels greater than 90 dBA at noise sensitive receptors) about the estimated duration of the activity;</u></p> <ul style="list-style-type: none"> • <u>A sign posted on-site describing noise complaint procedures and a complaint hotline number that shall always be answered during construction;</u> • <u>A procedure for notifying the planning department of any noise complaints within one week of receiving a complaint;</u> • <u>A list of measures for responding to and tracking complaints pertaining to construction noise. Such measures may include the evaluation and implementation of additional noise controls at sensitive receptors; and</u> • <u>Conduct noise monitoring (measurements) at the beginning of major construction phases (e.g., demolition, grading, excavation) and during high-intensity construction activities to determine the effectiveness of noise attenuation measures and, if necessary, implement additional noise control measures.</u> <p><u>The construction noise control plan shall include the following additional measures during pile-driving activities:</u></p> <ul style="list-style-type: none"> • <u>When pile driving is to occur within 600 feet of a noise-sensitive receptor, implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, auger cast-in-place, or drilled-displacement, or the use of more than one pile driver to shorten the total pile-driving duration [only if such measure is preferable to reduce impacts to sensitive receptors]) where feasible, in consideration of geotechnical and structural requirements and conditions;</u> • <u>Where the use of driven impact piles cannot be avoided, properly fit impact pile driving equipment with an intake and exhaust muffler and a sound-attenuating shroud, as specified by the manufacturer; and</u> • <u>Conduct noise monitoring (measurements) before, during, and after the pile driving activity.</u> 	
<p>Impact NO-2: Construction under the Waterfront Plan could</p>	<p>S</p>	<p>Mitigation Measure M-NO-2a: Protection of Adjacent Buildings/Structures and Vibration Monitoring during Construction. Prior to issuance of</p>	<p>LTSM</p>

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>generate excessive groundborne vibration or groundborne noise levels.</p>		<p><u>any demolition or building permit, the project sponsor shall submit a project-specific Pre-construction Survey and Vibration Management and Monitoring Plan for approval to the Environmental Review Officer (ERO). The plan shall identify all feasible means to avoid damage to potentially affected buildings. The project sponsor shall ensure that the following requirements of the Pre-construction Survey and Vibration Management and Monitoring Plan are included in contract specifications, as necessary.</u></p> <p><u>Pre-construction Survey. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a consultant to undertake a pre-construction survey of potentially affected buildings. If potentially affected buildings and/or structures are not potentially historic, a structural engineer or other professional with similar qualifications shall document and photograph the existing conditions of the potentially affected buildings and/or structures. The project sponsor shall submit the survey for review and approval prior to the start of vibration-generating construction activity.</u></p> <p><u>If nearby affected buildings are known historic resources or potential historic resources, unless there is evidence in the record the building is not a historic resource or would not be particularly sensitive to construction vibration, the project sponsor shall engage a qualified historic preservation professional and a structural engineer or other professional with similar qualifications to undertake a pre-construction survey of potentially affected historic buildings. The pre-construction survey shall include descriptions and photographs of all identified historic buildings including all facades, roofs, and details of the character-defining features that could be damaged during construction, and shall document existing damage, such as cracks and loose or damaged features (as allowed by property owners). The report shall also include pre-construction drawings that record the pre-construction condition of the buildings and identify cracks and other features to be monitored during construction. The qualified historic preservation professional shall be the lead author of the pre-construction survey if historic buildings and/or structures could be affected by the project. The pre-construction survey shall be submitted to the ERO for review and approval prior to the start of vibration-generating construction activity.</u></p>	

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 4.B. Revisions to Waterfront Plan EIR Summary

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>Vibration Management and Monitoring Plan. The project sponsor shall undertake a monitoring plan to avoid or reduce project-related construction vibration damage to adjacent buildings and/or structures and to ensure that any such damage is documented and repaired. Prior to issuance of any demolition or building permit, the project sponsor shall submit the plan for review and approval.</u></p> <p><u>The Vibration Management and Monitoring Plan shall include, at a minimum, the following components, as applicable:</u></p> <ul style="list-style-type: none"> • <u>Maximum Vibration Level. Based on the anticipated construction and condition of the affected buildings and/or structures on adjacent properties, a qualified acoustical/vibration consultant in coordination with a structural engineer (or professional with similar qualifications) and, in the case of potentially affected historic buildings/structures, a qualified historic preservation professional, shall establish a maximum vibration level that shall not be exceeded at each building/structure on adjacent properties, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices (common standards are a peak particle velocity [PPV] of 0.25 inch per second for historic and some old buildings, a PPV of 0.3 inch per second for older residential structures, and a PPV of 0.5 inch per second for new residential structures and modern industrial/commercial buildings).</u> • <u>Vibration-Generating Equipment. The plan shall identify all vibration-generating equipment to be used during construction (including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction).</u> • <u>Alternative Construction Equipment and Techniques. The plan shall identify potential alternative equipment and techniques that could be implemented if construction vibration levels are observed in excess of the established standard (e.g., drilled shafts [caissons] could be substituted for driven piles, if feasible, based on soil conditions, or smaller, lighter equipment could be used in some cases).</u> 	

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> • <u>Pile-Driving Requirements.</u> For projects that would require pile driving, the project sponsor shall incorporate into construction specifications for the project a requirement that the construction contractor(s) use all feasible means to avoid or reduce damage to potentially affected buildings. Such methods may include one or more of the following: <ul style="list-style-type: none"> – Incorporate “quiet” pile-driving technologies into project construction (such as drilled shafts, using sonic pile drivers, auger cast-in-place, or drilled-displacement), as feasible; and/or – Ensure appropriate excavation shoring methods to prevent the movement of adjacent structures. • <u>Buffer Distances.</u> The plan shall identify buffer distances to be maintained based on vibration levels and site constraints between the operation of vibration-generating construction equipment and the potentially affected building and/or structure to avoid damage to the extent possible. • <u>Vibration Monitoring.</u> The plan shall identify the method and equipment for vibration monitoring to ensure that construction vibration levels do not exceed the established standards identified in the plan. <ul style="list-style-type: none"> – Should construction vibration levels be observed in excess of the standards established in the plan, the contractor(s) shall halt construction and put alternative construction techniques identified in the plan into practice, to the extent feasible. – The qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures) shall inspect each affected building and/or structure (as allowed by property owners) in the event the construction activities exceed the vibration levels identified in the plan. – The structural engineer and/or historic preservation professional shall submit monthly reports to the ERO during vibration-inducing activity periods that identify and summarize 	

Chapter 4. Environmental Setting, Impacts, and Mitigation Measures
 4.B. Revisions to Waterfront Plan EIR Summary

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>any vibration level exceedances and describe the actions taken to reduce vibration.</u></p> <ul style="list-style-type: none"> - <u>If vibration has damaged nearby buildings and/or structures that are not historic, the structural engineer shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged.</u> - <u>If vibration has damaged nearby buildings and/or structures that are historic, the historic preservation consultant shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged.</u> - <u>Following incorporation of the alternative construction techniques and/or planning department review of the damage report, vibration monitoring shall recommence to ensure that vibration levels at each affected building and/or structure on adjacent properties are not exceeded.</u> • <u>Periodic Inspections. The plan shall identify the intervals and parties responsible for periodic inspections. The qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures) shall conduct regular periodic inspections of each affected building and/or structure on adjacent properties (as allowed by property owners) during vibration-generating construction activity on the project site. The plan will specify how often inspections shall occur.</u> • <u>Repair Damage. The plan shall also identify provisions to be followed should damage to any building and/or structure occur due to construction-related vibration. The building(s) and/or structure(s) shall be remediated to their pre-construction condition (as allowed by property owners) at the conclusion of vibration-generating activity on the site. For historic resources, should damage occur to any building and/or structure, the building and/or structure shall be restored to its pre-construction condition in consultation with the qualified historic preservation professional and planning department preservation staff.</u> 	

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> <p><u>Vibration Monitoring Results Report. After construction is complete the project sponsor shall submit a final report from the qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures). The report shall include, at a minimum, collected monitoring records, building and/or structure condition summaries, descriptions of all instances of vibration level exceedance, identification of damage incurred due to vibration, and corrective actions taken to restore damaged buildings and structures. The ERO shall review and approve the Vibration Monitoring Results Report.</u></p> <p>Mitigation Measure M-NO-2b: Protection of Vibration-Sensitive Equipment during Construction. Prior to construction, the project sponsor shall designate and make available a community liaison to respond to vibration complaints from building occupants of adjacent recording and TV studios within a minimum of 225 feet of the project site.</p> <p>Contact information for the community liaison shall be posted in a conspicuous location so that it is clearly visible to building occupants most likely to be disturbed. Through the community liaison, the project sponsor team shall provide notification to property owners and occupants of recording and TV studios at least 10 days prior to construction activities involving equipment that can generate vibration capable of interfering with vibration-sensitive equipment, informing them of the estimated start date and duration of vibration-generating construction activities. Equipment types capable of generating such vibration include a vibratory roller, large bulldozer, or similar equipment, operating within 225 feet of the building. If feasible, the project sponsor team shall identify potential alternative equipment and techniques that could reduce construction vibration levels. For example, alternative equipment and techniques may include use of static rollers instead of vibratory rollers.</p> <p>If concerns prior to construction or complaints during construction related to equipment interference are identified, the community liaison shall work with the project sponsor team and the affected building occupants to resolve the concerns such that the</p> 	

Environmental Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		vibration control measures would meet a performance target of the 65 VdB vibration level for vibration-sensitive equipment, as set forth by Federal Transit Administration. To resolve concerns raised by building occupants, the community liaison shall convey the details of the complaint(s) to the project sponsor team, such as who shall implement specific measures to ensure that the project construction meets the performance target of 65 VdB vibration level for vibration-sensitive equipment. The community liaison would then notify building occupants of the measures to be implemented. These measures may include evaluation by a qualified noise and vibration consultant, scheduling certain construction activities outside the hours of operation or recording periods of specific vibration-sensitive equipment if feasible, and/or conducting groundborne vibration monitoring to document that the project can meet the performance target of 65 VdB at specific distances and/or locations. Groundborne vibration monitoring, if appropriate to resolve concerns, shall be conducted by a qualified noise and vibration consultant.	
...			

PAGE S-25, MITIGATION MEASURE M-BI-1A

Mitigation Measure M-BI-1a: Worker Environmental Awareness Program Training and Special-Status Species and Natural Communities Reporting. Project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist and attended by all project personnel performing demolition or ground-disturbing work where buildings, bridges, landscaping/street trees, natural vegetation or shoreline habitats are present prior to the start of work. The WEAP training shall generally include, but not be limited to, education about the following:

- Applicable state and federal laws, environmental regulations, project permit conditions, and penalties for non-compliance.
- Special-status plant and animal species with the potential to be encountered on or in the vicinity of the project area during construction.
- Avoidance measures and a protocol for encountering special-status species including a communication chain.
- Preconstruction surveys and biological monitoring requirements associated with each phase of work and at specific locations within the project area (e.g., shoreline work) as biological resources and protection measures will vary depending on where work is occurring within the site, time of year, and construction activity.
- Known sensitive resource areas in the project vicinity that are to be avoided and/or protected as well as approved project work areas, access roads, and staging areas.
- Any special-status species and sensitive natural communities detected during surveys or monitoring or subsequent projects will be reported to the California Department of Fish and Wildlife California Natural Diversity Database

using the field survey forms found at <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>.

PAGE S-31, MITIGATION MEASURE M-BI-3, FIRST PARAGRAPH

Mitigation Measure M-BI-3: Fish and Marine Mammal Protection during Pile Driving. If required by the National Marine Fisheries Service (NMFS), a sound attenuation monitoring plan shall be prepared to reduce impacts to fish and marine mammals. The plan shall incorporate the following best management practices subject to modification in the NMFS- and CDFW-approved plan:

PAGE S-35, MITIGATION MEASURE M-BI-6, FIRST BULLET

- The proposed project shall be designed to avoid, to the extent practical, work within wetlands and/or waters under the jurisdiction of USACE, regional board, BCDC, and CDFW. If applicable, permits or approvals shall be sought from the above agencies, as required. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction shall be identified and the area outside avoided.

4.C Revisions to Chapter 1, Introduction

* PAGE 1-10, NUMBERED ITEM 2 AND FOLLOWING FULL PARAGRAPH

2. If the agency finds that pursuant to section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. The agency may prepare an addendum to this EIR to document the assessment and determination that no new environmental document is required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.

...

Thus, this Draft EIR assumes that subsequent lease, development, and improvement projects (subsequent projects) in the Plan area would be ~~subject to environmental review~~ed at such time that those projects are proposed, as described above, to determine whether or not they would result in new physical environmental effects that are not addressed in this Draft EIR. The analysis of subsequent projects would be based on existing conditions at the site and vicinity, at such time a project is proposed, and would take into account any updated information relevant to the environmental analysis of the subsequent project (e.g., changes to the environmental setting or updated growth forecasts, models).

* PAGE 1-13, LAST BULLET

- **Appendices.** Appendices include Appendix A, Notice of Preparation and Comments Received; Appendix B, Initial Study; Appendix C, Growth Projections Memorandum; Appendix D, Waterfront Plan Historic Resources Inventory and Summary Report; Appendix E, Waterfront Plan EIR – Estimation of Proposed Travel Demand; Appendix F, Supporting Documentation for Noise Analysis; Appendix G, Waterfront Plan Air Quality Technical Memorandum and ~~Health Risk Assessment~~ Documentation; and Appendix H, Plant and Wildlife Species Lists and Potential to Occur in the Study Area.

4.D Revisions to Chapter 2, Project Description¹⁴

PAGE 2-38, “BCDC WATERFRONT SPECIAL AREA PLAN” SECTION, FIRST PARAGRAPH

BCDC’s planning policies and regulatory framework are set forth in the San Francisco Bay Plan, which applies to the entire Bay region, and the San Francisco Waterfront Special Area Plan (SAP), which specifically addresses the San Francisco waterfront, including all Port properties over or within 100 feet of the shoreline of San Francisco Bay. The Port has filed a BCDC application to amend the SAP to align Port and BCDC policies. As of the publication of this Draft EIR, the Bay Plan Amendment application is pending, and the proposed SAP amendments are still under consideration. Key SAP amendments would include the following:

* PAGE 2-24, PENULTIMATE PARAGRAPH

The maritime goal remains the same in the Waterfront Plan as in the 1997 Plan—to recognize and support the current and future needs of the diverse categories water-dependent use of maritime industry and businesses, and water recreation activities at the Port.

The updated or new maritime policies would continue to give priority to terminal, facility, berthing, and operational needs by allowing the Port to use any of its properties for maritime -related purposes, including Harbor Services and the Port’s Maintenance Division facilities, which is consistent with the Proposition H requirement to give priority consideration to maritime needs. The Waterfront Plan also retains policies from the 1997 Plan that support linking the development of new maritime facilities and improvements with complementary non-maritime mixed-use developments and projects.

* PAGE 2-27, SECOND SET OF BULLETS

The Waterfront Plan includes updated or new maritime and water recreation policies in the following areas:

- Conducting site and financial feasibility studies to identify viable location(s) to develop a second cruise ship berth that complies with new air emission rules set by the California Air Resources Board (CARB) (Policies 9, 10);
- Increasing coordination and partnerships to expand water transportation facilities and services (Policy 13);
- Pursuing industrial leasing and warehouse development in the Piers 90–94 Backlands, and industrial transportation access to protect the integrity of the Port’s Southern Waterfront cargo terminal operations (Policies 15, 16, 17);
- Planning and providing water recreation access in San Francisco Bay, and facilities, partnerships, and related commercial services that are appropriately funded, located, and managed to be compatible with maritime and deep vessel operations, and sensitive natural habitat areas (Policies 19, 20, 21, 22, 23, 24, 25); and
- Promoting shared public access on pier aprons where it is safe and compatible with maritime berthing, particularly in the Embarcadero Historic District (Policies 26, 27).

¹⁴ Revisions to the Waterfront Plan since publication of the Draft EIR include minor technical edits and clarifications and do not substantively change the policies of the Plan. The revisions are available on the Port’s website at <https://sfport.com/projects-programs/waterfront-plan>.

DIVERSITY OF ACTIVITIES AND PEOPLE

This goal remains the same in the Waterfront Plan as in the 1997 Plan—to promote a mix of commercial, industrial, public-oriented, civic, cultural, open space, and recreational uses that complement Port maritime and water-dependent activities. The Waterfront Plan includes new information describing state trust legislation that has allowed development of non-trust uses on specified seawall lots, and recognition of the Pier 70 and Mission Rock SUDs, which are incorporated by reference in the Waterfront Plan and supported by Development Agreements and Design for Development Documents, which secured City approvals following the completion of earlier CEQA environmental review processes.

The citations shown in parentheses after the stated policies in this section correspond to the policies identified in the Waterfront Plan listed under each goal. The Waterfront Plan retains the following policies from the 1997 Plan:

- Maintaining maritime, water-dependent, and non-maritime industrial leasing opportunities in Port properties, including leasing opportunities for maritime and general office uses in historic buildings listed in the National Register of Historic Places, as permitted (Policies 11, 12);

* PAGE 2-29, FOURTH-FROM-LAST BULLET

- Promoting the Bay Water Trail, enhance water recreation facilities, and safe access for bay water recreation activities in areas shared with maritime vessel operations and natural habitat areas (Policy 18);

* PAGE 2-31, THIRD BULLET

- Leverage the Port’s economic activity to advance equity, inclusion, and public benefit for communities in and neighboring the Port, including historically disadvantaged communities, in alignment with the Port’s Racial Equity Action Plan (Policy 4).

* PAGE 2-33, FOURTH AND FIFTH BULLETS

- Developing a resilience program for Port facilities that is transparent and coordinated with San Francisco’s and Port Resilience Programs (Policies 4a–4h);
- Encouraging and designing resilience projects that achieve multiple public objectives, consistent with the Waterfront Plan goals and policies, and city and Port resilience programs (Policies 5a–5f); and

* PAGE 2-33, LAST BULLET

- ~~Develop Port Commission and Southern Waterfront Advisory Committee review requirements for intermediate and long term lease proposals in the Piers 80–96 Maritime Eco-industrial Strategy area (Policy 9);~~

* PAGE 2-34, FOURTH BULLET

- Maintain the Wharf’s diverse mix of public, commercial, ~~and maritime activities~~, and recreational uses, and include activities that attract local residents and dispel the Wharf’s image as a tourist-only attraction;

* PAGE 2-34, THIRD-TO-LAST BULLET

- Maximize opportunities to retain and enhance maritime operations and water recreation activities in the Northeast Waterfront;

* **PAGE 2-35, FIFTH BULLET**

- Coordinate closely with resilience proposals produced through the ~~Embarcadero Seawall~~ Waterfront Resilience Program to build understanding and support for innovations required to adapt to the impacts of climate change while respecting the history, character, and authenticity of the Northeast Waterfront.

* **PAGE 2-35, TWELFTH BULLET**

- Coordinate closely with resilience proposals produced through the ~~Embarcadero Seawall~~ Waterfront Resilience Program to build understanding and support for innovations required to adapt to the impacts of climate change while respecting the history, character, and authenticity of the South Beach waterfront.

* **PAGE 2-35, LAST BULLET**

- Rehabilitate Pier 48 to recall the Mission Bay waterfront's ~~historic use~~ history and to accommodate new uses; and

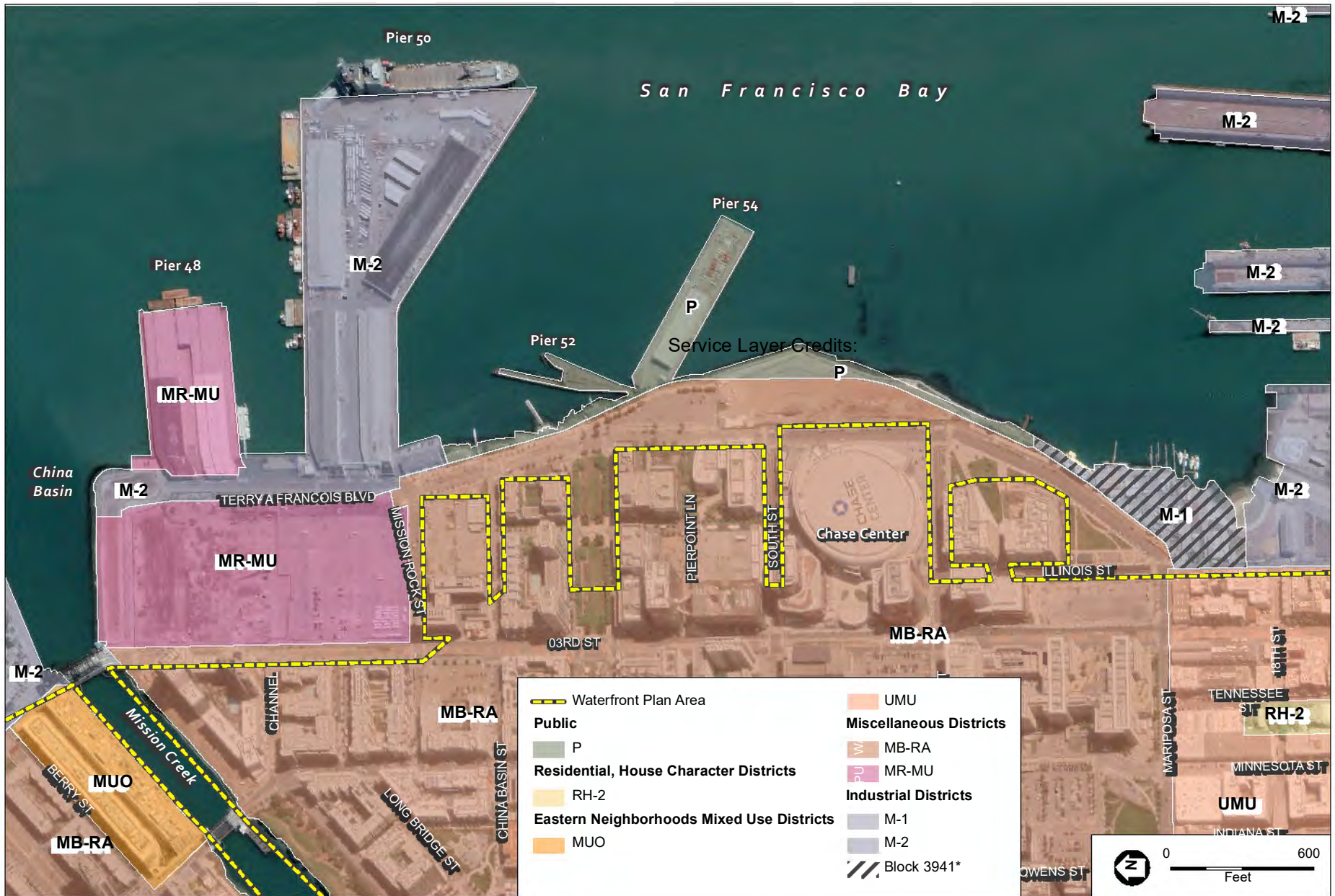
* **PAGE 2-38, THIRD FULL PARAGRAPH**

The Waterfront Plan also would include a general plan amendment to align the City and Port policies based on the Waterfront Plan amendments. When the 1997 Waterfront Plan was developed, the planning commission approved a general plan amendment to provide consistent policies for waterfront improvements. The new and updated Waterfront Plan goals, policies, and objectives described above would be the basis for amendments to general plan elements and area plans. In addition, the new and updated Waterfront Plan goals, policies, and objectives would require conforming amendments to policies in other general plan elements, including in the Land Use Index. The revisions are minor in nature and are not expected to have any environmental impacts that are separate and distinct from the impacts of the Waterfront Plan analyzed in this EIR. To the extent the conforming amendments could lead to physical effects on the environment, those effects would be similar to the effects of the updated Waterfront Plan, which are analyzed in this EIR.

* **PAGE 2-41, “SAN FRANCISCO PLANNING COMMISSION” SECTION**

- Certification of the Waterfront Plan Final EIR
- Adoption of CEQA findings and recommendation to the Board of Supervisors to approve amendments to the general plan (including the Land Use Index), planning code, and zoning map, including updates to the waterfront design review procedures and creation of the Waterfront Special Use District 4
- Zoning reclassification for a portion of Assessor’s Block 3941 from P (Public) to M-1 (Light Industry)

In order to correct a zoning map error, the Port proposes to reclassify the zoning of a portion of Assessor’s Block 3941 from P (Public) to M-1 (Light Industry). This site is located between Agua Vista Park to the north and Crane Cove Park to the south in the Mission Bay neighborhood, along Terry Francois Boulevard and Illinois Street, near Mariposa Street. The area proposed for the zoning reclassification, shown in **RTC Figure 1**, is occupied by two restaurants (Kelly’s Mission Rock and The Ramp), a boat repair business (SF Boatworks and boat docks), and a two-story building that has been used for office and storage space. This site was historically zoned M-1 but was inadvertently changed to P sometime in the late 1990s in what appears to be an administrative error. The Port did not apply for, nor does the planning department have any documentation on file to recognize a change in zoning reclassification for this site. The Port seeks to reestablish the M-1 zoning



SOURCE: Google, 2020; San Francisco Planning Department, 2023; SF Port, 2023; ESA, 2023

Waterfront Plan

* Block 3941 (the hatched area) is currently zoned P (Public) but was previously zoned M-1 (Light Industry). The Port is pursuing a parcel reclassification to restore the original M-1 zoning.

RTC FIGURE 1
MISSION BAY SUBAREA ZONING DISTRICTS

and a 40-foot height limit for this site. Under the P zoning classification, all existing business uses are non-conforming uses. These uses would be principally permitted uses under the M-1 zoning reclassification.

The proposed zoning reclassification is not part of the Waterfront Plan project. It is a correction desired by the Port to reinstate zoning that aligns with acceptable uses designated for this site in the existing Waterfront Land Use Plan that was approved in 1998. This zoning reclassification has independent utility and has undergone separate environmental review under a Common Sense Exemption approved on January 12, 2023 (Case No. 2023-000337PRJ); even if the updated Waterfront Plan analyzed in this EIR was not approved, the Port would seek this zoning reclassification to correct an error. The two restaurants and boat repair business have been located on the site for over 30 years, and there are no proposals to change these uses. The office/storage building adjacent to Crane Cove Park is an historic resource known as the Kneass Boatworks Building and currently is vacant. The proposed reclassification of a portion of Assessors Block 3941 would not alter the mix or intensity of land uses from existing or expected future conditions, or other associated impacts analyzed in this EIR, programmatically or cumulatively.

This zoning reclassification request will require approval by the Planning Commission and Board of Supervisors.

*** PAGE 2-41, FOLLOWING LAST BULLET**

- Zoning reclassification for a portion of Assessor's Block 3941 from P (Public) to M-1 (Light Industry)

4.E Revisions to Chapter 3, Plans and Policies

PAGE 3-6, SIXTH PARAGRAPH

The Waterfront Plan would require amendments to the SAP to incorporate revisions to maintain consistent BCDC and Port policies for the Port waterfront. BCDC approval is required to amend the SAP; additional BCDC permit approval would be required for any subsequent projects that could occur under the Waterfront Plan located within the bay or within the 100-foot shoreline band. The Port has filed a BCDC application to amend the SAP to align Port and BCDC policies. As of the publication of this Draft EIR, the Bay Plan Amendment application is pending, and the proposed SAP amendments are still under consideration. Key proposed SAP amendments would include the following:

4.F Revisions to Section 4.A, Aesthetics

*** PAGE 4.A-18, FIRST PARAGRAPH, FIFTH SENTENCE**

... A subsequent project proposed on Seawall Lot 330 would undergo project-level CEQA review, as applicable under CEQA Guidelines section 15162, to determine whether it would create significant environmental effects related to aesthetics that were not disclosed in this Draft EIR as a result of the additional height increases or bulk modifications permitted under the state density bonus law. Nonetheless, as discussed above, computer-generated building mass models were prepared to qualitatively evaluate aesthetics impacts for analysis of development that could occur on subsequent project sites, including Seawall Lot 330.

* **PAGE 4.A-23, LAST PARAGRAPH, LAST SENTENCE**

... Any subsequent project proposed on Seawall Lot 330 or Piers 30–32 would undergo project-level CEQA review, as applicable under CEQA Guidelines section 15162, to determine whether it would result in significant environmental effects related to aesthetics that were not disclosed in this Draft EIR.

4.G Revisions to Section 4.B, Historic Resources

* **PAGE 4.B-27, NEW NOTE ADDED TO TABLE 4.B-2**

SOURCES: architecture + history llc, *Port of San Francisco Historic Resources Summary Report*, prepared for the Port of San Francisco, February 2022, San Francisco Planning Department, Property Information Map, <https://sfplanninggis.org/PIM>, accessed May 2021; San Francisco Planning Department, *Seawall Lot 337 and Pier 48 Mixed-Use Project EIR*, April 2017; San Francisco Planning Department, *Pier 70 Mixed-Use District Project EIR*, December 2016; Page & Turnbull, *San Francisco Fire Stations Historic Resource Study*, October 2015.

NOTE: Two buildings in the Fish Alley Architectural District—2907–09 Jones Street and 2911 Jones Street—are currently undergoing evaluation.

* **PAGE 4.B-37, LAST BULLET**

- Seawall Lot 330 is located within the South Beach subarea and bounded by The Embarcadero and Beale, Main, and Bryant streets. Currently, ~~there are no buildings or structures on the site, which contains a~~ portion of the site is occupied by the temporary Embarcadero Navigation Center facility serving unhoused residents, and a surface parking lot. Seawall Lot 330 is located across The Embarcadero from the Embarcadero Historic District.

* **PAGE 4.B-44, LAST PARAGRAPH**

For these reasons, subsequent projects that could occur with implementation of the Waterfront Plan, in combination with the cumulative projects, could result in a significant cumulative impact on historic resources. However, because subsequent projects involving rehabilitation or renovation of historic resources would be reviewed by a qualified historic preservation professional for consistency with the Secretary's Standards, new subsequent projects within or adjacent to a historic district would be required to undergo design review to ensure their compatibility with the historic district, and because the Waterfront Plan policies require subsequent projects to meet the Secretary's Standards, they ~~would~~ could result in a significant adverse direct impact on a historic resource due changes to the AWSS or due to construction impacts. Furthermore, implementation of Mitigation Measure M-CR-1a would ensure that modification or relocation of any AWSS hydrants, which could occur pursuant to the Waterfront Plan, would not result in a considerable contribution to a significant cumulative impact on the AWSS. In addition, implementation of Mitigation Measure M-CR-1b ~~and Mitigation Measure M-NO-2a~~ would ensure that impacts related to construction-related vibration activities from subsequent projects also would not result in a considerable contribution to a significant cumulative impact. Therefore, implementation of the Waterfront Plan would not result in a considerable contribution to a significant cumulative impact on historic resources, and the impact would be ***less than significant with mitigation***.

4.H Revisions to Section 4.D, Noise and Vibration

* PAGE 4.D-42, IMPACT C-NO-2 DISCUSSION, FIRST PARAGRAPH

With regard to the potential for a cumulative vibration-related damage impact to occur, ~~because vibration impacts are based on instantaneous PPV levels,~~ worst-case groundborne vibration levels from construction are generally determined by whichever individual piece of equipment generates the highest ~~vibration instantaneous PPV levels.~~ Unlike the analysis for average noise levels, in which noise levels of multiple pieces of equipment can be combined to generate a maximum combined noise level, instantaneous peak vibration levels do not combine in this way. Vibration from multiple construction sites, even if they are located close to one another, would not combine to raise the maximum PPV. Specific construction schedules for future projects under the Waterfront Plan in combination with cumulative projects are not available at this time; therefore, it is not possible to determine time periods where overlapping construction from multiple projects may occur, or predict vibration levels at sensitive receptors under this circumstance. However, because vibration levels drop off rapidly with distance from the vibration source, there is a very low chance that an increase in ground vibration effect would occur from construction activities occurring on separate construction sites, as this would only occur if two or more active construction sites were located directly adjacent to or very close to a vibration-sensitive receptor. In general, vibration from multiple construction projects would potentially result in more-frequent vibration events, though not necessarily higher overall vibration levels. The chance is very low that two or more vibration events from multiple construction projects would occur at precisely the same time and frequency, within very close proximity to the same receptor. For this reason, the cumulative impact of construction vibration from multiple construction projects located near one another would generally not combine to further increase vibration levels. In essence, vibration effects are highly localized.

4.I Revisions to Section 4.E, Air Quality

The air quality health risk analysis was updated to specifically evaluate the cancer risk and annual average PM_{2.5} concentrations at worker sensitive receptor locations. This updated analysis is presented in Appendix G, Air Quality Technical Documentation, and requires minor revisions to the air quality chapter, as noted below. The revised text does not provide new information that would result in any new significant impact not already identified in the draft EIR nor a substantial increase in the severity of an impact identified in the Draft EIR that cannot be mitigated to less than significant with implementation of identified mitigation measures. Thus, none of these text revisions would require recirculation pursuant to CEQA Guidelines section 15088.5.

* PAGE 4.E-15, PENULTIMATE PARAGRAPH

The air district defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals and residential areas. Land uses such as schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress.^{227a} Residential areas are considered more sensitive to air quality conditions compared to commercial and industrial areas because people generally spend longer periods of time at their residences, with associated greater exposure to ambient air quality conditions. Although workers may not always be

^{227a} Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, May 2017, https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed October 2022.

considered sensitive receptors because all employers must follow regulations set forth by the Occupational Safety and Health Administration to ensure the health and well-being of their employees, off-site workers (workers near a plan-generated emissions source, such as a generator from a subsequent project) are conservatively considered sensitive receptors in this analysis.

*** PAGE 4.E-22, SECOND PARAGRAPH**

The Plan would not result in direct emissions of air pollutants. Rather, the Plan would guide subsequent projects within the Plan area. Those subsequent projects would result in direct air pollutant emissions, such as construction (vehicle and equipment exhaust, break wear, tire wear, resuspended road dust, and construction dust) and mobile source emissions from traffic associated with the projects. It is these emissions sources that are evaluated in the air quality analysis.

*** PAGE 4.E-25, LAST FULL PARAGRAPH**

TAC emissions were quantitatively estimated for three sources associated with Plan implementation: on-road mobile sources (traffic), marine sources (cruise ships and tugs), and stationary sources (diesel generators). Detailed analysis methods, assumptions, and results are presented in Appendix G, Waterfront Plan Air Quality Technical Memorandum and Health Risk Assessment Documentation. See Impact AQ-5 for analysis methods used for the health risk assessment.

*** PAGE 4.E-36, FIRST FULL PARAGRAPH**

Activities that generate dust include demolition, excavation, and equipment movement across unpaved construction sites. Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds particulate matter to the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil. However, studies have shown that the application of best management practices at construction sites significantly controls fugitive dust.^{258a} Individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.^{258b} For example, wetting down areas of soil improvement operations three times per day yields a 61 percent reduction in construction dust from those activities and covering haul trucks with a tarpaulin can reduce dust from haul trucks by 91 percent.^{258c}

*** PAGE 4.E-45, IMPACT AQ-5 DISCUSSION**

As discussed above, the City has modeled air pollution from all known sources and has identified areas with poor air quality, referred to as the APEZ. Implementation of the Waterfront Plan would not, in and of itself, result in PM_{2.5} and TAC emissions. However, it is recognized that a foreseeable outcome of plan implementation would include subsequent projects that would result in these emissions. Sources that emit TACs and PM_{2.5} are on- and off-road vehicle trips, marine vessel trips, and emergency backup generator(s). PM_{2.5}

^{258a} Western Regional Air Partnership, *WRAP Fugitive Dust Handbook*, September 7, 2006. https://www.wrapair.org/forums/deif/fdh/content/FDHandbook_Rev_06.pdf.

^{258b} Bay Area Air Quality Management District, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, p. 27.

^{258c} South Coast Air Quality Management District, *Fugitive Dust Control Measures*, <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mitigationmeasures-and-control-efficiencies/fugitive-dust>, accessed September 28, 2022.

emissions would also occur from dust generated by construction activities. Emissions of PM_{2.5} and other TACs could affect existing residences or other sensitive receptors, the effects of which are analyzed below.

At present, the majority of the Plan area is located within the City’s identified APEZ, an area where air pollutant levels exceed health protective standards. Subsequent projects under the Plan would produce TAC emissions from construction and operation.

A health risk assessment (HRA) was conducted to estimate the incremental change in cancer risks and localized PM_{2.5} concentrations that would result from the Waterfront Plan, including an evaluation of operational impacts from the increase in traffic in the Plan area, operational impacts from relocating cruise ships from Pier 35 to Pier 50, and operational impacts from potential emergency backup diesel generators.

Subsequent projects that could occur under the Waterfront Plan that require heavy-duty diesel vehicles and equipment would result in emissions of DPM and possibly other TACs that could affect nearby sensitive receptors. Construction activities could also emit fugitive dust and contribute to local particulate matter (PM_{2.5}) concentrations. However, sufficient detail about type and location of subsequent projects are not currently known to allow a quantitative analysis of health risks at sensitive receptors resulting from construction activities. For example, any estimate of construction TAC emissions from subsequent projects is would be based on project-specific construction information, which is unavailable at this time.²⁶⁴ Therefore, because the health risk analysis cannot reasonably account construction emissions from subsequent projects, construction health risks are evaluated programmatically.

*** PAGE 4.E-47, LAST PARAGRAPH**

Results of the modeling were used to determine whether the Waterfront Plan would exceed thresholds for total excess lifetime cancer risk of seven in one million and/or PM_{2.5} concentrations of 0.2 µg/m³ at the Plan MEISRs for the three modeled subareas (all of which are located within the APEZ). As shown in **Table 4.E-9** and **Table 4.E-10**, cancer risk (under the unmitigated scenario²⁶⁹) from modeled Plan sources would increase by as much as 3.4 in 1 million for residential sensitive receptors that are not located in the APEZ but would be brought into the APEZ with the Plan’s health risk contribution (“type 1” receptors) and by 5.4 in 1 million for residential sensitive receptors within the APEZ (“type 2” receptors), and the annual average PM_{2.5} concentration would increase by up to 0.08 µg/m³ for type 1 receptors and by 0.21 µg/m³ for type 2 receptors. For worker receptors, the cancer risk from modeled Plan sources would increase by as much as 0.2 in 1 million for type 1 worker receptors and by 0.7 in 1 million for type 2 worker receptors, and the annual average PM_{2.5} concentration would increase by up to 0.05 µg/m³ for type 1 receptors and by 0.16 µg/m³ for type 2 receptors (see Appendix G for a detailed discussion and results of the worker receptor analysis). These levels would not exceed the significance thresholds of an increased cancer risk of 10.0 per 1 million people exposed for type 1 receptors, an increased cancer risk of 7.0 per 1 million people exposed for type 2 receptors, and an annual average PM_{2.5} concentration of 0.3 µg/m³ for type 1 receptors. However, these levels for residential sensitive receptors, the PM_{2.5} concentration would exceed the significance threshold of annual average PM_{2.5} concentrations of 0.2 µg/m³ for type 2 receptors, as identified in Table 4.E-10 (note that the worker receptor annual average PM_{2.5} concentration would not exceed the significance threshold). Therefore, the Waterfront

²⁶⁴ See Chapter 4, Environmental Setting, Impacts, and Mitigation Measures, and Appendix C, Land Use Assumptions, Growth Projections, and Subsequent Projects, for a more detailed description of the subsequent projects and the land use assumptions growth projections developed for the Waterfront Plan.

²⁶⁹ The unmitigated scenario evaluated health risks associated with operation of Plan-level traffic, marine vessels, and emergency generators without any controls.

Plan would result in significant impacts related to exposure of sensitive receptors to substantial levels of TACs. Note that the modeling does not account for emissions from construction of subsequent projects, including PM_{2.5} concentrations from construction dust, because those emissions are based on detailed project-specific information, which is not known at this time. Refer to “Health Risks from Subsequent Projects,” below, for a programmatic analysis of construction health risks.

*** PAGE 4.E-50, LAST PARAGRAPH**

With implementation of the Plan, the PM_{2.5} emissions would likely be reduced to levels below 0.2 µg/m³; however, because the analysis doesn’t account for construction emissions, including construction dust, health risks are likely to remain significant.

*** PAGE 4.E-51, TABLE 4.E-11**

Table 4.E-11 Health Risk Impacts of Example Projects

No.	Project Description	Unmitigated Construction Health Risk at MEISR		Mitigated Construction Health Risk at MEISR ^a	
		Lifetime Excess Cancer Risk (chances per million)	Annual Average PM _{2.5} Concentrations (µg/m ³) ^b	Lifetime Excess Cancer Risk (chances per million)	Annual Average PM _{2.5} Concentrations (µg/m ³) ^b
1	Demolition of 109,000 square feet of existing facility and construction of new 1.3-million-gross-square-foot residential, commercial, and transit facility ²⁷¹	17.8	0.05	6.3	0.02
2	Demolition of 143,500 square feet of existing buildings and construction of 2.4 million square feet of office, retail, and vendor space ²⁷²	65.8	1.1	5.4	<0.1

SOURCES: 1. San Francisco Planning Department, *Potrero Yard Modernization Project Draft Environmental Impact Report*, State Clearinghouse Number 2020089022, 2019, https://sfplanning.org/environmental-review-documents?title=potrero+yard+modernization+project&field_environmental_review_categ_target_id=All&items_per_page=10, accessed September 14, 2021;
2. San Francisco Environmental Planning Department, *Initial Study – Community Plan Evaluation Checklist Addendum to Environmental Impact Report*, Case Number 2015-004256ENV, 2019, https://sfplanning.org/environmental-review-documents?title=flower+mart&field_environmental_review_categ_target_id=All&items_per_page=10, accessed September 14, 2021

ABBREVIATIONS:

PM_{2.5} = fine particulate matter less than 2.5 micrometers in aerodynamic diameter; µg/m³ = micrograms per cubic meters; MEISR = maximally exposed individual sensitive receptor

NOTES:

- ^a Mitigated health risks include implementation of Tier 4 off-road construction equipment and electric equipment for smaller equipment pieces.
- ^b These analyses do not account for PM_{2.5} concentrations resulting from construction dust. While PM_{2.5} concentrations would be reduced through compliance with the Port building code section 106A.3.2.3, which is modeled on the San Francisco Construction Dust Control Ordinance, the PM_{2.5} concentrations presented in this table would likely be greater when accounting for construction dust.

²⁷¹ San Francisco Planning Department, 2019, *Potrero Yard Modernization Project Draft Environmental Impact Report*. State Clearinghouse Number 2020089022, https://sfplanning.org/environmental-review-documents?title=potrero+yard+modernization+project&field_environmental_review_categ_target_id=All&items_per_page=10, accessed September 14, 2021.

²⁷² San Francisco Environmental Planning Department, 2019, *Initial Study – Community Plan Evaluation Checklist Addendum to Environmental Impact Report*. Case number 2015-004256ENV, https://sfplanning.org/environmental-review-documents?title=flower+mart&field_environmental_review_categ_target_id=All&items_per_page=10, accessed September 14, 2021.

* **PAGE 4.E-54, LAST FULL PARAGRAPH**

As discussed under Impact AQ-5, the Waterfront Plan would result in construction emissions (including fugitive dust from construction activities), traffic emissions, marine vessel emissions, and emissions from stationary sources that would have a significant impact on sensitive receptors. Within the APEZ, these emissions would contribute considerably to existing significant health risk impacts within the Plan area and vicinity. Therefore, the Plan would result in a significant cumulative health risk impact with respect to PM_{2.5} and TAC emissions.

* **PAGE 4.E-53, FOOTNOTE 274**

²⁷⁴ The California Building Energy Efficiency Standards (Title 24) for air filtration, in effect as of January 1, 2020, requires newly constructed low-rise residential buildings to include air filtration systems equal to or greater than MERV 13 (ASHRAE Standard 52.2), or a particle size efficiency rating equal to or greater than 50 percent in the 0.30–1.0 µm range and equal to or greater than 85 percent in the 1.0–3.0 µm range (AHRI Standard 680). See section 150.0(m)(12). Note that Health Code Article 38 defines sensitive land uses and that definition does not include workplaces. However, the Title 24 building code does require MERV 13 equivalent for workplaces (section 120.1(b)(1)(C)) for non-residential buildings.

* **PAGE 4.E-55, SECOND FULL PARAGRAPH**

A Mitigated Negative Declaration was prepared for the TZK Broadway and Teatro Zinzanni project, which did not calculate health risks. The Better Market Street Project quantified health risks, but that project's MEISR (Octavia and Market streets) is approximately 3,000 meters from the Mission Bay MEISR identified for the Waterfront Plan, so risk associated with construction and operations of the Better Market Street Project would be negligible and was not included in the quantitative cumulative risk assessment. Neither the Waterfront Resilience Program nor the San Francisco Housing Element Update have completed their environmental review. Because of the lack of available emissions data for these nearby projects, cumulative health risks were not evaluated quantitatively. Nevertheless, these projects would emit PM_{2.5} and TAC emissions in an area that already has elevated health risk levels. Emissions would result from construction activities (including equipment exhaust and fugitive dust), operational traffic, truck-related sources such as TRUs, and emergency generators where required. This would contribute to existing PM_{2.5} and cancer risks at receptors within approximately 1,000 feet of the emissions source associated with these projects.

Health risk values from three nearby cumulative projects were obtained from their CEQA documents and added to the existing and Plan risk values. These projects include the Mission Rock, Pier 70, and Potrero Power Station projects. The results of the cumulative HRA indicate that total health risks would increase when cumulative projects are taken into consideration. **Table 4.E-12** shows the cumulative health risks for the MEISR in each subarea analyzed for the Plan. However, like the existing plus project HRA (see Impact AQ-5 and Table 4.E-8, p. 4.E-38), the cumulative HRA does not account for construction emissions associated with Plan buildout, so the health risks reported in Table 4.E-11, p. 4.E-51, are likely lower than what would actually occur as a result of Plan implementation because they don't account for the contribution from construction activities (emissions and dust).

4.J Revisions to Section 4.F, Biological Resources

PAGE 4.F-33, FOLLOWING FIRST PARTIAL PARAGRAPH

Fish, Other Aquatic Organisms and Wildlife Policies

1. To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.
2. Native species, including candidate, threatened, and endangered species; species that the California Department of Fish and Wildlife, the National Marine Fisheries Service, and/or the U.S. Fish and Wildlife Service have listed under the California or Federal Endangered Species Act; and any species that provides substantial public benefits, as well as specific habitats that are needed to conserve, increase, or prevent the extinction of these species, should be protected, whether in the Bay or behind dikes. Protection of fish, other aquatic organisms, and wildlife and their habitats may entail placement of fill to enhance the Bay's ecological function in the near-term and to ensure that they persist into the future with sea-level rise.
3. In reviewing or approving habitat restoration projects or programs the Commission should be guided by the best available science, including regional goals, and should, where appropriate, provide for a diversity of habitats for associated native aquatic and terrestrial plant and animal species.
4. The Commission should:
 - a. Consult with the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species;
 - b. Not authorize projects that would result in the "taking" of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal Endangered Species Acts, or the federal Marine Mammal Protection Act, or species that are candidates for listing under these acts, unless the project applicant has obtained the appropriate "take" authorization from the U.S. Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Wildlife; and
 - c. Give appropriate consideration to the recommendations of the California Department of Fish and Wildlife, the National Marine Fisheries Service or the U.S. Fish and Wildlife Service in order to avoid possible adverse effects of a proposed project on fish, other aquatic organisms and wildlife habitat.
5. The Commission may permit fill or a minimum amount of dredging in wildlife refuges necessary to enhance or restore fish, other aquatic organisms and wildlife habitat, or to provide appropriately located public facilities for wildlife observation, interpretation and education
6. Allowable fill for habitat projects in the Bay should (a) minimize near term adverse impacts to and loss of existing Bay habitat and native species; (b) provide substantial net benefits for Bay habitats and native species; and (c) be scaled appropriately for the project and necessary sea level rise adaptation measures in accordance with the best available science. The timing, frequency, and volume of fill should be determined in accordance with these criteria.
7. Sediment placement for habitat adaptation should be prioritized in (1) subsided diked baylands, tidal marshes, and tidal flats, as these areas are particularly vulnerable to loss and degradation due to sea level

rise and lack of necessary sediment supply, and/or in (2) intertidal and shallow subtidal areas to support tidal marsh, tidal flat, and eelgrass bed adaptation. In some cases, sediment placement for a habitat project in deep subtidal areas may be authorized if substantial ecological benefits will be provided and the project aligns with current regional sediment availability and needs.

PAGE 4.F-36, MITIGATION MEASURE M-BI-1A

Mitigation Measure M-BI-1a: Worker Environmental Awareness Program Training and Special-Status Species and Natural Communities Reporting. Project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist and attended by all project personnel performing demolition or ground-disturbing work where buildings, bridges, landscaping/street trees, natural vegetation or shoreline habitats are present prior to the start of work. The WEAP training shall generally include, but not be limited to, education about the following:

- Applicable state and federal laws, environmental regulations, project permit conditions, and penalties for non-compliance.
- Special-status plant and animal species with the potential to be encountered on or in the vicinity of the project area during construction.
- Avoidance measures and a protocol for encountering special-status species including a communication chain.
- Preconstruction surveys and biological monitoring requirements associated with each phase of work and at specific locations within the project area (e.g., shoreline work) as biological resources and protection measures will vary depending on where work is occurring within the site, time of year, and construction activity.
- Known sensitive resource areas in the project vicinity that are to be avoided and/or protected as well as approved project work areas, access roads, and staging areas.
- Any special-status species and sensitive natural communities detected during surveys or monitoring or subsequent projects will be reported to the California Department of Fish and Wildlife California Natural Diversity Database using the field survey forms found at <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>.

PAGE 4.F-43, TABLE 4.F-2

Table 4.F-2 Potential Effects to Fish at Varying Noise Levels

Taxa	Sound Level (dB)	Effect	Reference
FISH			
All fish > 2 grams in size	206 peak 187 (SEL)	Acute Barotraumas	Fisheries Hydroacoustic Working Group, 2008
All fish < 2grams	186 183 (SEL)	Acute Barotraumas	Fisheries Hydroacoustic Working Group, 2008
<u>All fish</u>	<u>206 peak</u>	<u>Acute Barotraumas</u>	<u>Fisheries Hydroacoustic Working Group, 2008</u>
Salmon, steelhead	150 (RMS)	Avoidance behavior	Halvorsen et al. 2012

NOTES: SEL = sound exposure level; RMS = root-mean-square pressure level

PAGE 4.F-44, MITIGATION MEASURE M-BI-3, FIRST PARAGRAPH

Mitigation Measure M-BI-3: Fish and Marine Mammal Protection during Pile Driving. If required by the National Marine Fisheries Service (NMFS), a sound attenuation monitoring plan shall be prepared to reduce impacts to fish and marine mammals. The plan shall incorporate the following best management practices subject to modification in the NMFS- and CDFW-approved plan:

PAGE 4.F-49, MITIGATION MEASURE M-BI-6, FIRST BULLET

- The proposed project shall be designed to avoid, to the extent practical, work within wetlands and/or waters under the jurisdiction of USACE, regional board, BCDC, and CDFW. If applicable, permits or approvals shall be sought from the above agencies, as required. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction shall be identified and the area outside avoided.

PAGE 4.F-50, LAST PARAGRAPH

Pacific herring are known to breed on in-water structures and utilize this habitat along the San Francisco waterfront. A lack of observed spawning in recent years suggests that ~~spawning along the waterfront has become less frequent~~ spawning activity varies from year to year. Of all the special-status fish species, longfin smelt have the greatest potential to occur within the waterfront adjacent to the Plan area. However, because longfin smelt distribution within the San Francisco Bay-Delta is driven by fluctuations in salinity and migration to spawning habitats outside of the study area, they are unlikely to occur in large numbers near the study area ~~outside of late summer~~ at certain times of the year.

PAGE 4.F-51, IMPACT BI-8 DISCUSSION

Impact BI-8: The Waterfront Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (*Less than Significant*)

The Waterfront Plan establishes 9 goals – each supported by specific policies – for subsequent projects that could occur under the Waterfront Plan along the 7.5-mile waterfront and upland properties managed by the Port. Some of the goals include maintaining and enhancing the historic function and character of the waterfront, providing a diverse range of activities to engage residents, providing a safe and accessible waterfront for all users, and ensuring the Port remains financially viable through collaborative partnerships; however, one of the goals, “An Environmentally Sustainable Port,” relates to the biological resources within the Plan area. This goal aims to “improve the ecology of the bay and its environs” and meet “the highest standards for environmental sustainability, stewardship, and justice.”

Specific policies that benefit biological resources include greenhouse gas emissions, water quality and conservation, and biodiversity. The vast majority of sensitive terrestrial resources in the study area are located in the Southern Waterfront subarea (Crane Cove Park to India Basin). Within this subarea, the Waterfront Plan aims to improve and enhance open space and public access areas that do not compromise sensitive environmental habitat areas, as well as to protect wildlife habitat and shoreline areas. Subsequent projects that could occur under the Waterfront Plan would conform to the goals and policies in the Waterfront Plan, which would benefit biological resources.

The Waterfront Plan is consistent with the San Francisco Bay Plan’s Findings and Policies concerning Fish, Other Aquatic Organisms and Wildlife in the bay. Mitigation Measures M-BI-1a, Worker Environmental Awareness Program Training; M-BI-1b, Special-Status Plant Species Surveys; M-BI-2a, Nesting Bird Protection Measures; M-BI-2b, Avoidance and Minimization Measures for Bats; and M-BI-3, Fish and Marine Mammal Protection during Pile Driving, would avoid and minimize impacts on special-status species by requiring worker environmental awareness training; conducting a rare plant survey and avoiding special-status species where feasible and, if avoidance is not feasible, implementing salvage and relocation of the plants; and limiting construction to the non-nesting bird season when feasible or, if avoiding the bird nesting season is not feasible, conducting pre-construction surveys for nesting birds and establishing no-disturbance buffers around any active nests to ensure they are not disturbed by construction and repeating the pre-construction surveys when work resumes after being suspended for seven days. These mitigation measures also require pre-construction surveys to identify active bat roosts, establishing protective buffers until roosts are no longer in use, and limiting the removal of trees or structures with potential bat roosting habitat to the time of year when bats are active to avoid disturbing bats during the maternity roosting season or months of winter torpor. With regard to in-bay water work, these mitigation measures require implementing in-water construction best management practices; conducting pile driving only during the seasonal work window (June 1–November 30); to the extent feasible, using vibratory pile drivers in accordance with the USACE’s “Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California”; implementing a soft start technique; and, during the use of an impact hammer, not exceeding NMFS pile driving noise thresholds or, if exceeding those thresholds, installing a noise attenuation method (e.g., bubble curtain). In addition to the Draft EIR mitigation measures, subsequent projects would be subject to project-specific avoidance and minimization requirements as conditions of permits issued by regulatory agencies to conduct in-water or shoreline construction and improvement work.

Should a street tree, “landmark tree,” or “significant tree” be proposed for removal under a subsequent project that could occur under the Waterfront Plan, the Port would be required to comply with article 16 of the San Francisco Public Works Code. Therefore, subsequent projects that could occur with implementation of the Waterfront Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and this impact would be **less than significant**. No mitigation measures are necessary.

4.K Revisions to Appendix B, Initial Study

PAGE 156, FIRST FULL PARAGRAPH

Water Quality

The quality of stormwater runoff from the Plan area is typical of urban watersheds where water quality is affected primarily by discharges from both point and nonpoint sources. Point-source discharges are known sources of pollutants, such as outfalls, while nonpoint source discharges generally result from diffuse sources, such as land runoff, precipitation, or seepage. Some common pollutants associated with activity along the San Francisco waterfront include motor oil, vehicle wash water, trash, abandoned waste, sediment from construction sites, and bilge water from recreational and commercial watercraft.²³⁶

The water quality of San Francisco Bay is managed by the San Francisco Bay Regional Water Quality Control Board (regional water board) in the San Francisco Bay Basin Plan. The San Francisco Bay Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water

Chapter 4. Environmental Setting, Impacts, and Mitigation Measures
4.L. Revisions to Appendix C, Growth Projections Memorandum

quality regulation in the San Francisco Bay region. The Basin Plan includes a statement of beneficial water uses that the regional water board will protect, the water quality objectives needed to protect the designated beneficial water uses, and the strategies and time schedules for achieving the water quality objectives. Recreational uses such as swimming and human-powered watercraft, conducted by such organizations as the South End Rowing Club, the Dolphin Club, Water World Swim, Swim Art, Suzie Dods Swim Coaching, and Pacific Open Water Swimming, are designated beneficial uses of the portion of San Francisco Bay along the Port of San Francisco waterfront. The Basin Plan provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses in a manner that will result in maximum benefit to the people of California.²³⁷ The regional water board enforces water quality objectives, including objectives needed for bay water to meet water contact recreation use, by issuing waste discharge requirements (permits) for activities that affect San Francisco Bay water quality.

²³⁷ San Francisco Bay Regional Water Quality Control Board, *San Francisco Bay Basin Plan*, adopted May 4, 2017.

PAGE 158, FIRST FULL PARAGRAPH

Most of the Plan area is within the city’s sea-level rise vulnerability zone.²⁴³ The sea-level rise vulnerability zone is 108 inches above today’s high tide (mean higher high water). This includes 66 inches of sea-level rise plus 42 inches of tidal and storm surge, an upper-range scenario for end of century. Since development of the city’s sea-level rise vulnerability zone, San Francisco’s sea-level rise projections have been updated to between 71 and 83 inches by 2100, depending on the greenhouse gas emissions scenario assumed.^{243a}

^{243a} City and County of San Francisco Sea Level Rise Coordinating Committee, *Guidance for Incorporating Sea Level Rise into Capital Planning*, updated January 3, 2020.

4.L Revisions to Appendix C, Growth Projections Memorandum

*** PAGE C-2, IMPACT C-NO-2 DISCUSSION, FIRST PARAGRAPH**

SUBSEQUENT PROJECTS

As a program EIR, the analysis of environmental effects of the land uses and growth that could occur under the Waterfront Plan provides a long-term, programmatic assessment of future environmental conditions and mitigation measures to reduce or eliminate significant impacts. Future proposals for actual projects, referred to as “subsequent projects” in the Waterfront Plan EIR, would require project-specific environmental review by the planning department. ~~Upon submission of a project application for a subsequent project, the Waterfront Plan EIR would be reviewed as part of that project specific environmental review process to include relevant analyses and conclusions from the EIR, and determination by the planning department of any additional project specific analysis necessary in order for subsequent projects to satisfy the requirements of CEQA, as discussed in Draft EIR Section 1.C, Environmental Review of Subsequent Projects, of the Draft EIR. This Draft EIR assumes that subsequent projects in the Plan area would be reviewed at such time that those projects are proposed to determine whether or not they would result in new or more significant physical environmental effects than those disclosed in this Draft EIR. In the case that a subsequent project in the Waterfront Plan area may have site-specific impacts not accounted for in this program EIR, a subsequent analysis in the form of a mitigated negative declaration or focused EIR may be required, depending on whether the subsequent project would cause potentially new or more significant physical environmental impacts. If no such impacts are identified, the subsequent project and applicable mitigation measures identified in this~~

Draft EIR would be exempt from further environmental review, in accordance with Public Resources Code section 21083.3 and CEQA Guidelines section 15183. The planning department may prepare an addendum to the EIR to document its assessment and conclusions.

SUMMARY OF LAND USE ASSUMPTIONS AND GROWTH PROJECTIONS

Below is a summary of the land use assumptions and growth projections underlying the analysis of environmental impacts in the EIR. These land use assumptions would be consistent with the Waterfront Plan amendments, and existing zoning and building height classifications under the San Francisco Planning Code and Zoning Map. The land use assumptions were prepared prior to the Port Commission's selection of developers from a Request for Proposal (RFP) public process for Piers 38–40 and Piers 30–32 and Seawall Lot 330. The Waterfront Plan assumptions do not match the land use programs identified in the Piers 30–32 and Piers 38–40 RFP proposals. Instead, the land use assumptions and growth projections for these sites are based on development that would comply with the existing zoning and bulk and height restrictions. As discussed in Draft EIR Section 1.C, Environmental Review of Subsequent Projects, in the Draft EIR, any future project proposed on subsequent projects for these sites, or any other subsequent project proposed sites in the Waterfront Plan area, that would not comply with the existing zoning and bulk and height restrictions would be required to undergo its own would require project-specific review to determine whether or not they would result in new or more significant physical environmental impacts than those disclosed in this Draft EIR, and any additional environmental review that may be required.

* PAGE C-5, IMPACT C-NO-2 DISCUSSION, FIRST BULLET

- **Less Embarcadero Historic District pier rehabilitation:** Piers 26 and 28 are not assumed to be seismically upgraded or rehabilitated to allow the piers to be opened to public-oriented uses; the growth assumptions for this alternative continue low-intensity industrial, maritime, and small amounts of commercial uses in these piers. Embarcadero Historic District Piers 45, Shed A; 40; 19–23; 29; and 31 are assumed to be historic rehabilitation development projects consistent with the proposed Waterfront Plan Diverse Use Policies 24, 25, 27, and 29, with a higher ratio of public-oriented uses in the pier sheds than assumed in the Waterfront Plan, which would generate fewer employees and associated environmental effects than the Waterfront Plan.

Chapter 4. Report Preparers

4.L. Revisions to Appendix C, Growth Projections Memorandum

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ATTACHMENT A

Draft EIR Public Hearing Transcript

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SAN FRANCISCO PLANNING COMMISSION

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HEARING ON AGENDA ITEM 10

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CASE NO. 2019-023037ENV

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WATERFRONT PLAN

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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Thursday, March 24, 2022

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Reported By:

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BRIANNA RUDD, CSR NO. 13668

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JAN BROWN & ASSOCIATES

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Thursday, March 24, 2022 - 3:11 p.m.

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SECRETARY IONIN: Commissioners, that will place us on Item 10, Case No. 2019-023037ENV for the Waterfront Plan. This is a Draft Environmental Impact Report.

Please note that written comments on the Draft EIR will be accepted at the Planning Department or at the e-mail listed on the agenda until 5:00 p.m. on April 25th, 2022.

MS. GEORGE: Good afternoon, President Tanner, members of the Commission. I am Sherie George, Planning Department staff and EIR Coordinator for the Waterfront Plan Project or the Proposed Project. Joining me in person is my colleague, Joy Navarrete. And the Project sponsor, Diane Oshima, of the Port of San Francisco, is also present.

The item before you today is the public hearing on the Waterfront Plan Project Draft Environmental Impact Report or Draft EIR. The purpose of today's hearing is to take public comments on the adequacy, accuracy and completeness of the Draft EIR, pursuant to the California Environmental Quality Act, or CEQA, and San Francisco's local procedures for implementing CEQA. No approval action on this document is requested at this time.

The public review period for the Proposed

1 Project's Draft EIR began on February 23rd, 2022 and will
2 continue until 5:00 p.m. on April 25th, 2022.

3 I will now provide a brief overview of the
4 Proposed Project, as analyzed in the Draft EIR. As a
5 reminder, the Port presented this project to you at an
6 informational hearing on November 18th, 2021.

7 The area encompassed by the Waterfront Plan,
8 referred to as the "Plan area," includes approximately
9 800 acres along 7.5 miles of the properties owned and
10 managed by the Port, from Fisherman's Wharf to India
11 Basin.

12 The Waterfront Plan area is generally bound to
13 the north by Hyde Street Pier and Jefferson Street in
14 Fisherman's Wharf, and includes piers and upland
15 properties adjacent to the Embarcadero including: Oracle
16 Park; piers and waterfront properties adjacent to Terry
17 A. Francois Boulevard in Mission Bay; and properties
18 generally east of Illinois Street and south of Mission
19 Bay to Cargo Way and India Basin.

20 The Waterfront governs the use, design and
21 improvement of properties under its jurisdiction, which
22 include historic piers, shoreline and upland properties.

23 In 2015, the Port conducted a comprehensive
24 review and identified changes in conditions and the need
25 to update the 1997 plan. As a result of that multi-year

1 public planning process, the Waterfront Plan provides
2 goals and policies for the Port Waterfront. The Plan
3 proposes nine Port-wide goals, each of which are
4 supported by policies. Each of these goals are new, and
5 many policies in all nine goal categories are new or have
6 been updated from the 1997 Plan. The Plan then
7 identifies five district Waterfront subareas, each with
8 their own set of objectives, to guide planning,
9 development, leasing and stewardship within each subarea.

10 The Draft EIR's evaluation of the Waterfront
11 plan is programmatic. Its assessment of potential
12 environmental impacts is based on the likely physical
13 changes that would result from implementation of the
14 Waterfront Plan's components that would facilitate the
15 plan's goals and objectives.

16 Since the Waterfront Plan is a policy document,
17 its approvals would not directly result in physical
18 changes. However, the EIR analyzes the impacts of future
19 leasing, development and Waterfront improvements that
20 could occur under the Waterfront Plan. The analysis of
21 physical impacts is based in part upon land use
22 assumptions and growth projections developed by the
23 Planning Department in collaboration with the Port.

24 The analysis conducted for the Draft EIR
25 determined that the Waterfront Plan would result in

1 significant and unavoidable impacts to transportation and
2 circulation and air quality, even with implementation of
3 the feasible mitigation measures. The initial study and
4 the DEIR determined that all other impacts would be less
5 than significant or less than significant with
6 mitigation.

7 The Draft EIR studied two alternatives to the
8 Proposed Project. The No Project Alternative represents
9 what would reasonably be expected to occur in the
10 foreseeable future if the updated policies in the
11 Waterfront Plan are not implemented. The Lower Growth
12 Alternative assumes the Waterfront Plan results in less
13 infill development than analyzed for the Proposed
14 Project, as a result of excluding policies targeted to
15 increase certainty and financial feasibility of
16 structural repair and rehabilitation of historic
17 bulkheads and piers.

18 Today we are conducting a public hearing on the
19 adequacy and accuracy of the Draft EIR. For members of
20 the public who wish to speak, please state your name for
21 the record. We have a court reporter today to record
22 your comments. When it is your turn to speak, please
23 state your name and spelling, if you would like. And we
24 ask that you speak slowly and clearly so the court
25 reporter can make an accurate transcript of today's

1 proceedings.

2 Staff is not here to answer comments today.
3 Comments will be transcribed and responded to in writing
4 in the Response to Comments document, which will respond
5 to all relevant verbal and written comments received
6 during the public comment period and make revisions to
7 the Draft EIR as appropriate.

8 Those who are interested in commenting on the
9 Draft EIR in writing or by mail or e-mail may submit
10 their comments to Sherie George, EIR Coordinator, at 49
11 South Van Ness Avenue, Suite 1400, San Francisco, or
12 cpc.waterfronteir@sfgov.org by 5:00 p.m. on April 25th,
13 2022.

14 We anticipate publication of the Response to
15 Comments document in mid 2022, followed by the EIR
16 certification hearing soon thereafter.

17 And this concludes my presentation. And
18 department staff are available for any questions. Thank
19 you.

20 SECRETARY IONIN: Thank you.

21 That concludes staff presentation.

22 Members of the public, if you're interested in
23 submitting your comments today in person, please come up
24 to the podium and line up on the screen side of the room.
25 Again, we are accepting comment on the accuracy and

1 adequacy of the EIR.

2 Go ahead, sir. You can go ahead. Doesn't look
3 like anybody else is behind you, so...

4 MEMBER OF PUBLIC: Okay.

5 Afternoon, commissioners. My name is Bill
6 Wygant, W-Y-G-A-N-T. I'm a multi-term past president of
7 the South End Rowing Club [SERC].

8 And we do feel that the Draft EIR, in its
9 present form, is insufficient, and we plan on filing
10 comments by the April 25th deadline. So, basically, I
11 guess my appearance here is informational.

I-Wygant-1

12 Some of our concerns were, you know, we were not
13 part of the sourcing. I mean, I don't represent the
14 Dolphin Club, but there's two clubs at Aquatic Park, with
15 virtually over a hundred years of experience and use of
16 that park for the, you know, members. And we feel that
17 we could have had a positive effect on the creation of
18 the DEIS [sic] had we been consulted. And some of our
19 concerns are, while water quality is mentioned in the
20 DEIS, we're more concerned with disturbing the sediment
21 that is underlying the water because of its contamination
22 possibilities, maybe even health impact on our members as
23 they use Aquatic Park.

24 And while the DEIS, you know, kind of cut it off
25 at Hyde Street, we use those historic recreational areas

I-Wygant-1
cont.

1 every month, 12 months a year, during the winter. And,
2 you know, an example is, one of our largest fundraisers
3 is a swim for the public from Alcatraz. Well, that cuts
4 right through the area that this DEIS is supposed to be
5 relating to.

6 So, you know, we feel that we'd like to be part
7 of this process, and we plan on providing our comments by
8 April 25th. Thank you.

9 SECRETARY IONIN: Okay. Seeing no additional
10 members of the public in person requesting to speak,
11 we'll go to the remote callers. Again, through the
12 Chair, you'll have two minutes. And when you hear that
13 your line has been unmuted, that's your indication to
14 begin speaking.

15 MEMBER OF PUBLIC: Hello. I'm Ward Bushee, and
16 I'm the Dolphin Club President, the next-door neighbor to
17 the SERC.

O-DOLPH1-1

18 And Bill Wygant very artistically spelled out
19 our concern as well at the Dolphin Club -- our next-door
20 neighbor. And I would just add to it that our concern is
21 based on the fact that, between the two clubs, we have
22 approximately well over 2,000 members, and more than half
23 of them swim in the Bay, and a good part of the other
24 half are rowers in the Bay as well.

25 So I just wanted to let you know that we raise

O-DOLPH1-1
cont.

1 our hand and want everybody in this process to know we're
2 there, and we're watching, and we appreciate being
3 included in discussion. Thank you very much.

4 SECRETARY IONIN: Thank you. And we'll remind
5 members of the public that we're only taking comment on
6 the accuracy and adequacy of the Environmental Impact
7 Report.

8 MEMBER OF PUBLIC: This is Sue Hestor.

I-Hestor1-1

9 The EIR -- I'm going to submit written comments,
10 but the EIR is a great opportunity to provide information
11 on the scope of bay fill in the City. I found out that
12 even the Planning Department doesn't have a total
13 comprehension of it. East of Montgomery Street, bay
14 fill. Most of south of Market, bay fill. Mission Bay,
15 bay fill. A lot of the Mission itself was bay fill.

16 And so having that information solidly provided
17 in a Waterfront EIR, available in the Waterfront Plan
18 EIR, I think, is important to -- for people that are
19 really trying to understand why street levels -- why
20 there's burbling up on groundwater in the Mission
21 District. There's burbling up on groundwater because
22 it's bay fill. And people could really understand that
23 better if there was something in the Planning Department
24 that was readily available about how the City
25 historically filled in. Thank you very much.

1 SECRETARY IONIN: Okay. Last call for public
2 comment for those persons in person or who may be calling
3 in remotely.

4 Seeing no additional requests to speak,
5 commissioners, public comment is closed, and this matter
6 is now before you.

7 COMMISSIONER TANNER: I see Commissioner
8 Diamond.

A-CPC-
Diamond-1

9 COMMISSIONER DIAMOND: I just wanted to take a
10 moment to commend staff on Chapter 3 of the EIR. It is
11 an incredibly succinct and clear explanation of the
12 multiple layers of overlapping jurisdiction, local,
13 regional, state and federal, that affect decision-making
14 on the Bay. And I have worked with many of the statutes
15 that are described there, and I've never seen it
16 presented in such a clear manner before, especially the
17 interactions between the different statutes.

18 So I really want to just take a moment to thank
19 you for having spent the time to explain that so clearly.

20 COMMISSIONER TANNER: Thank you, Commissioner
21 Diamond.

22 Commissioner Koppel?

A-CPC-
Koppel-1

23 COMMISSIONER KOPPEL: I also agree. Great job.
24 Our Environmental Review staff is topnotch, always, so
25 I'm nothing but supportive.

1 COMMISSIONER TANNER: Vice President Moore.

A-CPC-
Moore-1

2 COMMISSIONER MOORE: I'd like to comment on the
3 comprehensive and thorough document that's in front of us
4 to also bring it in the context of the significant work
5 that has been done for decades on the Waterfront and now
6 expanding into the southern part of Waterfront.

A-CPC-
Moore-2

7 I would echo some of the public comments that
8 were made regarding water quality and recreational uses.
9 I do believe that public health, in addition to the
10 Dolphin Club and the South End Rowing Club not feeling
11 included, deals also with public health and water
12 quality relative to people who do informal water and
13 swimming in Aquatic Park and other parts of the
14 Waterfront. I think we owe it to everybody to have that
15 part addressed because, for many people, also visitors,
16 being able to physically touch the water on the
17 Waterfront is a very important part. As to whether or
18 not you're just wading, or if you are canoeing, anything
19 else, hanging your legs over into the water, we need to
20 know what happens as changes occur and how this long-term
21 plan, as described in the EIR, will affect water quality
22 and public health.

23 Those would be my only comments. Otherwise, I
24 feel it's a really, really well done document. Thank
25 you.

1 COMMISSIONER TANNER: Thank you.

2 Commissioner Imperial.

3 COMMISSIONER IMPERIAL: Thank you.

A-CPC-
Imperial-1

4 I do want to highlight the importance of -- that
5 the staff did when it comes to the air quality. In terms
6 of the mitigation, I mean, this -- I appreciate the study
7 that's being done and the risk and the hazard impacts
8 that it may have, but also, at the same time, the kind of
9 mitigation measures. Usually we don't talk about air
10 quality, especially when it comes to rezoning, and I
11 would like us to really do more when it comes to the
12 health and hazard of projects that come through us. So I
13 just want to emphasize that. So thank you.

A-CPC-
Tanner-1

14 COMMISSIONER TANNER: I'll just add that it's
15 just a very thorough job by our staff. I want to thank
16 them and the Port as well for all the time and energy
17 they are putting into this EIR and also to the project
18 overall.

19 I don't see any other commissioner lights up, so
20 I think this item might be concluded.

21 SECRETARY IONIN: We do have a late request from
22 a remote caller.

23 COMMISSIONER TANNER: Let's take the call.
24 Thank you.

25 MEMBER OF PUBLIC: Hello?

1 SECRETARY IONIN: Ma'am, you need to mute your
2 television or computer.

3 MEMBER OF PUBLIC: Yes, I'm trying to. I'm
4 trying to do that. There we go. Sorry.

I-Allan1-1

5 My name is Jean Allan. I'm a San Francisco native
6 and long-term Bay swimmer and kayak paddler. I'm a
7 current member of the Dolphin Club as well as a former
8 member of the South End. And in addition to accessing
9 the Waterfront boundary waters via the two clubs, I've
10 also accessed the Plan-included waters via the public
11 access entry, Aquatic Park, which is to the immediate
12 west of the boundary area.

13 The two swim clubs are over a hundred years old,
14 with a combined membership of over 300 members. Both
15 were also lessees of the City and the Port. It doesn't
16 appear that their use of the waters within the boundary
17 area were considered in the initial studies, and there
18 are numerous other small swim organizations and
19 unaffiliated members of the general public who swim or
20 use small, human-powered watercraft in the area.

21 So swimmers and boaters, including those in
22 sliding-seat rowboats, stand-up paddle boards, kayaks,
23 shells, routinely use the waterways within the boundaries
24 of the Fisherman's Wharf subarea of the Waterfront Plan,
25 and yet there's no mention of the existing swimming or

I-Allan1-1
cont.

1 human-powered small watercraft activity in the
2 over-500-page long Draft Environmental Impact Report.

3 There's no mention of the routine swimming in
4 the boundary area up and down both sides of Hyde Street
5 Pier as well as inside and outside the Fisherman's Wharf
6 breakwater, or analysis of the plan's impact on water
7 hydrology in the form of changes in currents, for
8 example, when pier pylons are removed and/or replaced.

9 Similarly, there's no analysis of water quality
10 on swimmers who are fully immersed in the water, for
11 example, when construction-related dredging occurs.

12 So the Draft is currently inadequate and
13 inaccurate, to the extent that it doesn't analyze these
14 current uses, and --

15 SECRETARY IONIN: Thank you, ma'am. That is
16 your time.

17 MEMBER OF PUBLIC: Thank you.

18 SECRETARY IONIN: Okay, commissioners, that will
19 conclude public comment, and now we can move on to your
20 next item.

21 (Whereupon discussion of Agenda Item 10
22 concluded at 3:31 p.m.)

23 ---oOo---

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REPORTER'S CERTIFICATE

I, BRIANNA RUDD, a Shorthand Reporter,
State of California, do hereby certify:

That said proceedings were taken before
me at said time and place, and were taken down in
shorthand by me, a Certified Shorthand Reporter of the
State of California, and were thereafter transcribed into
typewriting, and that the foregoing transcript
constitutes a full, true and correct report of said
proceedings that took place.

IN WITNESS WHEREOF, I have hereunto
subscribed my hand this 13th day of April, 2022.



Brianna Rudd, CSR NO. 13668

ATTACHMENT B

Draft EIR Comment Letters and Emails

Waterfront Plan DEIR Comments from BCDC

Jewett, Yuriko@BCDC <yuriko.jewett@bcdc.ca.gov>

Mon 4/25/2022 12:38 PM

To: George, Sherie (CPC) <sherie.george@sfgov.org>

Cc: OPR State Clearinghouse <state.clearinghouse@opr.ca.gov>

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Sherie George,

Attached is a comment letter from BCDC regarding the Waterfront Plan Draft EIR.
San Francisco Planning Case No. 2019-023037ENV
State Clearinghouse No. 2020099002

Thank you,

Yuri Jewett (*she/her*)

Principal Waterfront Planner

Direct: (415) 352-3616 | yuriko.jewett@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

Bay Area Metro Center

375 Beale Street, Suite 510

San Francisco, California 94105

Main: (415) 352-3600 | www.bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

April 25, 2022

Sent via email to: sherie.george@sfgov.org

Sherie George, Environmental Coordinator
San Francisco Planning Department
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

SUBJECT: Comments on the Waterfront Plan Draft Environmental Impact Report
San Francisco Planning Case No. 2019-023037ENV
State Clearinghouse No. 2020099002

Dear Sheri George:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Waterfront Plan (Project), State Clearinghouse No. 2020099002, published on February 23, 2022, by the City of San Francisco Planning Department. The Notice of Availability and DEIR were received by our office on February 23, 2022.

The San Francisco Bay Conservation and Development Commission (BCDC or Commission) is providing the following comments as a responsible agency, for purposes of the California Environmental Quality Act (CEQA), with discretionary review authority over projects that could result from the approval of the DEIR, as described below. BCDC will potentially rely on the Final EIR to support BCDC's planning and regulatory work along the San Francisco waterfront, and we appreciate this opportunity to comment on information, analyses, and findings in the DEIR that are relevant to BCDC's jurisdiction and authority. These comments have been prepared by Commission staff and are based on the McAteer-Petris Act (Title 7.2 of the California Government Code [Government Code]), the *San Francisco Bay Plan* (Bay Plan), the *San Francisco Bay Area Seaport Plan* (Seaport Plan), and the *San Francisco Waterfront Special Area Plan* (Special Area Plan) in relation to CEQA requirements for the Project.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

BCDC is a state planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632(a)). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on proposed projects.



PROJECT SUMMARY

The Waterfront Plan would update and amend the Waterfront Land Use Plan (1997) and its policies that guide the use, management, and improvement of the 7.5 miles of properties owned and managed by the Port, from Fisherman's Wharf to India Basin. The Waterfront Plan would not immediately result in new development, but provides new goals, policies, and procedures related to maritime, diversity of activities and people, public access and open space, urban design and historic preservation, transportation and mobility, sustainability, and resiliency.

COMMENTS ON THE DEIR

Staff has prepared the following comments on the contents of the DEIR. Comments are focused on providing points of information related to BCDC policies and procedures cited in the DEIR, comments on analyses and findings related to resources under BCDC's authority, comments on the overall analysis presented in the DEIR in terms of CEQA requirements, and notes on additional information that may be helpful for future development projects as part of BCDC's permitting process.

General Comments

WATERFRONT PLAN AREA

The Project area encompasses 7.5 miles of developed, urbanized waterfront that extends from the curved, northeast shore adjacent to Aquatic Park in Fisherman's Wharf to Heron's Head Park near India Basin in the southeast. Land uses within the Project area include commercial, residential, recreational, park, industrial, maritime, and public uses. The Project area is divided into two areas: Northern Waterfront and Southern Waterfront and include five subareas.

A-BCDC-1

The Project area is located within BCDC's permitting jurisdiction:

- Bay Jurisdiction: In the San Francisco Bay, being all areas subject to tidal action, including tidelands (land lying between mean high tide and mean low tide) and submerged lands (Government Code Section 66610(a)); and
- Shoreline Band Jurisdiction: In the shoreline band consisting of all territory located between the shoreline of the Bay, as described above, and 100 feet landward of and parallel with the shoreline (Government Code Section 66610(b)).

BCDC would like to clarify that the Project Location Map (Figure 2-1) does not fully represent the policies described in this DEIR. The policies and activities in the plan, including maritime activities, water recreation, and water-oriented transportation for example, must occur within open water, beyond the shoreline and overwater structures. Please see comments related to Biological Resources for further detail.

BCDC confirms that the DEIR accurately cites Port's jurisdiction articulated with Bay Plan Maps 4 and 5 that include Port Priority Use Areas at China Basin (Piers 48 and 50), Central Basin (Pier 68), and surrounding the Islais Creek Channel (Piers 80, 90, 92, 94, and 96). Bay Plan Map Policies are also correctly noted, including Policy 27, which states at Fisherman's Wharf, "improve and expand commercial fishing support facilities. Enhance public access to and economic value of Fisherman's

A-BCDC-1
cont.

Wharf area by encouraging development of a public fish market,” which is repeated in Plan Map 5 Policy 29. Plan Map 4 also includes Policy 26, regarding the San Francisco Waterfront Special Area Plan, which states “see special area plan for detailed planning guidelines for the shoreline between the east side of Hyde Street Pier and the south side of India Basin,” which is repeated in Plan Map 5 Policy 24. Finally, Plan Map 5 Policy 23 states for the Port of San Francisco, “See the Seaport Plan. Some fill may be needed.” And Bay Plan Map 4 includes “Commission Suggestion A” for a “possible scenic transit system from Ocean Beach to China Basin.”

WATERFRONT PLAN UPDATE AND CONFORMING AMENDMENTS

Section 2.F.5 of the DEIR contains a summary of proposed Special Area Plan amendments as part of the Bay Plan Amendment (BPA) application received by BCDC from the Port of San Francisco on August 11, 2017. Please clarify in the DEIR that this BPA application is pending and that the amendments listed here are proposed and still under consideration. The list of proposed SAP amendments is repeated in Section 3.B.2., State Plans and Policies. BCDC suggests removing this information from this section, since it does not reflect the current Special Area Plan required for the analysis of this DEIR.

Environmental Effects

BIOLOGICAL RESOURCES

In addition to the Project Location Map mentioned in the general comment above, the Habitat Map (Figure 4.F-1 of the Biological Resources section) does not appear to represent the full area described in the Plan’s policies. Only terrestrial and overwater structures are shown, however, policies and activities in the Waterfront Plan, including topics related to enhancing the San Francisco Bay Water Trail, as well as ferry and water taxi service for example, would need to occur within open water – beyond the shoreline and overwater structures. Please revise the plan area and habitat map to better define the bayward extent of the Waterfront Plan and to account for biological resources that are within tidal marsh, tidal flat, and open water habitat where the Waterfront Plan will apply.

The “Critical Habitat” section on page 25 states: “A review of GIS-based habitat data for USFWS Critical Habitat for Threatened and Endangered Species shows that the Plan area is not located within designated critical habitat for any listed species.” A review of this dataset shows that the federally threatened green sturgeon (*Acipenser medirostris*) has designated critical habitat up to the elevation of mean higher high water (<https://www.fisheries.noaa.gov/inport/item/65369>). This includes areas below and adjacent to overwater structures within the Waterfront Plan area. Please revise this statement.

The DEIR Chapter 4.F.3 Regulatory Framework mentions the Bay Plan under “Local Regulations.” This section refers to the applicable policies related to Bay filling, but does not mention Bay Plan Policies related to biological resources. BCDC recommends adding reference to Bay Plan Findings and Policies concerning Fish, Other Aquatic Organisms and Wildlife in the Bay (Bay Plan Policies Part III) and indicating consideration of these policies throughout the DEIR’s impact analysis of the Waterfront Plan, such as Impact BI-8: Waterfront Plan would not conflict with any local policies or ordinances protecting biological resources.

A-BCDC-3

The study area for the biological resources analysis includes a 250-foot buffer around the Waterfront Plan area to account for indirect impacts on biological resources that could occur with implementation of the Waterfront Plan. Aquatic resources described in the Section 4.F.2 included in the 250-foot study area, but no analysis was conducted to determine if the Waterfront Plan would result in significant impacts to aquatic resources beyond activities related to pile-driving. Construction activities such as riprap placement, fill, dredging/grading below MHHW, or pier maintenance as well as changes in use of overwater structures through changes in vessel mooring, realignment of overwater structures, or increased shading due to wharf use may impact special status fish or marine mammals or their habitat. The Waterfront Plan may result in impacts from these types of activities and thus, further analysis should be conducted to determine impacts to special status fish or marine mammals or their habitat. Additionally, all current biological resources mitigation measures should be reviewed to ensure that impacts from changes in use of overwater structures and the shoreline are accounted for.

Additional comments:

A-BCDC-4

Mitigation Measure M-BI-3: Fish and Marine Mammal Protection During Pile Driving: On page 45 of the Biological Resources section there is mention of “implementation of in-water construction best management practices.” Those were not defined in the DEIR or affiliated documents. If these BMPs are sufficient to minimize direct and indirect impacts to less than significant please clarify what these BMPs are.

Mitigation Measure M-BI-6: Avoidance of Impacts on Wetlands and Waters: Please update the mitigation measure in the summary table (Page S-35) to include mention of BCDC’s permitting requirements alongside CDFW, Waterboard, and USACE.

Mitigation Measures M-BI-3 and M-BI-6 also do not discuss impacts to marine species, habitat, wetlands, and waters as a result of changes in use of overwater structures and the shoreline, but rather, focuses on construction-related impacts. Impacts due to increased water-oriented use through wakes, shading, or increased turbidity could impact wetlands and waters in the Plan Area. Please revisit these mitigation measures to account for the long-term changes in use that may occur as a result of the Waterfront Plan.

A-BCDC-5

Impact BI-5: The Waterfront Plan would not have a substantial adverse effect the eelgrass bed sensitive natural community: Eelgrass beds have been observed along the San Francisco waterfront within the Fisherman’s Wharf Plan Subarea (e.g., near Hyde Street Pier) and the Southern Waterfront Plan Subarea. Given the forward-looking nature of this plan, presuming that there is no eelgrass habitat that may be impacted based on surveys conducted most recently in 2014 seems like insufficient evidence to support the “no impact” level of significance. The Waterfront plan includes policies that could affect fill, shading, turbidity, or dredging the Bay within potentially suitable habitat for eelgrass. BCDC recommends that a mitigation measure to survey and if needed- avoid and mitigate for eelgrass bed sensitive natural communities should be included. This may occur on the project-level, however, noting “no impact” on the Waterfront Plan level does not reflect current conditions or adequately account for potential impacts of the Plan.

A-BCDC-6**HYDROLOGY AND WATER QUALITY**

Page 158 of the Initial Study states “The sea-level rise vulnerability zone is 108 inches above today’s high tide (mean higher high water). This includes 66 inches of sea-level rise plus 42 inches of tidal and storm surge, an upper-range scenario for end of century.” While these values are based on current San Francisco Planning Guidance, please note that BCDC currently considers the Ocean Protection Council Sea Level Rise Guidance (2018) as the best available science for selecting sea level rise projections, and an update to the Sea Level Rise Guidance is expected in 2023. Another notable recent source used by BCDC for regional sea level rise projections and compound flooding impacts is the 2022 NOAA Technical Report.

Additional comments:

Impact HY-2: The Waterfront Plan would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Plan may impede sustainable groundwater management of the basin or conflict with a sustainable groundwater management plan.

Impact HY-3: The Waterfront Plan would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion, siltation, or flooding on or off site.

Please note that the Project and subsequent projects should consider recent scientific studies that suggest remediation sites or other contaminated areas that experience shallow groundwater rise may adversely impact the Bay and the surrounding environment through the mobilization of contaminants. These impacts could be avoided or mitigated by proper remediation that does not allow for mobilization of contaminants due to a changing groundwater table. This is supported by Bay Plan Shoreline Protection Policy 8, which states “All contamination remediation projects in the Bay or along the Bay shoreline should integrate the best available science on sea level rise, storm surge, and associated groundwater level changes into the project design in order to protect human and ecological health by preventing the mobilization of contaminants into the environment and preventing harm to the surrounding communities.”

In response to the list of Projects on the State Hazardous Materials list, each of the projects on this list could be reviewed for current and future water quality, groundwater flooding, and contaminant mobilization impacts to the environment based on the emerging field of science incorporating shallow groundwater rise into flood impact analysis. Please note that BCDC’s Adapting to Rising Tides Program maintains this information on our website as a regional resource.

A-BCDC-7

A-BCDC-8

AESTHETICS

Impact AE-1: The Waterfront Plan would not have a substantial adverse effect on a scenic vista, damage scenic resources, degrade the existing visual character or quality of public views of the site or its surroundings, or conflict with applicable zoning and other regulations governing scenic quality.

The analysis of Impact AE-1 generally aligns with Bay Plan policies for Appearance, Design, and Scenic Views, as well as relevant Special Area Plan general policies and geographic vicinities policies as it applies to the subareas identified in the Waterfront Plan.

However, while the analysis states that the Waterfront Plan amendments would not require any changes to the height and bulk district for Port property, the proposed Project would amend the planning code by adding section 240.4 to create Waterfront SUD 4. The SUD would apply to Port piers and seawall lots in the Mission Bay and Southern Waterfront subareas that are not included in the Mission Rock, Pier 70, or Potrero Power Station SUDs. Furthermore, the DEIR states the planning code amendment would require waterfront design review process and procedures for future development on Port-owned properties in the Mission Bay and Southern Waterfront subareas.

BCDC would like to clarify that Implementation Requirement 3 in the Special Area Plan states:

“Joint Design Review Process. To achieve a high level of design quality in waterfront development, ensure consistency in agency comments and requirements for the design of proposed waterfront projects, and to simplify and streamline the project review process, the Port and BCDC will establish a joint design review process for projects proposed within the area of the Special Area Plan. This joint design review process will entail joint meetings of BCDC’s Design Review Board and the Port and City’s Waterfront Design Advisory Committee. These two design groups will consider the design issues that are pertinent to the authority of each of the agencies, and advise BCDC, the Port and the City on design matters pertinent to each of the agencies’ authority.”

Please note a formal joint design review process between the two agencies per this requirement has yet to be fulfilled. BCDC agrees with the approach that the newly created SUD resulting from the Waterfront Plan should require a waterfront design review process and the inclusion of the BCDC Design Review Board and staff in the development of this process would be critical to implementing the physical and visual transformation for subsequent projects within BCDC jurisdiction.



CONCLUSION

BCDC appreciates the opportunity to provide comments on this DEIR. Please continue to keep BCDC staff informed on developments in the environmental review and final approval of the Waterfront Plan. Additionally, BCDC staff is available to answer any questions about our comments of the DEIR if needed. Please direct any questions concerning the DEIR and this comment letter to Yuriko Jewett, Principal Waterfront Planner, at yuriko.jewett@bcdc.ca.gov or (415)-352-3600.

Sincerely,

Yuriko Jewett

YURIKO JEWETT

Principal Waterfront Planner

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3600
Fax: 888 348 5190
Email: info@bcdc.ca.gov
Website: www.bcdc.ca.gov

cc: State Clearinghouse, (state.clearinghouse@opr.ca.gov)

Caltrans comment letter for Waterfront Plan Project, DEIR

Luo, Yunsheng@DOT <Yunsheng.Luo@dot.ca.gov>

Fri 4/22/2022 1:31 PM

To: George, Sherie (CPC) <sherie.george@sfgov.org>

Cc: Leong, Mark@DOT <Mark.Leong@dot.ca.gov>; OPR State Clearinghouse <state.clearinghouse@opr.ca.gov>

 1 attachments (173 KB)

Waterfront Plan Project Caltrans.pdf;

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Good afternoon Sherie,

Thank you for the opportunity to review the DEIR for the Waterfront Plan Project. Attached please find our comment letter for this project. Feel free to reach out to me if you have any questions.

Thank you!

Best,

Yunsheng Luo

Associate Transportation Planner

Local Development Review (LDR), Caltrans D4

Work Cell: 510-496-9285

For early coordination and project circulation, please reach out to LDR-D4@dot.ca.gov

California Department of Transportation

DISTRICT 4
 OFFICE OF TRANSIT AND COMMUNITY PLANNING
 P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



April 22, 2022

SCH #: 2022040329
 GTS #: 04-SF-2020-00360
 GTS ID: 20836
 Co/Rt/Pm: SF/VAR/VAR

Sherie George, Senior Planner
 City and County of San Francisco
 49 South Van Ness Avenue, Suite 1400
 San Francisco, CA 94103

Re: Waterfront Plan Project – Draft Environmental Impact Report (DEIR)

Dear Sherie George:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Project. We are committed to ensuring that impacts to the State’s multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the February 2022 DEIR.

Project Understanding

The Port of San Francisco 2019 Waterfront Plan would update and amend the 1997 Waterfront Land Use Plan, which sets long-term goals and policies to guide the use, management, and improvement of 7.5 miles of properties under the Port’s jurisdiction, from Fisherman’s Wharf to India Basin. The Plan proposes nine goals, attendant policies, and land use objectives to guide the management, development and improvement of the waterfront. The DEIR is a programmatic analysis of policies and land use objectives relying on land use growth assumptions and physical growth estimates.

Climate Change

Please keep Caltrans informed about sea level rise adaptation measures as the Waterfront Plan project area encompasses along the San Francisco Bay Shoreline. Objective 9 on page 6-35 states, “strengthen Port resilience to hazards and promote adaptation to climate change and rising tides through equitable investments to protect community, ecological, and economic assets and services along its 7.5-mile waterfront.” In particular, and of relevance to this objective, Caltrans is interested in

A-Caltrans-1



“Provide a safe and reliable transportation network that serves all people and respects the environment”

A-Caltrans-1
cont.

↑
engaging in multi-agency collaboration early and often, to find multi-benefit solutions when planning and implementing shoreline adaptation measures to protect communities, infrastructure, and the environment by fostering collaboration and exploring innovative adaptation approaches such as nature-based solutions. Please contact Vishal Ream-Rao, Climate Change Branch Chief, at vish.ream-rao@dot.ca.gov with any questions.

Equitable Access

A-Caltrans-2

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



A-CDFW

April 18, 2022

Sherie George
EIR Coordinator
San Francisco Planning Department
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103
CPC.WaterfrontEIR@sfgov.org

SUBJECT: WATERFRONT Plan Project, DRAFT ENVIRONMENTAL IMPACT REPORT (SCH# 2020099002)

Dear Ms. George:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability for a Draft Environmental Impact Report (DEIR) for the Waterfront Plan Project (Project) from the San Francisco Planning Department pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation on September 24, 2020.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & Game Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in take as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. Pursuant to our jurisdiction, the CDFW has the following comments and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Port of San Francisco

Objective: The objective of the Project is to update and amend the 1997 Waterfront Land Use Plan, which sets long-term goals and policies to guide the use, management, and improvement of 7.5 miles of properties under the Port's jurisdiction, from Fisherman's Wharf to India Basin. The Project has nine objectives that may include both terrestrial and in-water work. Project activities may include pile driving, site preparation, clearing, grubbing, excavation, grading, demolition, new construction, interior construction, renovation of existing piers, and laydown area management work.

Location: The Project area is generally bounded to the north by Hyde Street Pier and Jefferson Street in Fisherman's Wharf and includes piers and upland properties adjacent to The Embarcadero including Oracle Park; piers and waterfront properties adjacent to Terry A. Francois Boulevard in Mission Bay; and properties generally east of Illinois Street south of Mission Bay to Cargo Way in India Basin.

MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

REGULATORY REQUIREMENTS

California Endangered Species Act: Please be advised that a CESA permit will be recommended if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the

Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA Permit. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA section 21001(c), 21083, & CEQA Guidelines section 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Commission section 2080.

STATE AND FEDERALLY LISTED AND COMMERCIAL/RECREATIONALLY IMPORTANT SPECIES

Protected species under the State and Federal Endangered Species Acts that could potentially be present near Program activities include:

- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Spring-run), state and federally endangered (Winter-run)
- Steelhead (*Oncorhynchus mykiss*), federally-threatened (Central California Coast and Central Valley ESUs)
- Green sturgeon (*Acipenser medirostris*), federally-threatened (southern DPS)
- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Brown pelican (*Pelecanus occidentalis californicus*), state fully protected
- American peregrine falcon (*Falco peregrinus anatum*), state fully protected
- California Ridgway's rail (*Rallus obsoletus obsoletus*), state fully protected

Several species with important commercial and recreational fisheries value that could potentially be impacted by Project activities include:

- Dungeness crab (*Cancer magister*),
- Pacific herring (*Clupea pallasii*),
- Rockfish (*Sebastes* spp.),
- California halibut (*Paralichthys californicus*)
- Surfperches (*Embiotocidae*).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the San Francisco Planning Department in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources. Editorial comments or other suggestions may also be included to improve the document.

I. Marine Project Level Impacts and Other Considerations

A-CDFW-1

Pacific herring:

Comment: Portions of the Project have been identified as being sensitive habitat for Pacific herring. CDFW has identified the area from Oracle Park/Mission Bay south to Islais Creek as being important spawning habitat for herring. In certain years the herring spawns in this area can account for a significant percentage of the yearly herring spawning biomass. Given the potential for a significant herring spawn in any given year, CDFW has been very cautious with in-water work occurring during the winter months and may not consider requests for work to occur in this area during the spawning season from approximately December 1 to March 15.

The types of activities that are described in the DEIR are the types of activities that could be a source of significant impacts to Pacific herring. CDFW understands that the DEIR describes in water work will occur during the approved work windows. However, some of the potential projects described within the DEIR could have year-round impacts such as water pumping, dry dock operations, and increased shoreline usage from public access improvements.

Recommendations

- CDFW recommends that all future activities considered under the Project consider potential impacts to Pacific herring during construction and also from the continued operation and/or use of individual projects.
- CDFW recommends that all future activities covered under the Project consider the construction timeline in areas from Mission Bay south to Islais Creek to assure that no work may occur in the winter months given the concern with the potentially significant impacts to spawning herring.

Back-Up Cruise Terminal and Shore Power:

Comment: Pier 50 is within the portion of the San Francisco waterfront that CDFW has identified as being sensitive habitat for Pacific herring and has state listed species, specifically the longfin smelt and chinook salmon, present during portions of the year. The Project anticipates Pier 50 requiring in-bay pile work and construction to be able to accommodate cruise ships. Activities described for preparing Pier 50, such as in-bay pile work and construction, could have significant impacts on the species mentioned above depending on the types of equipment, materials, and time of year in which in water work occurs. Additionally, there is no discussion on whether dredging would be necessary at Pier 50 to accommodate a deep draft vessel such as a cruise ship.

Recommendations

- CDFW recommends that the Port of San Francisco consult with CDFW early in the planning phase to determine whether there is potential for incidental take of state listed species may occur and to design portions of the project to



A-CDFW-1
cont.

avoid and or minimize take of state listed and impacts to state managed species.

- If potential impacts to state listed species are identified, CDFW recommends the Port of San Francisco consult with CDFW on obtaining incidental take coverage via a 2081(b) Incidental Take Permit.

A-CDFW-2

Oyster Restoration and Habitat Creation

Comment: It is the Department's understanding that the Project is proposing potential environmental enhancements designed to act as an artificial reef or habitat. The Department has authority for artificial reefs under a variety of roles including Statutory/Legislative Authority, Trustee and Responsible Agency Status under CEQA and the Marine Life Management Act, and an advisory role to other agencies. Fish and Game Code Section 6420-6425 established the California Artificial Reef Program (CARP) through legislation in 1985. The program was created to investigate the potential to enhance declining species through the placement of artificial reefs and is currently unfunded with no identified source of funding. However, the CARP does not consider reef placement for mitigation, dampening effects of sea level rise, improve diving opportunities, or restoration. In order to provide adequate consultation and advice to the principal permitting agencies on reef design, development, and purpose, the Department seeks to develop a comprehensive statewide scientifically based plan for overseeing the placement of artificial reefs in state waters. Without a scientifically based statewide artificial reef plan for California, the Department does not recommend any new artificial reef or artificial habitat at this time, regardless of intent.

The Department is also concerned that artificial reefs and habitat creation could attract invasive species. Any proposed artificial enhancement that will act to attract fish or invertebrates should be accompanied by a detailed monitoring plan during the planning phase, which should also be reviewed and approved by CDFW.

Recommendations

- CDFW recommends that the Final EIR include discussion on developing an invasive species monitoring plan for habitat enhancements or creation that includes monitoring measures, adaptive management measures, and protocols if invasive species are identified for all future construction covered under the Project. The discussion should also state that CDFW will be provided any invasive species monitoring plan for review prior to adoption.

A-CDFW-3

Fish and Marine Mammal Protection during Pile Driving: Mitigation Measure M-BI-3

Comment: Mitigation Measure M-BI-3 only describes the approvals and work windows put in place with the federal resource agencies. CDFW may need to exercise its regulatory authority for various portions of the Project. Under this role, CDFW would also be an approving agency for the various types of plans and

A-CDFW-3
cont.

protective measures for the species we would be permitting under Fish and Game Code Section 2081.

CDFW, as a coordinating agency to the San Francisco Bay Long Term Management Strategy (LTMS), was also involved with the development of the regionally specific LTMS work windows for species which received protection under these in-water work windows. CDFW is directly responsible for the management and protection of several species that received work windows under LTMS such as, Pacific herring and Dungeness crab.

Recommendations

- CDFW recommends that Mitigation Measure M-BI-3 specifically include language on coordination with CDFW for potential sound impacts to fish and the associated work windows for species that CDFW is responsible for managing and protecting.
- CDFW recommends that the inclusion of a bubble curtain be added as a best management practice for impact pile driving. In addition to the use of cushion block, a bubble curtain could provide a significant increase in sound attenuation under certain conditions.

A-CDFW-4

II. Editorial Comments and/or Suggestions

Table 4.F-2 Potential Effects to Fish at Varying Noise Levels

Comment: The second row for fish < 2 grams should be 183 decibels (dB) accumulated sound exposure level (SEL), not 186 dB. Additionally, the table is confusing as the 206 peak sound level is utilized for fish > 2 grams and < 2 grams. The way it is currently presented it seems that that the peak sound level is only for fish > 2 grams.

Recommendation

- CDFW recommends that table 4.F-2 make two edits 1) change the sound level in the second row from 186 dB to 183 dB for fish < 2 grams and 2) a fourth row should be added specifically for the peak sound level of 206 dB indicating that it is used for all fish regardless of size.

A-CDFW-5

Impact BI-7: The Waterfront Plan could interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

Comment: Impact BI-7 has several misleading statements. Pacific herring spawning within San Francisco Bay is not consistent or predictable from year to year. The lack of spawning along the waterfront in recent years does not suggest spawning in this location has become less frequent, only that no or smaller spawns had occurred in those years. As mentioned in Comment #1, CDFW has identified a portion of the San Francisco waterfront from Mission Bay to Islais Creek as being particularly



A-CDFW-5
cont.

important in spawning seasons over the last decade with very large spawning events occurring there.

Additionally, longfin smelt are likely present year-round along the San Francisco waterfront. Given the proximity of San Francisco to the ocean, salinity likely does not play as large of a role to affect presence and is more likely the cause of seasonal migrations for spawning. CDFW agrees there are likely less longfin present in the winter as the fish are migrating to spawning habitat both north and south of San Francisco, but adult fish remain during this time and have been observed in research trawls in the deeper channels adjacent to San Francisco in the winter.

Recommendations

- CDFW recommends that the second paragraph under Marine Biological Resources on p. 4.F-50 be changed as follows (amended language in **bold italics**; deleted language in ~~strike through~~):
 - “Pacific herring are known to breed on in-water structures and utilize this habitat along the San Francisco waterfront. A lack of observed spawning in recent years suggests that ~~spawning along the waterfront has become less frequent~~ **spawning activity varies from year to year**. Of all the special-status fish species, longfin smelt have the greatest potential to occur within the waterfront adjacent to the Plan area. However, because longfin smelt distribution within the San Francisco Bay-Delta is driven by fluctuations in salinity **and migration to spawning habitats outside of the study area**, they are unlikely to occur in large numbers near the study area ~~outside of late summer~~ **at certain times of the year.**”

A-CDFW-6

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be

Sherie George, EIR Coordinator
San Francisco Planning Department
April 18, 2022
Page 8

A-CDFW-6
cont.

operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the Waterfront Plan Project DEIR to assist the San Francisco Planning Department in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Arn Aarreberg, Environmental Scientist at (707) 791-4195 or Arn.Aarreberg@wildlife.ca.gov.

Sincerely,



Craig Shuman, D. Env
Marine Regional Manager

ec: Becky Ota, Program Manager
Department of Fish and Wildlife
Becky.Ota@wildlife.ca.gov

Eric Wilkins, Senior Environmental Scientist
Department of Fish and Wildlife
Eric.Wilkins@wildlife.ca.gov

Wesley Stokes, Senior Environmental Scientist
Department of Fish and Wildlife
Wesley.Stokes@wildlife.ca.gov

Will Kanz, Environmental Scientist
Department of Fish and Wildlife
Will.Kanz@wildlife.ca.gov

Arn Aarreberg, Environmental Scientist
Department of Fish and Wildlife
Arn.Aarreberg@wildlife.ca.gov

Xavier Fernandez
San Francisco Bay Regional Water Quality Control Board
xavier.fernandez@waterboards.ca.gov

San Francisco Bay Conservation and Development Commission
ReceptionDesk@bcdc.ca.gov

Sherie George, EIR Coordinator
San Francisco Planning Department
April 18, 2022
Page 9

Habitat Conservation Program Branch CEQA Program Coordinator
California Department of Fish and Wildlife
ceqacommentletters@wildlife.ca.gov

State Clearinghouse (SCH No. 2020099002)
state.clearinghouse@opr.ca.gov

Letters of Comment on DEIR Plan from Dolphin Club and South End Rowing Club

Ward Bushee <busheeward@gmail.com>

Mon 4/25/2022 8:30 PM

To: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>; Ward Bushee <busheeward@gmail.com>

 2 attachments (747 KB)

SERC_Ltr_DEIR_Comments_220425_signed-2.pdf; Dolphin Club Letter Waterfront Plan.docx;

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April 25, 2022

Sherie George, EIR Coordinator
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Dear Sherie George:

I am sending electronic copies of written comments on the DEIR from the presidents of the San Francisco Dolphin Club and The South End Rowing Club. You should have received hard copies of the letters from both clubs by the April 25 deadline. The letters raise concerns by our historic clubs regarding the impacts from the Waterfront Plan.

Can you please send an email back acknowledging that you have received the letters.

Thanks very much,

Ward Bushee
President
San Francisco Dolphin Club

April 22, 2022

Attention: Waterfront Plan Written Comments

Port of City of San Francisco
Waterfront Project
Pier 1, The Embarcadero,
San Francisco, CA 94111

To Whom It May Concern,

I am writing on behalf of the San Francisco Dolphin Swimming and Rowing Club to register our concerns about the impacts on our Aquatic Park sub-area that could result from the updated and amended 1997 Waterfront Land Use Plan.

O-DOLPH2-1 | The Dolphin Club and our Jefferson Street neighbor, The South End Rowing Club, together have over 3,500 members and collectively about 300 years of history enjoying the Bay waters. As has been the case since 1877, many of Dolphin members swim and row every day in areas likely to be affected by future Port projects. Specifically, hydrology and water quality, which were found to lack significance in the Waterfront draft EIR (2019-023037ENV), are critical to our members being able to use area's waters for recreation.

I am submitting this letter after speaking of the Dolphin Club concerns at the public comment portion of the March 24 Port Waterfront Project hearing. Others who commented that day were Bill Wygant from the South End Rowing Club and an interested individual, Jean Allen.

O-DOLPH2-2 | Our clubs also take issue with the Port not providing us with sufficient notification in the planning process. We hope you keep us informed as the updated plans are made.

Sincerely,

Ward Bushee
Dolphin Club President
502 Jefferson St.
San Francisco, CA 94109

Comments for Port of SF Waterfront Plan - DRAFT EIR

Jane Connors <jconnors@hudsonppi.com>

Fri 4/22/2022 10:41 PM

To: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>;Oshima, Diane (PRT) <diane.oshima@sfport.com>

Cc: Carl Cade <CCade@hudsonppi.com>;Amanda Kost <akost@hudsonppi.com>

📎 1 attachments (174 KB)

Ferry Building - Comments for WFP Draft EIR 4.22.22.pdf;

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon – attached please find comments for the Port of San Francisco - Waterfront Plan DRAFT EIR.

Please let us know if you have any questions.

Thank you,

JANE CONNORS

General Manager

—

HUDSON PACIFIC PROPERTIES

D 415 983-8001 | C 415 286-3000

One Ferry Building, Suite 260, San Francisco, CA 94111

hudsonpacificproperties.com



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April 22, 2022

Diane Oshima
 Port of San Francisco
 Pier One
 San Francisco, CA 94111

RE: Waterfront Plan Draft EIR

Dear Diane,

Thank you for the opportunity to comment on the scope and content of the Draft EIR for the Port’s Waterfront Plan. Hudson Pacific Properties understands the vital importance of the Port’s Waterfront Plan. As the Ferry Building landlord, we have the responsibility to fully evaluate the implementation of this the Waterfront Plan and minimize the environmental impacts to our tenants needs while simultaneously supporting the Waterfront Plan’s development and improvement considerations near the Ferry Building area. Below are our comments to consider as you finalize the EIR for the Waterfront Plan.

Transportation & Circulation

- O-Hudson-1 | ○ We think overall the growth and diversity of modes of transportation is good but that the proliferation of new modes – scooters, skateboards, e-skateboards, electric scooter, e-bikes, e-unicycle, etc., - with different speed and capacities bears a new look at how all of these can and should share the Embarcadero, where physical intervention is needed, and how they can all work well safely.
- O-Hudson-2 | ○ Waterfront Plan must conduct and publish a transit and traffic study prior to further developments along the Embarcadero. We need a baseline reading of where the Embarcadero needs are now.
- Developments along the waterfront will increase delivery, service, shared cars, and emergency vehicle use along the waterfront. Port should consider all long-term vehicular needs of a burgeoning waterfront and impacts.
- Parking in the Ferry Building area remains extremely constrained; the most recent parking study cited in fn. 140 (p. 4.C-35) dates to 2013, and as far back as 2003. For informational purposes, development projects within a 0.50-mile radius of the Ferry Building should be required to conduct a parking analysis and publish findings for public review prior to approval.
- O-Hudson-3 | ○ Port to require geofencing limits on all rentable motorized vehicles so they are forced/required to stay in bike lane by Ferry Building.

Noise & Vibration

- O-Hudson-4 | ○ Projects within 700 ft of the Ferry Building will not have work occur on Saturdays during Farmer’s Market hours.
- Projects within 700 ft of the Ferry Building to minimize project noise disruptions to tenants and the public.
- Projects within 700 ft of the Ferry Building to hire structural engineer at their expense to take initial and subsequent surveys of Ferry Building structure to ensure it remains undamaged by the project.
- Projects within 700 ft of the Ferry Building to hire a structural or geotechnical engineer to review plans, as they relate to the Ferry Building, or monitoring information.



O-Hudson-4
cont.

- When a certain level of noise is unavoidable because of the nature of the work or equipment involved, and such noise is objectionable to the occupants of adjacent Ferry Building premises, decide with the jurisdictional authorities to perform such work or operate such equipment at the most appropriate time periods of the day.

O-Hudson-5

Waterfront Management

- Development or Improvement Projects to dispose of waste, trash, and debris in a safe, acceptable manner, in accordance with applicable laws and ordinances and as prescribed by authorities having jurisdiction.
- Erect and maintain temporary bracing, shoring, lights, barricades, signs, and other measures as necessary to protect the public, workers, and adjoining property from damage from demolition work, all in accordance with applicable codes and regulations.
- Protect utilities, pavements, and facilities from damage caused by settlement, lateral movement, undermining, washout, and other hazards created by demolition or construction operations.

O-Hudson-6

Pest Control

- Any project or development work within 700 ft of Ferry Building should plan for a weekly integrated pest control to mitigate any issues that may arise due to construction.

O-Hudson-7

DEI & ADA

- The current bike lane placement impact curbsides ADA access - before further development of plan please study ADA needs for waterfront visitors.
- Make sure all signage for projects and wayfinding are multilingual (Chinese, Spanish, English, etc.).

O-Hudson-8

Communication

- Projects to install, and update as needed, graphics on project info, contact info and any potential environmental impacts.
- Each Waterfront Plan Project to Develop a Community Outreach Plan - and have 7 day a week Point of Contact.

Thank you for consideration and we look forward to working with the Port of San Francisco. Should you require further information or have any questions, please contact me at (415) 983-8001.

Sincerely,



Jane Connors
General Manager
Hudson Pacific Properties

San Francisco Maritime Commerce Advisory Committee (MCAC) - Waterfront Plan Project
Draft EIR - Letter of Support

Moreno, Dominic (PRT) <dominic.moreno@sfport.com>

Mon 4/25/2022 4:29 PM

To: George, Sherie (CPC) <sherie.george@sfgov.org>

Cc: Forbes, Elaine (PRT) <elaine.forbes@sfport.com>; Coleman, Andre (PRT) <andre.coleman@sfport.com>; Nicita, Carl (PRT) <carl.nicita@sfport.com>; Ellen Johnck <ellen@ellenjohnckconsulting.com>; ibusf@pacbell.net <ibusf@pacbell.net>; Oshima, Diane (PRT) <diane.oshima@sfport.com>

Ms. Sherie George,

Please find attached a letter of support from the San Francisco Maritime Commerce Advisory Committee.

Very Respectfully,



Dominic Moreno

Maritime Operations Manager

Port of San Francisco

Pier 1, San Francisco, CA 94111

Direct: 415-274-0597

Cell: 415-850-6819

Dominic.Moreno@sfport.com



Port of San Francisco – Pier 1 – San Francisco, CA 94111 – 415-274-0400

April 22, 2022

To: Ms. Sherie George
S. F. Planning Department
49 South Van Ness Avenue Suite 1400
San Francisco, CA. 94103

CC: Elaine Forbes, Executive Director, Port of San Francisco
Andre Coleman, Maritime Director, Port of San Francisco

Dear Ms. George,

O-MCAC-1

The Port of San Francisco’s Maritime Commerce Advisory Committee (MCAC) writes to express its support for the S. F. Planning Department’s Waterfront Plan Project Draft EIR. The document is well written and thorough. The Draft EIR contains comprehensive information and analysis that will be helpful in the application of the Waterfront Land Use (WLUP) Draft Plan goals and policies in the local, state and federal environmental review process for much needed historic pier restoration and resiliency projects identified in the Port’s Waterfront Resilience Program. As co-chair of the MCAC, I represented MCAC on the Waterfront Land Use Plan (WLUP) Working Group for three years. MCAC supports the goals and policies of the Waterfront Land Use Draft Plan which in summary affirms the:

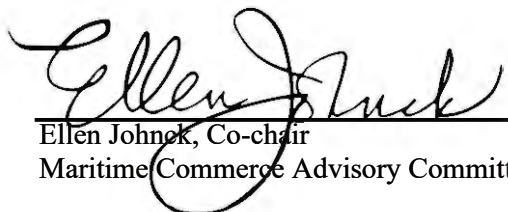
- Proposition H Maritime Priority
- Diverse Urban mix of Economic, Public and Recreation uses, and Public Trust Benefits
- Waterfront Urban Design and Historic Preservation Design Policies

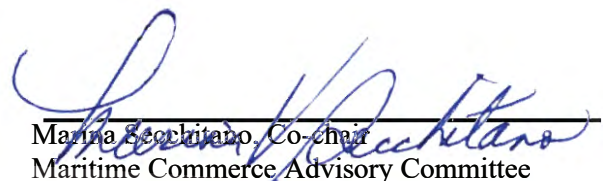
And establishes new goals and policies in specific areas, which in summary are:

- Integrates Equity and Inclusion in Waterfront activities and Opportunities
- Added the Blue Greenway, Extending Public Access along the entire 7 ½ mile waterfront
- Identified multi-modal transportation access and public realm improvements
- Established Financial and Capital Repair requirements for the historic waterfront and pier resiliency adaptation for sea level rise

The members of the MCAC represent the Port’s multi-faceted maritime businesses and labor and strives to preserve this essential Port industry mission held in trust for the people of the city of San Francisco and the state of California. The MCAC members include cruise and cargo shipping, ferries, excursion boats, and water taxis; tugs, barges and harbor services; commercial fishing and recreational marinas; ship repair and railroad service; ready-reserve ships and labor union hiring halls. MCAC is eager for the Port Commission’s adoption of the WLUP Draft Plan as the WLUP Final Plan and Final EIR. Thank you for a job well done.

Sincerely yours,


 Ellen Johnek, Co-chair
 Maritime Commerce Advisory Committee


 Marina Sacchitano, Co-chair
 Maritime Commerce Advisory Committee

George, Sherie (CPC) <sherie.george@sfgov.org>

Mon 4/25/2022 12:53 PM

To: fran.hegeler@serc.com <fran.hegeler@serc.com>

Cc: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Nicita, Carl (PRT) <carl.nicita@sfport.com>; office@serc.com <office@serc.com>; kevin.whalen@serc.com <kevin.whalen@serc.com>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>

📎 1 attachments (729 KB)

SERC_Ltr_DEIR_Comments_220425_signed.pdf;

Hello,

Thank you for your email and confirming receipt; we have received your comment letter regarding the Port Waterfront Plan Project DEIR.

Sincerely,

Sherie George, Senior Planner
Environmental Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7558 | www.sfplanning.org

[San Francisco Property Information Map](#)

Sherie George, Senior Planner
Environmental Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7558 | www.sfplanning.org

[San Francisco Property Information Map](#)

From: Fran Hegeler <fran.hegeler@serc.com>

Sent: Monday, April 25, 2022 10:02 AM

To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Nicita, Carl (PRT) <carl.nicita@sfport.com>

Cc: SERC Office <office@serc.com>; Kevin Whalen <kevin.whalen@serc.com>

Subject: SERC: Comments of Concern // DEIR Port Waterfront Master Plan

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello all,

Please accept, as a matter of record, this letter outlining our concerns about the DEIR for the Port Waterfront Master Plan. I believe the deadline for public comment is today, so would appreciate your acknowledgement of receipt.

We are eager to be among those consulted for further development of this plan. The future of the waterfront is central to the mission and activities of our historic sports club.

Best regards,

Fran Hegeler
President, South End Rowing Club



April 25, 2022

San Francisco Planning Commission
Attn: Secretary
49 South Van Ness Avenue
San Francisco, CA 94103

Re: Comments of Concern – Draft EIR on Port of San Francisco Waterfront Plan

Dear San Francisco Planning Commission:

On behalf of the South End Rowing Club (“SERC”), I am submitting comments of concern with respect to the Draft Environmental Impact Report on Port of San Francisco Waterfront Plan (the “Plan”).

SERC, founded in 1873, has operated from our 500 Jefferson Street address on Aquatic Park since the 1930s. Like our neighbor, the Dolphin Club, we are tenants of the City’s Department of Recreation and Parks (“RPD”). The City recently approved a new lease that will allow SERC to remain in our location for 49 years. SERC and the Dolphin Club collectively have over 3,000 members in addition to members of the public who access our Clubs throughout the week. SERC’s mission is to provide recreational access to San Francisco Bay.

The Waterfront Plan covers a stretch of 7 ½ miles of pier and shoreline properties from India Basin to Fisherman’s Wharf. The Fisherman’s Wharf Sub-Area is bounded by Pier 39 and Aquatic Park - in particular, the SERC and Dolphin Club docks. Our recreational activities, which generally start from the Clubs, regularly include areas encompassed by the Plan.

O-SERC-1

Despite constituting the northern-most boundary of the Port’s Waterfront Plan, neither SERC nor the Dolphin Club were included among the initially noticed groups during the public scoping process. Nor did we receive specific notice of the DEIR. Given limited opportunity to review the far-reaching and open-ended Waterfront Plan, our concerns at this point are high level.

First – We object to the entire process for failing to provide adequate notice to SERC and the Dolphin Club to participate in the scoping or DEIR process. We expect to receive future updates about the planning and environmental processes.

O-SERC-2

Second – We are concerned by the DEIR conclusion that the Plan has less than a significant impact on recreational facilities and uses. The potential for increased commercialization and industrialization of the area could have a significant impact by curtailing the public’s recreational use and enjoyment of this area.

O-SERC-3

Third – We are concerned by the DEIR’s conclusion that the Plan has less than a significant on hydrology and water quality. Water quality is of the utmost importance to our members. We have an interest in



O-SERC-3
cont.

ensuring that no project adversely impacts water quality and that adequate safeguards are in place to prevent such impact. Any construction activity along the waterfront has the potential to disturb the seabed, releasing contaminants that are currently encapsulated. Such impacts also could adversely affect wildlife in the Plan area – a matter that the DEIR does not seem to fully address.

O-SERC-4

SERC views the SF Port as a partner with whom we share many of the same goals. However, we believe our concerns about the DEIR and the Plan are sufficiently compelling to justify an extension of the public comment period to allow a more considered assessment of the Plan's impacts by the users of Aquatic Park.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Fran Hegeler', written in a cursive style.

Fran Hegeler
President

cc Port of San Francisco, attn: Secretary

Waterfront Plan: Comments on DEIR

Jean Allan <jean_allan@hotmail.com>

Sat 4/23/2022 6:13 AM

To: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Sherie,

I have attached a scanned copy of the comment letter that I am mailing to you tomorrow.

Best,

Jean Allan

Jean Allan
Attorney at Law
132 Vicksburg Street
San Francisco, CA 94114
415-309-3801
jean_allan@hotmail.com

April 22, 2022

San Francisco Planning Department
Attn: Sherie George, EIR Coordinator
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Re: Comments on Waterfront Plan Project DEIR

Dear Ms. George,

I write to provide additional comments to those I made verbally at the Planning Commission hearing on 3/24/22. I am commenting as a resident of San Francisco, an attorney, a current member of the Dolphin Swimming & Boating Club, and a former member of the South End Rowing Club. I swim and kayak in the Bay.

While I applaud the “Plan Vision,” which includes “host[ing] a diversity of activities and people,” as well as “enhancing public access” and “preserving the waterfront’s historic character,” I write to request the recirculation of the Waterfront Plan Draft EIR (“DEIR”) because the omission of key significant environmental impacts renders it both legally inadequate and inaccurate as defined by CEQA. (14 CCR § 15088.5.)

14 CCR § 15088.5 requires recirculation of an EIR when “significant new information ... deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project.” “Significant new information” includes:

- (1) A new environmental impact would result from the project
- (2) A substantial increase in the severity of an environmental impact would result
-
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal. App. 3d 1043.)

The Waterfront DEIR requires recirculation under each of those three definitions standing alone and/or any combination of two or more because it wholly fails to fully address two CEQA-mandated “resource topics”: (1) Recreation; and (2) “Hydrology and Water Quality.”

Unfortunately, the Initial Study inaccurately determined that the Waterfront Plan would have no significant impacts on those two resource topics; hence, they were omitted from the DEIR. (DEIR at p. S-2.) However, both resources are negatively impacted in a significant manner in the context of two pre-existing and entirely overlooked activities that regularly take place within the boundaries of the Waterfront Plan: (1) open water swimming; and (2) the use of human-powered watercraft (e.g., kayaks, rowboats, shells, and SUPs).¹

Swimmers are immersed in the water and thereby especially vulnerable to changes in water quality (e.g., pollutants, construction debris, etc.) and/or changes in hydrology (e.g., changes in predicted currents, whether direction or intensity). Depending on the type of watercraft, human-powered vessel operators are subject to similar in-water exposures. And those vessel operators who are not routinely exposed to the water in terms of bodily contact nonetheless remain vulnerable to any changes in the predicted currents.

Both open water swimming and the use of human-powered vessels are well-known, longstanding recreation uses within the Fisherman’s Wharf Subarea and to a lesser degree in other subareas² of the project area. For example, many members of the Dolphin Swimming & Boating Club, founded in 1877 and now numbering almost 1900 members, swim or boat within the boundaries of the Waterfront Plan (e.g., both sides of Hyde Street Pier and inside/outside the Fisherman’s Wharf Breakwater). (See DEIR at pp. 2-9, 2-10.) Numerous other nonprofit organizations, small businesses, and myriad unaffiliated individual users regularly engage in these same activities within the Waterfront Plan boundaries, including the following:

South End Rowing Club (founded 1873)
 Water World Swim
 Swim Art
 Suzie Dods Swim Coaching
 Pacific Open Water Swimming

¹ A word search for “swim” or “swimming” in the 228-page Initial Study returns “zero finds.” In the “Recreation” resource category, the text indicates: “Hyde Street Pier, and Aquatic Park provide recreational boating facilities and recreational viewing of historic maritime boating facilities and artifacts.” (See Initial Study at p. 115.) Similarly, there is no mention of human swimming or human-powered, water-exposed vessel operation within the “Hydrology & Water Quality” resource category. (See Initial Study at pp. 155-58.) Yet, the same very same Waterfront Plan was deemed to have potentially significant impact on the CEQA resource category of “Biological Resources” (e.g., plants, fish and marine mammals) for which mitigation measures are included in the DEIR. By logical extension, there would necessarily be significant impacts on human in-water use, which would require a separate environmental analysis to identify those impacts and consider appropriate mitigation measures.

² Crane Cove, itself a Port-developed property in the Southern Waterfront subarea of the Waterfront Plan is widely recognized as an open water swimming venue as well as an area of calm water for paddle boarding and kayaking. Yet, while it is identified by name on the DEIR map, neither its intended nor actual use for open water swimming and human-powered vessel operation is acknowledged or considered. (See DEIR at pp. 2.20-2.23; see also <https://www.sfgate.com/places/article/Crane-Cove-Park-opens-san-francisco-15675737.php#taboola-1>.)

San Francisco Sea Scouts
Wahine Outrigger Canoe Club

I-Allan2-2

To my knowledge, none of the above were included in the 2020 Notice of Preparation (NOP) or early consultation/scoping process,³ which is truly unfortunate given that early public consultation “solves many potential problems that would arise in more serious forms later in the [EIR] review process.” (14 CCR § 15083.) It is not without irony that here the Project Sponsor (Port of San Francisco) itself owns a portion of the property leased by two of these organizations.⁴ And the rest is owned by the City & County of San Francisco, umbrella entity to the Lead Agency. In the case of the South End Rowing Club, these recreational activities have been ongoing for just shy of 150 years; the Dolphin Swimming & Boat Club’s similar use of the Bay commenced just a few years thereafter. It is hard to fathom how both clubs were overlooked in the notice and scoping process.

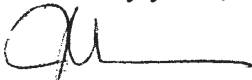
I-Allan2-1
cont.

It is the Lead Agency's responsibility to assess identify, analyze and mitigate significant environmental impacts. The lack of any data or analysis on the current and projected use of the waters within the Waterfront Plan boundaries by swimmers and human-powered vessel operators makes it virtually impossible for interested agencies and the public to provide meaningful and informed comment on the DEIR. The Lead Agency, Project Sponsor and its environmental consultant—Environmental Science Associates—need to go back and thoroughly identify and analyze the impacts of the Waterfront Plan on these ongoing recreation activities, and then set forth mitigation measures to address those specific impacts. Thereafter, the public needs to be given an opportunity to provide comment.

I-Allan2-2
cont.

Recirculation of a DEIR requires notice pursuant to 14 CFR § 15087, as well as consultation, which may include any person identified by the applicant whom the applicant believes will be concerned with the environmental effects of the project. In addition to those I mentioned above, I urge you to proactively identify, notify and consult with existing users of the area within the Waterfront Plan boundaries, which include swimming and boating-based organizations and businesses, as well as myriad unaffiliated public users.

Sincerely yours,



Jean Allan

Attorney at Law

cc: CPC.WaterfrontEIR@sfgov.org

³ See SF Planning’s WPP_Distribution List_2020-0812.xlsx

⁴ The Dolphin Swimming & Rowing Club and the South End Rowing Club are lessees of both the City & County of San Francisco and the Port of San Francisco (Port-owned property managed by SF Recreation & Park Commission under MOU with Port).

From: [CPC.WaterfrontEIR](#)
To: [George, Sherie \(CPC\)](#)
Subject: Fw: Availability of a Draft EIR...
Date: Monday, April 11, 2022 6:02:36 PM
Attachments: [EIR Comments_Final.docx](#)

From: Frank Alioto Fish Co Alioto <aliotolazio@sbcglobal.net>
Sent: Thursday, April 7, 2022 3:29 PM
To: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>
Subject: Availability of a Draft EIR...

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please see document attached.
Please confirm receipt of our document.
Thank you,
Angela

Alioto-Lazio Fish Co
440 Jefferson St
San Francisco, CA 94109
415.673.5868 1.888.673.5868
[Website](#) | [Facebook](#) | [Twitter](#) | [Pinterest](#)

F. ALIOTO FISH COMPANY
ALIOTO-LAZIO
440 JEFFERSON STREET
SAN FRANCISCO, CA 94109
415-673-5868

April 6, 2022

San Francisco Planning Department
Attention: Sherie George, Environmental Coordinator
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. George:

The following comments on the Draft Environmental Impact Report for the Port of San Francisco's Waterfront Plan (Plan), Case No. 2019-023037ENV (EIR) are submitted on behalf of the Alioto-Lazio Fish Company. Alioto-Lazio is a woman-owned and operated wholesale fishing company doing business on Fisherman's Wharf for over 70 years and is located in the area encompassed by the Plan. The Plan, and any subsequent actions taken under the Plan, could affect the owners / operators of Alioto-Lazio and the environment in which their work is carried out.

Alioto-Lazio recognizes that neither the Plan nor the EIR would have any immediate impact on them¹. However, because the plan can lead to other actions being performed, it is important to get it right the first time. In this case, the EIR fails. Not only is some significant information left out, but the EIR completely ignores a hazard that is imminent and ongoing.

MORE INFORMATION NEEDED

I-Cincotta-1

Both the analyses of air quality and traffic do not take into account the Port's push for increased sales of fresh fish and crab directly from vessels². This is an ongoing endeavor by the Port which results in increased traffic and parking issues, along with – presumably – decreased air quality in the Fisherman's Wharf area. We recognize that the analyses were undoubtedly conducted prior to the onset of the COVID-19 pandemic and so information about the effects of the Port's efforts to promote more off-vessel sales were unavailable. Nevertheless, this is an ongoing matter and the EIR should be updated to reflect current conditions.

¹ "Adoption of the Plan would not immediately result in new development or result in direct physical changes in the environment. However, certain uses and activities are considered the logical consequences of adopting and implementing the Waterfront Plan. This Draft EIR considers the environmental impacts of the uses and activities of the Plan and its components subsequent to Plan adoption, which are the indirect effects of the Plan and are studied at a "programmatic level" of review." EIR, page 208.

² See, for example: <https://youtu.be/IJFC7YV1L-c>

INFORMATION MISSING

I-Cincotta-2

Although Appendix H contains information on consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act (16 U.S.C. 1531 *et seq*), there is no information on consultation with the National Oceanic and Atmospheric Administration (NOAA), which has jurisdiction over several marine species, including both fish and marine mammals, which could be affected by the Plan and subsequent actions³. At the very least, the EIR needs to include a response from NOAA about any Section 7 consultation.

IMMINENT AND ONGOING HAZARD

I-Cincotta-3

The most egregious omission in the EIR is any information relating to the ongoing oil spill cleanup work under the supervision of the Environmental Protection Agency (EPA) occurring on and around Hyde Street Wharf. Indeed, the list of projects on the State's Hazardous Materials list, which is attached as an appendix to the EIR but has no source identification, lists the Hyde Street Wharf as "no further action" in spite of the current efforts by EPA and Pilot Thomas to clean it up. In addition, no mention is made of the fuel leak under the old J-10 Wharf footprint or the fact that it has been tested and – to our knowledge – no source has been identified. Further, as a result of this omission – or ignorance – the EIR states that the Plan would have no significant impact on the category of "Hazards and Hazardous Materials."⁴ This is flat out wrong. The Port is dealing with an oil spill of unknown magnitude, whose source may be more than from the fuel dock, cleanup efforts are ongoing as are efforts to fully identify the source, and the EIR sweeps the whole issue under the rug as "case closed" and "no further action" in an unidentified document. This is of special concern to Alioto-Lazio since our operations and facility are directly affected by the oil spill. The lack of attention paid to this oil spill and the finding of no significant impact need to be closely examined and addressed before the EIR becomes final.

We hope these comments are useful to the Planning Department and we look forward to participating further in the public process as the EIR is revised.

Sincerely,

Angela Cincotta

³ See pages H1-8 through H1-10 of Appendix H of the EIR

⁴ Chapter 1, page 1-2 of the EIR

From: [George, Sherie \(CPC\)](#)
To: [Susan Yogi](#)
Subject: Fw: Comments on Waterfront Plan DEIR - 2019-023037ENV (amended)
Date: Thursday, April 28, 2022 2:07:36 PM

5:01PM email below

Sherie George, Senior Planner
Environmental Planning Division
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7558 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Sue Hestor <hestor@earthlink.net>
Sent: Monday, April 25, 2022 5:01 PM
To: cpc/waterfrontEIR@sfgov.org <cpc/waterfrontEIR@sfgov.org>; George, Sherie (CPC) <sherie.george@sfgov.org>
Subject: Comments on Waterfront Plan DEIR - 2019-023037ENV (amended)

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Sue Hestor submits the following comments

I-Hestor2-1

WATERFRONT PLAN DEIR - Case 2019-023037ENV

The Waterfront Plan DEIR includes abundant data and maps. However, given the reality of measures the Port and others must take because of both sea level (San Francisco Bay) rise and climate change - including new seawalls and changes to current piers - additional information must be provided.

The EIR needs to show areas from Golden Gate Bridge to San Mateo County line which were added to the land mass of San Francisco by **filling San Francisco Bay**. Most of this area is adjacent to property under Port jurisdiction. Slightly larger than Waterfront Plan Area delineated on **Project Location Map - Figure 2-1**. Such a map is not readily available the Planning website.

Some measures the Port will take are required by expansion of the "land" of the city by adding fill into the bay or by removing marshes and creeks that connected peninsula to the Bay. A clear map which shows **terrain of the "pre-1849ers" San Francisco peninsula** - compared to map of current San Francisco - is necessary to understand changes that will invariably be needed on Port property in the next 20 years. Projects will occur on land, piers and water under jurisdiction of Port. Modifications will/should be done to protect site areas not shown on maps in this DEIR. Some filled areas already show impacts of that fill - in Mission flooded basements because of filled in creeks. Others will be visible when very low buildings are replaced by taller apartment or commercial buildings as former industrial areas evolve particularly in south of Market.

Hills such as Telegraph Hill and Rincon Hill had eastern edges "scalped" to dump rock into the Bay and expand "dry land." Other areas were dredged. North of what is now "Market



I-Hestor2-1
cont.

Street" current "Montgomery Street" was more or less the edge of the bay. Ships were moored along east of the evolving seawalls.

The areas surrounding Telegraph Hill to the north and east - commercial, government/Muni yard, residential - that are NOT Port property, should/will be protected by expansion of the sea wall and other waterfront improvements.

The area to the south of Broadway now includes the rezoned financial district. And former Redevelopment areas for Golden Gateway and Embarcadero Center. A map should show how much of it is bay fill. A portion is already available in maps that show the sea walls in 8 Washington EIR. But THAT FEIR was written before the reality of serious climate change and sea level rise affected decisions on steps that must be taken to allow planning for expanded residences in San Francisco.

The sandy areas in the industrial areas south of what is now Market had an irregular shore line, with creeks west from the bay south of "Market" to China Basin toward 10th and South Van Ness.

When Loma Prieta occurred, sand boils bubbled up in what was then a very low-rise area M-1 and C-M district. Because the Planning and Building Code implementation did not require that piles be driven to bedrock for the Millennium Tower highrise at 301 Mission Street that building was NOT so anchored to bedrock. Extraordinary efforts and funds have been necessary to stabilize that building of luxury condo residences. There have been tens of thousands of new residences in the past 30 years. Many in new towers surrounding Rincon Hill. Which IS on bedrock. Recently erected housing tends to be extremely expensive housing.

The areas "downhill" north, east and south of Rincon Hill towards the Bay are much more affordable, and more likely to be on bay fill. They have formerly been various Redevelopment Areas under the jurisdiction of SF Redevelopment Agency and rental housing. With the abolition of the Redevelopment Agency, zoning controls shifted to Planning Department which has different criteria as it considers housing towers.

Some of the areas which were filled are now public or low-income housing, areas east of Potrero Hill, areas of the Mission. The fill areas should be visible so that the housing that exists OR THAT IS POSSIBLE can be protected by improvements on Port property in the next 20 years while the sea/Bay level rises.

Submitted,

Sue Hestor
329 Highland Ave
San Francisco CA 94110

From: [CPC.WaterfrontEIR](#)
To: [George, Sherie \(CPC\)](#)
Subject: Fw: DEIR Case 2019-023037ENV
Date: Monday, April 11, 2022 6:05:20 PM

From: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>
Sent: Monday, March 28, 2022 10:39 PM
To: Dennis Hong <dennisjames888@yahoo.com>; George, Sherie (CPC) <sherie.george@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Subject: Re: DEIR Case 2019-023037ENV

Hello Dennis,

Confirming receipt of your email. As requested, we will coordinate with you on providing a hard copy of the Draft EIR for review.

Thank you,

Sherie George, Senior Planner
Environmental Planning Division
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7558 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Dennis Hong <dennisjames888@yahoo.com>
Sent: Monday, March 28, 2022 10:11 PM
To: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>; George, Sherie (CPC) <sherie.george@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Subject: DEIR Case 2019-023037ENV

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I-Hong1-1

Good afternoon folks, I have been trying to look at this DEIR on line but the quality of my internet has not been good and was unable to see some of the details. I will be unable to attend the SF Planning Commission meeting this Thursday 3/24/2022 to comment further on this DEIR, But I'm in support, as I grew up along the waterfront while living in North Beach/Chinatown. Upon review of the hard copy of this DEIR I will be submitting my written comments by 4/8/2022 as requested.

With that said, for my records, I would like to get a hard copy of this Doc to be sent to

me at: 101 Marietta Drive, San Francisco, CA 94127. I'm a native and a resident of San Francisco and live in District 7.

Please confirm that my email here has been received and will be part of this projects records.

All the best, Dennis

....

Bihl, Lauren (CPC)

From: Dennis Hong <dennisjames888@yahoo.com>
Sent: Monday, April 25, 2022 1:02 PM
To: George, Sherie (CPC); CPC.WaterfrontEIR
Cc: Breed, Mayor London (MYR); CPC-Commissions Secretary; Hillis, Rich (CPC); Gibson, Lisa (CPC); Board of Supervisors, (BOS)
Subject: Case 2019-023037ENV SF Waterfront Plan

Follow Up Flag: Flag for follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My initial comments to the SF Waterfront Plan -

DEIR/Case 2019-023037ENV

Due: 4/25/2022

Dear Mr. George Sherie and Team Waterfront,

Thanks for the opportunity to submit my comments and opinion here.

My name is Dennis Hong, a Native and property owner here in San Francisco, retired, living in District 7. I grew up in Chinatown-North Beach District 3. As a youngster it was from Union and Grant Ave (or I believe Dupont Ave. at the time), right there on Bannan Place. With my brothers it was from Grant Ave. up Green Street to Kearny Street down to Montgomery down Vallejo and to the Embarcadero to Pier 25 for our weekend fishing. Oh don't forget all the poles, bait and tackle. The bait was bought the day before at the Muni Bait shop near Fisherman's Wharf. When we were lucky a sand shark, perch or a shiner or two would be a catch of the day. Once in a while a striped bass would be caught. That was a walking exercise.

All too often we used the waterfront/piers for fishing. There was one thing that I have been obsessed with was a specific Pier. Specificity Number 25. I had a hard time finding this pier on any of the maps I have. Is this Pier now identified as 27/29? Can some one correct me here? Was this one of the piers that caught on fire years ago? Only because we used to go to the end of that pier #25 (??) and did some real good fishing.

I have been sort of reconciling this DEIR with the original 1968 Northern Waterfront Plan the big blue hard cover plan. With all that said, let me get started with my rambling comments:

I-Hong2-1 | 1. Both plans are similar in area with the exception of the new plan. It misses the Aquatic Park area.
Can this be added to the Waterfront Plan? Only because we used this recreation area for both fishing off the end of the Muni Pier. Didn't catch much on the Muni Pier and the park.
2. I believe this area gets a lot of all to **wonderful events**, and brings both locals and visitors to.
3. How was the 250' distance determined?

I-Hong2-2 | 4. I attended the 3/24/2022 Public Hearing. Will the public comments be part of the DEIR's RTC?

I-Hong2-3 | 5. Will the following projects be part of the Cumulative Project list? I realize that during the production of this DEIR-IS? Other projects may have crept up such as:
- Teatro ZinZani theater
- 55 Francisco
- 425 Broadway St
- Any impact to the Mission Bay, Pier 70, the USF plans and others.
6. How will these if any impact the Waterfront Plan and the timing from start to finish (3 years--??).

I-Hong2-4 | 7. Will the on going climate change, floods due to the high tide be addressed as part of this plan?

I-Hong2-5 | In closing:
From the very beginning I fully supported this Waterfront Plan as a useful document.
- Hummm this has been 54 years in the making of the original 1968 Plan. The current DEIR speaks volumes to what San Francisco needs here. A wonderful plan to use as reference.- The SF Planning department and Team Waterfront, has done a wonderful job with this DEIR. And is a spot on doc.

Thanks to all for your attention to my comments here. Looking forward my comments here including my email of 3/28/2022 to the Planning Commission in the RTC.
Please confirm that my email here has been received and will be part of the Projects records.

If anyone has any questions to my comments, please feel free to respond to my email here.

All the best,
Dennis Hong

From: CPC.WaterfrontEIR
To: [George, Sherie \(CPC\)](mailto:George, Sherie (CPC))
Subject: Fw: Waterfront Plan Project CEQA EIR Comment
Date: Monday, April 11, 2022 6:05:33 PM

From: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>
Sent: Monday, March 28, 2022 10:46 PM
To: Erin Huang <huangerin477@gmail.com>
Subject: Re: Waterfront Plan Project CEQA EIR Comment

Hello,

Thank you for your email. We have received your comment.

Sincerely,

Sherie George, Senior Planner
Environmental Planning Division
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7558 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Erin Huang <huangerin477@gmail.com>
Sent: Thursday, March 24, 2022 10:06 PM
To: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>
Subject: Waterfront Plan Project CEQA EIR Comment

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Dear CPC,

I-Huang-1

In the latest EIR, it was not mentioned how hydrology and water quality will impact flows/existing water bodies and how sea level rise will be addressed based on land use changes. Along with king tide effects occurred back in December 2021, flooding is a concern when a combination of storm surge and sea level rise doubled the effects, causing significant traffic disturbance. Sea level rise will cause more damage to the streets and the properties in the upcoming ten or twenty years. It is understood that the new development will increase or decrease flows impacting the city storm drain systems and or creeks along The Embarcadero.

Happy to learn more regarding hydrology and water quality impacts/mitigation strategies/alternatives in the Final EIR in addressing these resiliency concerns.

Thank you.
Regards,

Erin

From: [CPC.WaterfrontEIR](#)
To: [George, Sherie \(CPC\)](#)
Subject: Fw: port waterfront draft plan
Date: Monday, April 11, 2022 6:06:34 PM

From: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>
Sent: Tuesday, March 1, 2022 7:19 PM
To: Dean Sereni <dean@deansereni.com>
Subject: Re: port waterfront draft plan

Hello,

Thank you for your email. We have received your comment.

Sherie George, Senior Planner
Environmental Planning Division
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7558 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Dean Sereni <dean@deansereni.com>
Sent: Thursday, February 24, 2022 12:36 AM
To: CPC.WaterfrontEIR <CPC.WaterfrontEIR@sfgov.org>
Subject: port waterfront draft plan

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I-Sereni-1

Hi! As a resident in the Barbary Coast, I would like to know that these 3 remaining undeveloped parcels have the 4 story maximum height limit (if anything is developed) hopefully the city will leave the Tennis / Swim club, beautify the parking lot and create outdoor parks along the embarcadero in the remaning locations:

There are only three remaining undeveloped seawall lots in the Northeast Waterfront: SWL 314 at the foot of Telegraph Hill, SWL 321 within the Barbary Coast, and SWL 351 adjacent to Golden Gateway

Thank you,
Dean

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.: 2019-023037ENV
 Project Title: Waterfront Plan
 Block/Lot: Multiple Piers and Seawall Lots

Project Sponsor: Diane Oshima—Port of San Francisco
diane.oshima@sfport.com – 415.274.0553
 Lead Agency: San Francisco Planning Department
 Staff Contact: Sherie George – 628.652.7558
CPC.WaterfrontEIR@sfgov.org

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	
Mitigation Measure M-CR-1a: New Locations for Contributing Auxiliary Water Supply System Element to Preserve Historic District Character	X	X		
Mitigation Measure M-CR-1b: Best Practices and Construction Monitoring Program for Historic Resources	X	X		
Mitigation Measure M-CR-2a: Procedures for Accidental Discovery of Archeological Resources	X	X		
Mitigation Measure M-CR-2b: Archeological Monitoring Program	X	X		
Mitigation Measure M-CR-2c: Archeological Testing Program	X	X		
Mitigation Measure M-CR-2d: Treatment of Submerged and Deeply Buried Resources	X	X		
Mitigation Measure M-TCR-1: Project-Specific Tribal Cultural Resources Consultation	X			
Mitigation Measure M-TR-6: Driveway and Loading Operations Plan (DLOP)	X			
Mitigation Measure M-C-TR-4: Implement Measures to Reduce Transit Delay	X			
Mitigation Measure M-NO-1: Construction Noise Control	X	X		
Mitigation Measure M-NO-2a: Protection of Adjacent Buildings/Structures and Vibration Monitoring during Construction	X	X		
Mitigation Measure M-NO-2b: Protection of Vibration-Sensitive Equipment during Construction	X	X		
Mitigation Measure M-NO-3: Noise Analysis and Attenuation	X			

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Mitigation Measure M-AQ-3a: Clean Construction Equipment	X	X		
Mitigation Measure M-AQ-3b: Super-Compliant VOC Architectural Coatings during Construction	X	X		
Mitigation Measure M-AQ-4a: Educate Residential and Commercial Tenants Concerning Low-VOC Consumer Products			X	
Mitigation Measure M-AQ-4b: Reduce Operational Emissions			X	
Mitigation Measure M-AQ-4c: Best Available Control Technology for Projects with Diesel Generators and Fire Pumps	X			
Mitigation Measure M-AQ-4d: Electric Vehicle Charging	X			
Mitigation Measure M-AQ-5a: Design Land Use Buffers around Active Loading Docks	X			
Mitigation Measure M-AQ-5b: Reduce Exposure to Toxic Air Contaminants	X			
Mitigation Measure M-AQ-5c: Implement a Truck Route Plan	X			
Mitigation Measure M-WI-1a: Wind Analysis and Minimization Measures for Subsequent Projects	X			
Mitigation Measure M-WI-1b: Maintenance Plan for Landscaping and Wind Baffling Measures in the Public Right-of-Way	X			
Mitigation Measure M-BI-1a: Worker Environmental Awareness Program Training	X			
Mitigation Measure M-BI-1b: Special-Status Plant Species Surveys	X	X		
Mitigation Measure M-BI-2a: Nesting Bird Protection Measures	X	X		
Mitigation Measure M-BI-2b: Avoidance and Minimization Measures for Bats	X	X		
Mitigation Measure M-BI-3: Fish and Marine Mammal Protection during Pile Driving	X	X		
Mitigation Measure M-BI-4: Avoidance of Pickleweed Mat Sensitive Natural Community	X	X		
Mitigation Measure M-BI-6: Avoidance of Impacts on Wetlands and Waters	X	X		
Mitigation Measure M-GE-6a: Unanticipated Discovery of Paleontological Resources during Construction	X	X		
Mitigation Measure M-GE-6b: Paleontological Resource Monitoring Plan during Construction	X	X		
Mitigation Measure M-HY-1: Water Quality Best Management Practices for In-Water Work	X	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.

MITIGATION MONITORING AND REPORTING PROGRAM

Monitoring and Reporting Program ^a				
Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES				
<p>Mitigation Measure M-CR-1a: New Locations for Contributing Auxiliary Water Supply System Element to Preserve Historic District Character.</p> <p>Where a streetscape or street network improvement proposed under the Waterfront Plan would require moving an Auxiliary Water Supply System (AWSS) hydrant, the project sponsor at the direction of the San Francisco Planning Department and SF Port staff shall conduct additional study to determine if it contributes to the historic significance of the AWSS. If the element is determined to be a contributing feature of the AWSS, the project sponsor shall work with the San Francisco Planning Department’s preservation staff and SF Port staff along with San Francisco Fire Department and San Francisco Public Works as needed to determine a location where the contributing AWSS hydrant could be reinstalled to preserve the historic relationships and functionality that are character-defining features of the AWSS. Generally, hydrants shall be reinstalled near the corner or the intersection from where they were removed. Any hydrant found not to contribute to the significance of the AWSS could be removed or relocated without diminishing the historic integrity of the district. Furthermore, the project sponsor in coordination with the San Francisco Planning Department, the San Francisco Port, the San Francisco Fire Department and San Francisco Public Works as needed, will protect existing AWSS facilities remaining in place during implementation of streetscape and street network improvements under the Waterfront Plan.</p>	Project sponsor in consultation with a qualified professional	Prior to construction activities when specific streetscape or street network improvements are known, and during construction	Project sponsor shall conduct and submit additional studies to the planning department Preservation Staff, Port staff (and San Francisco Fire Department and San Francisco Public Works as needed) to determine reinstallation location(s).	Considered completed upon reinstallation of the hydrant(s) and protection of existing AWSS facilities remaining in place

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>Mitigation Measure M-CR-1b: Best Practices and Construction Monitoring Program for Historic Resources. The project sponsor of a development project using heavy-duty construction equipment onsite or directly adjacent to an historic resource, as determined by department preservation staff or listed in historic inventory maintained by the Port and department preservation staff, shall incorporate into contract specifications a requirement that the general and sub-contractor(s) use all feasible means to protect and avoid damage to onsite and directly adjacent historic resources as identified by the planning department, including, but not necessarily limited to, staging of equipment and materials so as to avoid direct damage, maintaining a buffer zone when possible between heavy equipment and historic resources, and, when applicable, covering the roof of adjacent structures to avoid damage from falling objects. Specifications shall also stipulate that any damage incurred to historic resources as a result of construction activities shall be immediately reported to the ERO. Prior to the start of construction activities, the project sponsor shall submit to the planning department preservation staff for review and approval, a list of measures to be included in contract specifications to avoid damage to historic resources.</p>	<p>Project sponsor in consultation with a professional who meets the Secretary of the Interior’s Professional Qualification Standards</p>	<p>Prior to issuance of construction permits and during construction</p>	<p>Project sponsor shall submit list of measures to be included in contract specifications to planning department preservation staff.</p>	<p>Considered complete upon approval of list of measures by planning department preservation staff</p>
<p>If damage to a historic resource occurs during construction, the project sponsor shall hire a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior’s Professional Qualification Standards (36 CFR, Part 61). Damage incurred to the historic resource shall be repaired to match pre-construction conditions per the Secretary of the Interior’s Standards for the Treatment of Historic Properties in consultation with the qualified professional and planning department preservation staff. If directed by planning department preservation staff, the project sponsor shall engage a qualified preservation professional to undertake a monitoring program to ensure that best practices are being followed. If monitoring is required, the qualified preservation professional shall prepare a monitoring plan to direct the monitoring program that shall be reviewed and approved by planning department preservation staff.</p>	<p>Project sponsor in consultation with a professional who meets the Secretary of the Interior’s Professional Qualification Standards</p>	<p>Implement best practices and construction monitoring program during construction</p>	<p>Project sponsor shall repair damage in consultation with qualified professional and planning department preservation staff.</p>	<p>Considered complete upon approval by planning department preservation staff that project sponsor has fulfilled all provisions of monitoring program and/or that all damage has been repaired</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>Mitigation Measure M-CR-2a: Procedures for Accidental Discovery of Archeological Resources. The following mitigation measure shall be implemented for any projects for which the preliminary archeological review conducted by qualified San Francisco Planning Department archeological staff identifies the potential for significant archeological impacts.</p> <p>All plans and reports prepared by the qualified archeologist (hereinafter, “project archeologist”), as specified herein and in the subsequent measures, 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.</p> <p><i>ALERT Sheet.</i> 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 involved in soil-disturbing activities have received copies of the Alert Sheet.</p>	<p>Project sponsor</p>	<p>Prior to and during soils-disturbing activities</p>	<p>Project sponsor shall distribute Alert sheet and shall submit a signed affidavit confirming the distribution to the ERO.</p>	<p>Considered complete upon ERO receiving signed affidavit</p>
<p><i>Procedures upon Discovery of a Potential Archeological Resource.</i> The following measures shall be implemented in the event of an archeological discovery during project soil-disturbing activities:</p> <ul style="list-style-type: none"> • <i>Discovery Stop Work and ERO Notification.</i> Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery and protect the find in place until the ERO has determined what additional measures should be undertaken, as detailed below. • <i>Project Archeologist.</i> If the ERO determines that the discovery may represent a significant archeological resource, the Port/project sponsor 	<p>Project sponsor and archeological consultant at the direction of the ERO</p>	<p>Upon accidental discovery</p>	<p>In the event of accidental discovery, the project sponsor shall suspend soils-disturbing activities and notify the ERO. The sponsor shall retain a qualified archeological consultant at the direction of the ERO. The archeological consultant shall</p>	<p>If preservation in place is feasible, complete when approved ARPP is implemented.</p> <p>Considered complete when archeological consultant completes additional measures as directed by the ERO as warranted</p>

Monitoring and Reporting Program³⁶

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>shall retain the services of a project archeologist; that is, one who meets the Secretary of the Interior’s Professional Qualification Standards,¹ and who has demonstrable experience, as applicable based on the resource type discovered or suspected, in the geoarcheological identification of submerged Native American archeological deposits and/or in the identification and treatment of 19th century archeological resources, including maritime resources as applicable, to examine and preliminary evaluate the significance and historic integrity of the resource.</p> <p>The project sponsor shall ensure that the project archeologist or designee is empowered, for the remainder of soil disturbing project activity, to halt soil disturbing activity in the vicinity of potential archeological finds, and that work shall remain halted until the discovery has been assessed and a treatment determination made, as detailed below.</p> <ul style="list-style-type: none"> • <i>Resource Evaluation and Treatment Determination.</i> The project archeologist shall examine and appropriately document the discovered resource and make a recommendation to the ERO as to what further actions, if any, are warranted. Based on this information, the ERO may require the project sponsor to implement specific treatment measures to address impacts to the resource. Treatment measures might include preservation in situ of the archeological resource (the preferred mitigation; see below); an archeological monitoring program; an archeological testing program; archeological data recovery; and/or an archeological interpretation program, as detailed below. If an archeological interpretive, monitoring, and/or testing program are required, these shall be consistent with the Environmental Planning Division guidelines for such programs and shall be implemented immediately in accordance with the archeological monitoring and testing protocols set forth in Mitigation Measures M-CR-2b, Archeological Monitoring; M-CR-2c, Archeological Testing; and/or M- 			<p>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.</p>	

¹ 36 SFR 61: The minimum professional qualifications in Archeology are a graduate degree in archeology, anthropology, or closely related field plus: • At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management; • At least four months of supervised field and analytical experience in general North American archeology; and • Demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>CR-2d, Submerged or Deeply Buried Resources, as detailed in the Waterfront Plan EIR MMRP. 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. In addition, the ERO shall notify any tribal representatives who responded to the project tribal cultural resources notification and requested to be notified of the discovery of Native American archeological resources and to coordinate on the treatment of archeological and tribal cultural resources.</p> <ul style="list-style-type: none"> • <i>Archeological Site Records.</i> At the conclusion of assessment, the project archeologist shall prepare an archeological site record or primary record (DPR 523 series) for each resource evaluated as significant or potentially significant. In addition, a primary record shall be prepared for any Native American isolate. Each such record shall be accompanied by a map and GIS location file. Records shall be submitted to the department for review as attachments to the archeological resources report (see below) and once approved by the ERO, to the Northwest Information Center. • <i>Submerged Paleosols.</i> Should a submerged paleosol be identified the project archeologist shall extract and process samples for dating, flotation for paleobotanical analysis, and other applicable special analyses pertinent to identification of possible cultural soils and for environmental reconstruction, irrespective of whether cultural material is present. • <i>Preservation in Place Consideration.</i> Should a significant archeological resource be discovered during construction or during archeological testing or monitoring, preservation in place is the preferred treatment option. The ERO shall consult with the project sponsor and, for Native American archeological resources, with the tribal representative(s), if requested, to consider (1) the feasibility of permanently preserving the resource in place and (2) whether preservation in place would be effective in preserving both the archeological values and (if applicable) the tribal values represented. If based on this consultation the ERO determines that preservation in place would be both feasible and effective, based on this consultation, then the project archeologist, in consultation with the tribal representative, if a Native American 				

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>archeological resource, shall prepare a Cultural Resources Preservation Plan (CRPP). For Native American archeological resources, the CRPP shall explicitly take into consideration the cultural significance of the tribal cultural resource to the tribes. Preservation options may include measures such as design of the project layout to place open space over the resource location; foundation design to avoid the use of pilings or deep excavations in the sensitive area; a plan to expose and conserve the resource and include it in an on-site interpretive exhibit; and/or establishment of a permanent preservation easement. The project archeologist shall submit a draft CRPP to the department and the tribes for review and approval, and the Port/project sponsor shall ensure that the approved plan is implemented during and after construction. If, based on this consultation, the ERO determines that preservation in place is infeasible, archeological data recovery and public interpretation of the resource shall be carried out, as detailed below. The ERO in consultation with the project archeologist shall also determine if additional treatment is warranted, which may include additional testing and/or construction monitoring.</p> <ul style="list-style-type: none"> • <i>Coordination with Descendant Communities.</i> On discovery of an archeological site associated with descendant Native Americans, Chinese, or other potentially interested descendant group, the project archeologist shall contact an appropriate representative of the descendant group and the ERO. The representative of the descendant group shall be offered the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site and data recovered from the site, and, if applicable, any interpretative treatment of the site. The project archeologist shall provide a copy of the Archeological Resources Report (ARR) to the representative of the descendant group. • <i>Compensation.</i> Tribal representatives or other descendant community representatives for archeological resources or tribal cultural resources, who participate in the project, shall be compensated for time invested in the preparation or review of plans, documents, artwork, etc., as well as for archeological monitoring undertaken in fulfillment of the requirements of this mitigation measure, similarly to other consultants 	<p>The archeological consultant, project sponsor and project contractor at the direction of the ERO in consultation with descendant community</p>	<p>During archeological treatment of resource associated with descendant community</p>	<p>Consultation with ERO on identified descendant group. Descendant group provides recommendations, offered opportunity to monitor, and is given a copy of the ARR.</p>	<p>Considered complete upon implementation of measures agreed upon during consultation</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>and experts employed for subsequent projects under the Waterfront Plan. The ERO, Port/project sponsor and project archeologist, as appropriate, shall work with the tribal representative or other descendant community representatives to identify the appropriate scope of consultation work.</p> <p><i>Archeological Data Recovery Program.</i> The project archeologist shall prepare an Archeological Data Recovery Plan (ADRP) if all three of the following apply: (1) a potentially significant resource is discovered, (2) preservation in place is not feasible, and (3) the ERO determines that archeological data recovery is warranted. When the ERO makes such a determination, the project archeological consultant, project sponsor, ERO and, for tribal cultural archeological resources, the tribal representative, if requested, shall consult on the scope of the data recovery program. The project archeologist shall prepare a draft ADRP and submit it to the ERO for review and approval. If the time needed for preparation and review of a comprehensive ADRP would result in a significant construction delay, the scope of data recovery may instead be agreed upon in consultation between the project archeologist and the ERO and documented by the project archeologist in a memo to the ERO. The ADRP/memo shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP/memo will identify what scientific/historic 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 historic property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resource that would not otherwise be disturbed by construction if nondestructive methods are practical.</p> <p>If archeological data recovery is required, the archeological data recovery program 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 may be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-</p>	<p>ERO, archeological consultant, project sponsor, and tribal representative (if requested)</p>	<p>After determination by ERO that an archeological data recovery program is required</p>	<p>Archeological consultant shall prepare an ADRP in consultation with ERO.</p>	<p>Considered complete upon implementation of ADRP approved by ERO</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>significant level potential effects on a significant archeological resource as defined in CEQA Guidelines section 15064.5(a) and (c).</p> <p>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. • 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. • Public Interpretation: Description of potential types of interpretive products and locations of interpretive exhibits based on consultation with project sponsor • 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>The project archeologist shall implement the archeological data recovery program upon approval of the ADRP/memo by the ERO.</p> <p><i>Coordination of Archeological Data Recovery Investigations.</i> In cases in which the same resource has been or is being affected by another project for which data recovery has been conducted, is in progress, or is planned, the following measures shall be implemented to maximize the scientific and interpretive value of the data recovered from both archeological investigations:</p> <ul style="list-style-type: none"> • In cases where neither investigation has not yet begun, both archeological consultants and the ERO shall consult on coordinating and collaboration on archeological research design, data recovery methods, analytical methods, reporting, curation and interpretation to ensure consistent data recovery and treatment of the resource. 				

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<ul style="list-style-type: none"> In cases where archeological data recovery investigation is already under way or has been completed for a prior project, the archeological consultant for the subsequent project shall consult with the prior archeological consultant, if available; review prior treatment plans, findings and reporting; and inspect and assess existing archeological collections/inventories from the site prior to preparation of the archeological treatment plan for the subsequent discovery, and shall incorporate prior findings in the final report of the subsequent investigation. The objectives of this coordination and review of prior methods and findings will be to identify refined research questions; determine appropriate data recovery methods and analyses; assess new findings relative to prior research findings; and integrate prior findings into subsequent reporting and interpretation. <p><i>Treatment of Human Remains and Funerary Objects.</i> If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this section. The treatment of any human remains and funerary objects discovered during any soils disturbing activity shall comply with applicable state laws, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98. Upon determining that the remains are human, the project archeologist shall immediately notify the Medical Examiner of the City and County of San Francisco of the find. The archeologist shall also immediately notify the ERO and the project sponsor of the find. In the event of the Medical Examiner’s determination that the human remains are Native American in origin, the Medical Examiner will notify the California State Native American Heritage Commission (NAHC) within 24 hours. The NAHC will immediately appoint and notify 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.</p> <p>If the remains cannot be permanently preserved in place, the Port shall consult with the MLD and may consult with the project archeologist, project sponsor and the ERO on recovery of the remains and any scientific</p>	<p>Project sponsor/ archeological consultant in consultation with the ERO, Medical Examiner, NAHC, and MLD as warranted</p>	<p>Discovery of human remains</p>	<p>Project archeologist or project sponsor shall notify ERO and Medical Examiner, who will contact NAHC as warranted.</p>	<p>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, that sufficient opportunity has been provided to the archeological consultant for any scientific/historical analysis of remains/funerary objects specified in the Agreement, and the agreed-upon disposition of the remains has occurred</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>treatment alternatives. The landowner shall then make all reasonable efforts to develop a Burial Agreement (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 Public Resources Code section 5097.98(c)(1), the Agreement shall address, 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.</p> <p>Both parties are expected to make a concerted and good faith effort to arrive at a Burial Agreement. However, if the Port and the MLD are unable to reach an Agreement on scientific treatment of the remains and/or funerary objects, the ERO, in consultation with the Port shall ensure that the remains and/or funerary objects are stored securely and respectfully until they can be reinterred on the project site, with appropriate dignity, in a location not subject to further or future subsurface disturbance, in accordance with the provisions of State law.</p> <p>Treatment of historic-period human remains and/or funerary objects discovered during any soil-disturbing activity shall be in accordance with protocols laid out in the project archeological treatment document, and other relevant agreements established between the project sponsor, Medical Examiner and the ERO. The project archeologist shall retain custody of the remains and associated materials while any scientific study scoped in the treatment document is conducted and the remains shall then be curated or respectfully reinterred by arrangement on a case-by case-basis.</p> <p><i>Cultural Resources Public Interpretation Plan and Land Acknowledgement.</i> If a significant archeological resource is identified, the project archeologist shall prepare a Cultural Resources Public Interpretation Plan (CRPIP). The CRPIP shall describe the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials,</p>	<p>Archeological/interpretation consultant at the direction of the ERO will prepare CRPIP. Measure laid</p>	<p>Following completion of treatment, analysis, and interpretation of by</p>	<p>Archeological consultant shall submit the CRPIP to ERO for review and approval.</p>	<p>CRPIP is complete on review and approval of ERO; interpretive program is complete on notification to ERO from</p>

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<p>the producers or artists of the displays or installation, and a long-term maintenance program.</p> <p>If the resource to be interpreted is a tribal cultural resource, the department shall notify Native American tribal representatives that public interpretation is being planned. The CRPIP shall be prepared in consultation with and developed with the participation, if requested by a tribe, of Native American tribal representatives, and the interpretive materials shall include an acknowledgement that the project is located upon traditional Ohlone lands. For interpretation of a tribal cultural resource, the interpretive program may include a combination of artwork, preferably by local Native American artists, educational panels or other informational displays, a plaque, or other interpretative elements including digital products that address local Native people’s experience and the layers of history. As feasible, and where landscaping is proposed, the interpretive effort may include the use and the interpretation of native and traditional plants incorporated into the proposed landscaping.</p> <p>The project archeological consultant shall submit the CRPIP and drafts of any interpretive materials that are subsequently prepared to the ERO for review and approval. The project sponsor shall ensure that the CRPIP is implemented prior to occupancy of the project.</p>	<p>out in CRPIP are implemented by sponsor and consultant. Native American representative (if requested)</p>	<p>archeological consultant</p>		<p>the project sponsor that program has been implemented</p>
<p><i>Archeological Resources Report.</i> If significance resources are encountered, the project archeologist shall submit a confidential draft Archeological Resources Report (ARR) to the ERO that evaluates the California Register significance of any discovered archeological resource, describes the archeological and historic research methods employed in the archeological program(s) undertaken and the results and interpretation of analyses, and discusses curation arrangements.</p> <p>Once approved by the ERO, the project archeologist shall distribute the approved ARR as follows: copies that meet current information center requirements at the time the report is completed (presently, an electronic copy of the report and of each resources record in pdf format and, if available, GIS shapefiles of the project site and of the boundaries and locations of any recorded resources) to the California Archeological Site Survey Northwest Information Center (NWIC), and a copy of the transmittal of the approved ARR to the NWIC to the ERO; one bound hardcopy of the ARR, along with digital files that include an unlocked, searchable PDF</p>	<p>Archeological consultant at the direction of the ERO</p>	<p>Following completion of treatment by archeological consultant as determined by the ERO</p>	<p>Submittal of draft ARR to ERO for review and approval. Distribution of the approved ARR by the archeological consultant.</p>	<p>Complete on certification to ERO that copies of the approved ARR have been distributed</p>

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<p>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, via USB or other stable storage device, to the department environmental planning division of the planning department; and, if a descendant group was consulted, a digital or hard copy of the ARR to the descendant group, depending on their preference.</p> <p><i>Curation.</i> If archeological data recovery is undertaken, the project archeologist and the project sponsor shall ensure that any 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 Port or project sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	<p>Project archeologist prepares collection for curation and Port or project sponsor pays for curation costs</p>	<p>Upon acceptance by the ERO of the final report</p>	<p>Upon submittal of the collection for curation the sponsor or archaeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	<p>Considered complete upon acceptance of the collection by the curatorial facility</p>
<p>Mitigation Measure M-CR-2b: Archeological Monitoring Program. If required based on the outcome of preliminary archeological review conducted by qualified San Francisco Planning Department archeological staff, the project sponsor shall retain the services of a project archeologist (hereinafter ‘project archeologist), to develop and implement an archeological monitoring program and to address any archeological discoveries, as detailed below, to avoid and mitigate any potential adverse effect from the proposed action on significant archeological resources found during construction.</p> <p><i>Qualified Archeologist.</i> A qualified archeologist (hereinafter, “project archeologist”) is defined as one who meets the Secretary of the Interior’s Professional Qualification Standards,² and who has demonstrable experience, as applicable based on the resource type discovered or suspected, in the geoarcheological identification of submerged Native American archeological deposits and/or in the identification and</p>	<p>Project sponsor, qualified archeologist and construction contractor at the direction of the ERO</p>	<p>Prior to issuance of construction permits and throughout the construction period</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>

² 36 SFR 61: The minimum professional qualifications in Archeology are a graduate degree in archeology, anthropology, or closely related field plus: • At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management; • At least four months of supervised field and analytical experience in general North American archeology; and • Demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

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<p>treatment of 19th century archeological resources, including maritime resources as applicable.</p> <p><i>Construction Crew Archeological Awareness.</i> Prior to any soils-disturbing activities being undertaken, the Port shall ensure that the project archeologist conducts a brief on-site archeological awareness training. Training shall include a description of the types of resources that might be encountered and how they might be recognized, and requirements and procedures for work stoppage, resource protection and notification in the event of a potential archeological discovery. The project archeologist also shall coordinate with the project sponsor to ensure that all field personnel involved in soil disturbing activities, including machine operators, field crew, pile drivers, supervisory personnel, etc., have received an “Alert” wallet card that summarizes stop work requirements and provides necessary contact information for the project archeologist, project sponsor and the ERO. The project archeologist shall repeat the training at intervals during construction, as determined necessary by the ERO, including when new construction personnel start work and prior to periods of soil disturbing work when the project archeologist will not be on site. Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project in the absence of the project archeologist, the project sponsor shall immediately notify the project archeologist, and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the project archeologist has inspected the find and, in consultation with the ERO as needed, has determined what additional measures should be undertaken.</p>	<p>Project sponsor, qualified archeologist, and construction contractor</p>	<p>Prior to soils-disturbing activities</p>	<p>Planning department, project sponsor</p>	<p>Considered complete upon end of ground disturbing activities</p>
<p><i>Tribal Cultural Resources Sensitivity Training.</i> In addition to and concurrently with the archeological awareness training, for sites at which the ERO has determined that there is the potential for the discovery of Native American archeological resources, and if requested by a tribe pursuant to the department’s tribal cultural resources notification process, the Port shall ensure that a Native American representative is afforded the opportunity to provide a Native American cultural resources sensitivity training to all construction personnel.</p> <p><i>General Specifications.</i> The archeological consultant shall develop and undertake an archeological monitoring program as specified herein. In</p>	<p>Project sponsor, qualified archeologist, construction contractor, and Native American representative</p>	<p>Prior to soils-disturbing activities</p>	<p>Planning department, project sponsor</p>	<p>Considered complete upon the end sensitivity training program and end of ground-disturbing activities</p>

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<p>addition, the consultant shall be available to conduct an archeological testing and/or data recovery program if required to address archeological discoveries or the assessed potential for archeological discoveries, pursuant to this measure.</p> <p>The project archeologist’s work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the project archeologist 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.</p> <p>The project sponsor shall ensure that the project archeologist or designee is empowered to halt soil disturbing activity in the vicinity of a potential archeological find and that work shall remain halted until the discovery has been assessed and a treatment determination made, as detailed below.</p> <p>Archeological testing and/or data recovery programs required to address archeological discoveries, pursuant to 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 section 15064.5(a)(c).</p> <p><i>Archeological Monitoring Program.</i> Based on the results of information provided in the preliminary archeological review and additional historic research as needed, the project archeologist shall consult with the ERO reasonably prior to the commencement of any project-related soils disturbing activities to determine what soil-disturbing project activities shall be archeologically monitored, and at what intensity, based on the specifics of anticipated soil disturbance for project construction, past development history, and the assessed risk these activities pose to undiscovered archeological resources and their depositional context. The archeological monitoring program shall be set forth in an Archeological Monitoring Plan (AMP), as detailed below.</p> <p>The project archeologist or delegee (“Archeological Monitor”) shall be present on the project site according to a schedule agreed upon by the project archeologist and the ERO until the ERO has, in consultation with the project archeologist, determined that project construction activities</p>	<p>The project sponsor and archeological consultant at the direction of the ERO</p>	<p>Prior to issuance of construction permits and throughout the construction period</p>	<p>Consultation with ERO by archeological consultant on scope of AMP.</p>	<p>Considered complete after consultation with and approval by ERO of AMP</p>

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<p>could have no effects on significant archeological deposits. The archeological monitor(s) shall prepare a daily monitoring log documenting activities and locations monitored, soil disturbance depth, stratigraphy and findings.</p> <p>The project sponsor shall authorize the archeological monitor to stop soil disturbing construction activity temporarily in the vicinity of a suspected find, to document the resource, collect samples as needed, and assess its significance. The project sponsor shall ensure that the find is protected in place in accordance with the archeologist’s direction, and that it remains protected until the archeologist, after consultation with the ERO, notifies the sponsor that assessment and any subsequent mitigation are complete. The sponsor shall also ensure that the construction foreperson or other on-site delegee, is aware of the stop work and protection requirements.</p> <p>In the event of a discovery of a potentially significant archeological resources during monitoring or construction, the project archeologist shall conduct preliminary testing of the discovery, including the collection of soil samples and artifactual/ ecofactual material, as needed to assess potential significance and integrity. Once this initial assessment has been made, the project archeologist shall consult with the ERO on the results of the assessment. If the resource is assessed as potentially significant, the Port/ project sponsor shall ensure that soil disturbance remains halted at the discovery location until appropriate treatment has been determined in consultation with the ERO and implemented, as detailed below.</p> <p><i>Archeological Monitoring Plan.</i> The archeological monitoring plan, minimally, shall include the following provisions:</p> <ul style="list-style-type: none"> • Project description: Description of all anticipated soil disturbing activities, with locations and depths of disturbance. These may include foundation and utility demolition, hazardous soils remediation, site grading, shoring excavations, piles or soil improvements, and foundation, elevator, car stacker, utility and landscaping excavations. Project plans and profiles shall be included as needed to illustrate the locations of anticipated soil disturbance. • Site-specific environmental and cultural context: Pre-contact and historic environmental and cultural setting of the project site as pertinent to potential Native American use and historic period development; any available information pertaining to subsequent soil 				

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<p>disturbance as pertains to potential survival of archeological resources, strata in and depths at which they might be found. As appropriate based on the scale and scope of the project, the AMP should include maps (e.g., USCS 1869; Sanborn fire insurance maps) that depict the historic and environmental setting and changes in the project site, as a basis for predicting resource types that might be encountered and their potential locations. An overlay of the project site on the City’s Native American archeological sensitivity model mapping should be included, as should the locations of all known archeological sites within ¼ mile of the project site.</p> <ul style="list-style-type: none"> • Analysis of anticipated resources or resource types that might be encountered and at what locations and depths, based on known resources in the vicinity, the site’s predevelopment setting and development history, and the anticipated depth and extent of project soil disturbances. • Proposed scope of archeological monitoring, including soil-disturbing activities/ disturbance depths to be monitored. • Synopsis of discovery procedures, ERO and Native American consultation requirements upon making a discovery; burial treatment procedures; and reporting and curation requirements, consistent with the other specifications of this measure. <p><i>Resource Evaluation and Treatment Determination.</i> If an archeological deposit or feature is encountered during construction, the archeological monitor shall redirect soil disturbing demolition/ excavation/ piledriving/ construction crews and heavy equipment activity in the vicinity away from the find. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the project sponsor shall ensure that pile driving is halted until an appropriate evaluation of the resource has been made.</p> <p>The project archeologist shall document the find, and make a reasonable effort to assess its identity, integrity, and significance of the encountered archeological deposit through, sampling or testing as needed. The project sponsor shall make provisions to ensure that the project archeologist can safely enter the excavation, if feasible.</p>	<p>Archeological consultant, project sponsor and project contractor at the direction of the ERO</p>	<p>Monitoring of soils disturbing activities</p>	<p>Archeological consultant to monitor soils disturbing activities specified in AMP and immediately notify the ERO of any encountered archeological resource.</p>	<p>If preservation in place is feasible, complete when approved ARPP is implemented</p> <p>Considered complete when archeological consultant completes additional measures as directed by the ERO as warranted</p>

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<p>If upon examination the project archeologist determines the find appears to be a potentially significant archeological resource, the project archeologist shall present the findings of this assessment to the ERO. The project sponsor shall ensure that the find is protected until the ERO has been consulted and has determined appropriate subsequent treatment in consultation with the project archeologist and the treatment has been implemented, as detailed below.</p> <p>All Native American archeological deposits, irrespective of level of disturbance, shall be assumed to be significant until and unless determined otherwise in consultation with the ERO. If a Native American archeological deposit is encountered, the project archeologist shall obtain the services of a Native American tribal representative to participate in any future archeological monitoring, assessment or data recovery activities that may affect that resource. In addition, the ERO shall notify any tribal representatives who requested to be notified of the discovery of Native American archeological resources in response to the project notification, to coordinate on the treatment or archeological and tribal cultural resources. Further the project archeologist shall offer a Native American representative the opportunity to monitor any subsequent soil disturbing activity that could affect the find.</p> <p><i>Submerged Paleosols.</i> Should a submerged paleosol be identified, the project archeologist shall extract and process samples for dating, flotation for paleobotanical analysis, and other applicable special analyses pertinent to identification of possible cultural soils and for environmental reconstruction, irrespective of whether cultural material is present.</p> <p><i>Archeological Site Records.</i> At the conclusion of assessment of any discovered resources, the project archeologist shall prepare an archeological site record or primary record (DPR 523 series) for each resource evaluated as significant or potentially significant. In addition, a primary record shall be prepared for any Native American isolate. Each such record shall be accompanied by a map and GIS location file. Records shall be submitted to the department for review as attachments to the archeological resources report (see below) and once approved by the ERO, to the Northwest Information Center.</p> <p><i>Preservation in Place Consideration.</i> Should a significant archeological resource be discovered during construction or during archeological</p>				

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<p>monitoring, preservation in place is the preferred treatment option. The ERO shall consult with the project sponsor and, for Native American archeological resources, with the tribal representative(s) if requested to consider (1) the feasibility of permanently preserving the resource in place and (2) whether preservation in place would be effective in preserving both the archeological values and (if applicable) the tribal values represented. If based on this consultation the ERO determines that preservation in place would be both feasible and effective, then the project archeologist, in consultation with the tribal representative if a Native American archeological resource, shall prepare a Cultural Resources Preservation Plan (CRPP). For Native American archeological resources, the CRPP shall explicitly take into consideration the cultural significance of the tribal cultural resource to the tribes. Preservation options may include measures such as design of the project layout to place open space over the resource location; foundation design to avoid the use of pilings or deep excavations in the sensitive area; a plan to expose and conserve the resource and include it in an on-site interpretive exhibit; and/or establishment of a permanent preservation easement. The project archeologist shall submit a draft CRPP to the department and the tribes for review and approval, and the Port shall ensure that the approved plan is implemented during and after construction. If, based on this consultation, the ERO determines that preservation in place is infeasible, archeological data recovery and public interpretation of the resource shall be carried out, as detailed below. The ERO in consultation with the project archeologist shall also determine if additional treatment is warranted, which may include additional testing and/or construction monitoring.</p> <p><i>Coordination with Descendant Communities.</i> On discovery of an archeological site associated with descendant Native Americans, Chinese, or other potentially interested descendant group, the project archeologist shall contact an appropriate representative of the descendant group and the ERO. The representative of the descendant group shall be offered the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site and data recovered from the site, and, if applicable, any interpretative treatment of the site. The project archeologist shall</p>	<p>Archeological consultant, project sponsor and project contractor at the direction of the ERO in consultation with descendant community</p>	<p>During archeological treatment of resource associated with descendant community</p>	<p>Consultation with ERO on identified descendant group. Descendant group provides recommendations, offered opportunity to monitor, and is given a copy of the ARR.</p>	<p>Considered complete upon implementation of measures agreed upon during consultation</p>

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<p>provide a copy of the Archeological Resources Report (ARR) to the representative of the descendant group.</p> <p><i>Compensation.</i> Tribal representatives or other descendant community representatives for archeological resources or tribal cultural resources who participate in the project shall be compensated for time invested in the preparation or review of plans, documents, artwork, etc., as well as for archeological monitoring undertaken in fulfillment of the requirements of this mitigation measure, similarly to other consultants and experts employed for subsequent projects under the Waterfront Plan. The ERO, Port/project sponsor and project archeologist, as appropriate, shall work with the tribal representative or other descendant community representatives to identify the appropriate scope of consultation work.</p> <p><i>Archeological Data Recovery Program.</i> The project archeologist shall prepare an Archeological Data Recovery Plan (ADRP) if all three of the following apply: (1) a potentially significant resource is discovered, (2) preservation in place is not feasible, and (3) the ERO determines that archeological data recovery is warranted. When the ERO makes such a determination, the project archeologist, project sponsor, ERO and, for tribal cultural archeological resources, the tribal representative, if requested, shall consult on the scope of the data recovery program. The project archeologist shall prepare a draft ADRP and submit it to the ERO for review and approval. If the time needed for preparation and review of a comprehensive ADRP would result in a significant construction delay, the scope of data recovery may instead be agreed upon in consultation between the project archeologist and the ERO and documented by the project archeologist in a memo to the ERO. The ADRP/memo shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain; that is, the ADRP/memo will identify what scientific/historic 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 historic property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resource that would not</p>	<p>ERO, archeological consultant, project sponsor, and tribal representative (if requested)</p>	<p>After determination by ERO that an ADRP is required</p>	<p>Archeological consultant shall prepare and submit an ADRP to the ERO.</p>	<p>Considered complete upon implementation of ADRP approved by ERO</p>

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<p>otherwise by disturbed by construction if nondestructive methods are practical.</p> <p>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. • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and proposed types of analyses to be conducted based on anticipated material types. • 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 accidental damage. • Final report. Description of report format and distribution. • Public interpretation. Description of potential types of interpretive products and locations of interpretive exhibits based on consultation with the project sponsor. • 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>The project archeologist shall implement the archeological data recovery program upon approval of the ADRP/memo by the ERO.</p> <p><i>Coordination of Archeological Data Recovery Investigations.</i> In cases in which the same resource has been or is being affected by another project for which data recovery has been conducted, is in progress, or is planned, the following measures shall be implemented, to maximize the scientific and interpretive value of the data recovered from both archeological investigations:</p> <ul style="list-style-type: none"> • In cases where neither investigation has not yet begun, both project archeologists and the ERO shall consult on coordinating and collaboration on archeological research design, data recovery methods, analytical methods, reporting, curation and interpretation to ensure consistent data recovery and treatment of the resource. 				

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<ul style="list-style-type: none"> In cases where archeological data recovery investigation is already under way or has been completed for a prior project, the project archeologist for the subsequent project shall consult with the prior project archeologist, if available; review prior treatment plans, findings and reporting; and inspect and assess existing archeological collections/inventories from the site prior to preparation of the archeological treatment plan for the subsequent discovery, and shall incorporate prior findings in the final report of the subsequent investigation. The objectives of this coordination and review of prior methods and findings will be to identify refined research questions; avoid redundant work and maximize the benefits of additional data recovery; determine appropriate data recovery methods and analyses; assess new findings relative to prior research findings; and integrate prior findings into subsequent reporting and interpretation. <p><i>Treatment of Human Remains and Funerary Objects.</i> 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)).</p> <p>The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement (“Agreement”) with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archeological consultant shall retain</p>	<p>Project sponsor/ archeological consultant in consultation with the ERO, Medical Examiner, NAHC, and MLD as warranted</p>	<p>Discovery of human remains</p>	<p>Project archeologist or project sponsor shall notify ERO and Medical Examiner, who will contact NAHC as warranted.</p>	<p>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, that sufficient opportunity has been provided to the Archeological consultant for any scientific/historical analysis of remains/funerary objects specified in the Agreement, and the agreed-upon disposition of the remains has occurred</p>

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<p>possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>If the remains cannot be permanently preserved in place, the Port shall consult with the MLD and may consult with the project archeologist, project sponsor and the ERO on recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop a Burial Agreement (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 Public Resources Code section 5097.98(c)(1), the Agreement shall address, as applicable and to the degree consistent with the wishes of the MLD, the appropriate excavation, removal, recordation, scientific analysis, custodianship prior to reinternment 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.</p> <p>Both parties are expected to make a concerted and good faith effort to arrive at a Burial Agreement. However, if the Port and the MLD are unable to reach an Agreement on scientific treatment of the remains and/or funerary objects, the ERO, in consultation with the Port shall ensure that the remains and/or funerary objects are stored securely and respectfully until they can be reinterred on the project site, with appropriate dignity, in a location not subject to further or future subsurface disturbance, in accordance with the provisions of State law.</p> <p>Treatment of historic-period human remains and/or funerary objects discovered during any soil-disturbing activity shall be in accordance with protocols laid out in the project archeological treatment document, and other relevant agreements established between the project sponsor, Medical Examiner and the ERO. The project archeologist shall retain custody of the remains and associated materials while any scientific study scoped in the treatment document is conducted and the remains shall</p>				

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<p>then be curated or respectfully reinterred by arrangement on a case-by case-basis.</p> <p><i>Cultural Resources Public Interpretation Plan and Land Acknowledgement.</i> If a significant archeological resource is identified, the project archeologist shall prepare a Cultural Resources Public Interpretation Plan (CRPIP). 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.</p> <p>If the resource to be interpreted is a tribal cultural resource, the department shall notify Native American tribal representatives that public interpretation is being planned. The CRPIP shall be prepared in consultation with and developed with the participation, if requested by a tribe, of Native American tribal representatives, and the interpretive materials shall include an acknowledgement that the project is located upon traditional Ohlone lands. For interpretation of a tribal cultural resource, the interpretive program may include a combination of artwork, preferably by local Native American artists, educational panels or other informational displays, a plaque, or other interpretative elements including digital products that address local Native people’s experience and the layers of history. As feasible, and where landscaping is proposed, the interpretive effort may include the use and the interpretation of native and traditional plants incorporated into the proposed landscaping.</p> <p>The project archeological consultant shall submit the CRPIP and drafts of any interpretive materials that are subsequently prepared to the ERO for review and approval. The project sponsor shall ensure that the CRPIP is implemented prior to occupancy of the project.</p>	<p>Archeological/interpretation consultant at the direction of the ERO will prepare CRPIP. Measure laid out in CRPIP are implemented by sponsor and consultant. Native American representative (if requested).</p>	<p>Following completion of cataloguing, analysis, and interpretation of recovered archeological data</p>	<p>Archeological consultant submits draft CRPIP to ERO for review and approval.</p>	<p>CRPIP is complete on review and approval of ERO; interpretation plan is complete on certification to ERO that plan has been implemented</p>
<p><i>Archeological Resources Report.</i> Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO. If significant resources were found, the report shall also describe any archeological testing and data recovery efforts and results, and evaluation of the California Register and tribal significance of any discovered archeological resource. It shall also describe the research design, archeological and historic research methods employed, analytical results and interpretations, and if applicable, curation arrangements. Daily</p>	<p>Archeological consultant at the direction of the ERO</p>	<p>Following completion of cataloguing, analysis, and interpretation of recovered archeological data</p>	<p>Archeological consultant shall prepare and submit ARR to the ERO for review and approval.</p>	<p>Complete on certification to ERO that copies of the approved ARR have been distributed</p>

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<p>monitoring logs and formal site recordation forms (CA DPR 523 series) shall be attached to the ARR as an appendix.</p> <p>Once approved by the ERO, the project archeologist shall distribute the approved ARR as follows: copies that meet current information center requirements at the time the report is completed (presently, an electronic copy of the report and of each resources record in pdf format and, if available, GIS shapefiles of the project site and of the boundaries and locations of any recorded resources) to the California Archeological Site Survey Northwest Information Center (NWIC), and a copy of the transmittal of the approved ARR to the NWIC to the ERO; one (1) bound hardcopy of the ARR, along with digital files that 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, via USB or other stable storage device, to the department environmental planning division of the planning department; and, if a descendant group was consulted, a digital or hard copy of the ARR to the descendant group, depending on their preference.</p> <p><i>Curation.</i> 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 Port or project sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	<p>Project archeologist prepares collection for curation and Port or project sponsor pays for curation costs</p>	<p>Upon acceptance by the ERO of the final report</p>	<p>Upon submittal of the collection for curation the sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	<p>Considered complete upon acceptance of the collection by the curatorial facility</p>
<p>Mitigation Measure M-CR-2c: Archeological Testing Program. If required based on the outcome of preliminary archeological review conducted by qualified San Francisco Planning Department archeological staff, the Port/project sponsor shall retain the services of a qualified archeologist (hereinafter “project archeologist”), to develop and implement an archeological testing program and to address any archeological discoveries, as detailed below, to avoid and mitigate any potential substantial adverse effects from the proposed action on significant archeological resources found during construction.</p>	<p>Project sponsor, qualified archeologist and construction contractor at the direction of the ERO</p>	<p>Prior to issuance of construction permits and throughout the construction period</p>	<p>Project Sponsor shall retain archeological consultant to undertake archeological testing program in consultation with ERO.</p>	<p>Complete when Project Sponsor retains qualified archeological consultant</p>

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<p><i>Project Archeologist.</i> A project archeologist is defined as one who meets the Secretary of the Interior’s Professional Qualification Standards,³ and who has demonstrable experience, as applicable based on the resource type discovered or suspected, in the geoarcheological identification of submerged Native American archeological deposits and/or in the identification and treatment of 19th century archeological resources, including maritime resources as applicable.</p> <p><i>Construction Crew Archeological Awareness.</i> Prior to any soils-disturbing activities being undertaken, the Port shall ensure that the project archeologist conducts a brief on-site archeological awareness training. Training shall include a description of the types of resources that might be encountered and how they might be recognized, and requirements and procedures for work stoppage, resource protection and notification in the event of a potential archeological discovery. The project archeologist also shall coordinate with the project sponsor to ensure that all field personnel involved in soil disturbing activities, including machine operators, field crew, pile drivers, supervisory personnel, etc., have received an “Alert” wallet card that summarizes stop work requirements and provides necessary contact information for the project archeologist, project sponsor and the ERO. The project archeologist shall repeat the training at intervals during construction, as determined necessary by the ERO, including when new construction personnel start work and prior to periods of soil disturbing work when the project archeologist will not be on site.</p> <p>Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project in the absence of the project archeologist, the project sponsor shall immediately suspend any soils-disturbing activities in the vicinity of the discovery and notify the project archeologist, and shall ensure that the find is protected until a project archeologist has inspected it and, in consultation with the ERO as needed, has determined what additional measures should be undertaken. In addition, the ERO shall notify any tribal representatives who requested to</p>	<p>Project sponsor, qualified archeologist, and construction contractor</p>	<p>Prior to soils-disturbing activities</p>	<p>Project sponsor, planning department</p>	<p>Considered complete upon end of ground-disturbing activities</p>

³ 36 SFR 61: The minimum professional qualifications in Archeology are a graduate degree in archeology, anthropology, or closely related field plus: • At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management; • At least four months of supervised field and analytical experience in general North American archeology; and • Demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

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<p>be notified of the discovery of Native American archeological resources in response to the project notification, to coordinate on the treatment or archeological and tribal cultural resources.</p> <p><i>Tribal Cultural Resources Sensitivity Training.</i> In addition to and concurrently with the archeological awareness training, for sites at which the ERO has determined that there is the potential for the discovery of Native American archeological resources, and if requested by a tribe pursuant to the department’s tribal cultural resources notification process, the Port shall ensure that a Native American representative is afforded the opportunity to provide a Native American cultural resources sensitivity training to all construction personnel.</p> <p><i>General Specifications.</i> The archeological consultant shall develop and undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required to address archeological discoveries or the assessed potential for archeological discoveries, pursuant to this measure.</p> <p>The project archeologist’s work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the project archeologist 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.</p> <p>The project sponsor shall ensure that the project archeologist or designee is empowered to halt soil disturbing activity in the vicinity of a potential archeological find and that work shall remain halted until the discovery has been assessed and a treatment determination made, as detailed below.</p> <p>Archeological testing 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 section 15064.5(a)(c).</p>	<p>Project sponsor, qualified archeologist, construction contractor, and Native American representative</p>	<p>Prior to soils-disturbing activities</p>	<p>Project sponsor, planning department</p>	<p>Considered complete upon the end sensitivity training program and end of ground disturbing activities</p>

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<p><i>Archeological Testing Program.</i> The archeological consultant shall develop and undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required to address archeological discoveries or the assessed potential for archeological discoveries, pursuant to this measure. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources in areas of project soil disturbance and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historic resource under CEQA.</p> <p><i>Archeological Testing Plan (ATP).</i> The project archeologist shall consult with the ERO reasonably prior to the commencement of any project-related soils disturbing activities to determine the appropriate scope of archeological testing. The archeological testing program shall be conducted in accordance with an approved ATP, prepared by the project archeologist consistent with the approved scope of work. The ATP shall be submitted first and directly to the ERO for review and comment and shall be considered a draft subject to revision until final approval by the ERO. Project-related soils disturbing activities shall not commence until the testing plan has been approved and any testing scope to occur in advance of construction has been completed. The project archeologist shall implement the testing as specified in the approved ATP prior to and/or during construction.</p> <p>The ATP, minimally, shall include the following:</p> <ul style="list-style-type: none"> • Project description: Description of all anticipated soil disturbing activities, with locations and depths of disturbance. These may include foundation and utility demolition, hazardous soils remediation, site grading, shoring excavations, piles or soil improvements, and foundation, elevator, car stacker, utility and landscaping excavations. Project plans and profiles shall be included as needed to illustrate the locations of anticipated soil disturbance. • Site-specific environmental and cultural context: Pre-contact and historic environmental and cultural setting of the project site as pertinent to potential Native American use and historic period development, any available information pertaining to subsequent soil disturbance as pertains to potential survival of archeological resources, 	<p>Project sponsor’s qualified archeological consultant and construction contractor at the direction of the ERO</p>	<p>Prior to issuance of construction permits and throughout the construction period</p>	<p>Archeological consultant shall submit a draft ATP to the ERO for review and approval.</p>	<p>Considered complete after implementation of approved ATP and review and approval of archeological testing results memo by ERO</p>

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<p>and strata in and depths at which they might be found, such as stratigraphic and water table data from prior geotechnical testing. As appropriate based on the scale and scope of the project, the ATP should include maps (e.g., USCS 1869; Sanborn fire insurance maps) that depict the historic and environmental setting and changes in the project site as a basis for predicting resource types that might be encountered and their potential locations. An overlay of the project site on the City’s Native American archeological sensitivity model mapping should be included, as should the locations of all known archeological sites within 0.25 mile of the project site.</p> <ul style="list-style-type: none"> • Brief research design: scientific/historic research questions applicable to the expected resource(s), what data classes potential resources may be expected to possess, and how the expected data classes would address the applicable research questions. • Analysis of anticipated resources or resource types that might be encountered and at what locations and depths, based on known resources in the vicinity, the site’s predevelopment setting and development history, and the anticipated depth and extent of project soil disturbances. • Proposed scope of archeological testing and rationale: testing methods to be used (e.g., coring, mechanical trenching, manual excavation, or combination of methods); locations and depths of testing in relation to anticipated project soil disturbance; strata to be investigated; any uncertainties on stratigraphy that would affect locations or depths of tests and might require archeological monitoring of construction excavations subsequent to testing. • Resource documentation and significance assessment procedures. ERO and Native American consultation requirements upon making a discovery; pre-data recovery assessment process, consistent with the specifications of this measure • Standard text on burial treatment procedures; and • Reporting and curation requirements. <p><i>Archeological Testing Results Memo.</i> Irrespective of whether archeological resources are discovered, the archeological consultant shall submit a written summary of the findings to the ERO at the completion of the</p>				

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<p>archeological testing program. The findings report/memo shall describe each resource, provide an initial assessment of the integrity and significance of encountered archeological deposits encountered during testing, and provide recommendations for subsequent treatment of any resources encountered.</p> <p><i>Resource Evaluation and Treatment Determination.</i> If an archeological deposit or feature is encountered during testing or subsequent construction soil disturbance, the project archeologist shall redirect soil disturbing demolition/excavation/piledriving/construction crews and heavy equipment activity in the vicinity away from the find. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the project sponsor shall ensure that pile driving is halted until an appropriate evaluation of the resource has been made.</p> <p>The project archeologist shall document the find, and make a reasonable effort to assess its identity, integrity, and significance of the encountered archeological deposit through, sampling or testing as needed. The project sponsor shall make provisions to ensure that the project archeologist can safely enter the excavation, if feasible.</p> <p>If upon examination the project archeologist determines the find appears to be a potentially significant archeological resource, the project archeologist shall present the findings of this assessment to the ERO. The project sponsor shall ensure that the find is protected until the ERO has been consulted and has determined appropriate subsequent treatment in consultation with the project archeologist and the treatment has been implemented, as detailed below.</p> <p>All Native American archeological deposits, irrespective of level of disturbance, shall be assumed to be significant until and unless determined otherwise in consultation with the ERO. If a Native American archeological deposit is encountered, the project archeologist shall obtain the services of a Native American tribal representative to participate in any future archeological monitoring, assessment or data recovery activities that may affect that resource. In addition, the ERO shall notify any tribal representatives who requested to be notified of the discovery of Native American archeological resources in response to the project notification, to coordinate on the treatment or archeological and tribal cultural</p>	<p>Archeological consultant, project sponsor and construction contractor at the direction of the ERO</p>	<p>At the completion of archeological testing and/or discovery of a potentially significant archeological resource</p>	<p>Planning department/project sponsor</p>	<p>If preservation in place is feasible, complete when approved ARPP is implemented; considered complete when archeological consultant completes additional measures as directed by the ERO as warranted</p>

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<p>resources. Further the project archeologist shall offer a Native American representative the opportunity to monitor any subsequent soil disturbing activity that could affect the find.</p> <p><i>Submerged Paleosols.</i> Should a submerged paleosol be identified, the project archeologist shall extract and process samples for dating, flotation for paleobotanical analysis, and other applicable special analyses pertinent to identification of possible cultural soils and for environmental reconstruction, irrespective of whether cultural material is present.</p> <p><i>Archeological Site Records.</i> At the conclusion of assessment of any discovered resources, the project archeologist shall prepare an archeological site record or primary record (DPR 523 series) for each resource evaluated as significant or potentially significant. In addition, a primary record shall be prepared for any Native American isolate. Each such record shall be accompanied by a map and GIS location file. Records shall be submitted to the department for review as attachments to the archeological resources report (see below) and once approved by the ERO, to the Northwest Information Center.</p> <p><i>Preservation in Place Consideration.</i> Should a significant archeological resource be discovered during construction or during archeological testing or monitoring, preservation in place is the preferred treatment option. The ERO shall consult with the project sponsor and, for Native American archeological resources, with the tribal representative(s) if requested, to consider (1) the feasibility of permanently preserving the resource in place and (2) whether preservation in place would be effective in preserving both the archeological values and (if applicable) the tribal values represented. If, based on this consultation, the ERO determines that preservation in place is determined to be both feasible and effective, then the project archeologist, in consultation with the tribal representative if a Native American archeological resource, shall prepare a Cultural Resources Preservation Plan (CRPP). For Native American archeological resources, the CRPP shall explicitly address the cultural significance of the tribal cultural resource to the tribes. Preservation options may include measures such as redesign of the project layout to place open space over the resource location; foundation design to avoid the use of pilings or deep excavations in the sensitive area; a plan to expose and conserve the resource and include it in an on-site interpretive exhibit; and/or</p>				

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<p>establishment of a permanent preservation easement. The project archeologist shall submit a draft CRPP to the department and the tribes for review and approval, and the Port/project sponsor shall ensure that the approved plan is implemented during and after construction. If, based on consultation, the ERO determines that preservation in place is infeasible, archeological data recovery and public interpretation of the resource shall be carried out as detailed below. The ERO in consultation with the project archeologist shall also determine if additional treatment is warranted, which may include additional testing and/or construction monitoring.</p> <p><i>Coordination with Descendant Communities.</i> On discovery of an archeological site associated with descendant Native Americans, Chinese, or other potentially interested descendant group, the project archeologist shall contact an appropriate representative of the descendant group and the ERO. The representative of the descendant group shall be offered the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site and data recovered from the site, and, if applicable, any interpretative treatment of the site. The project archeologist shall provide a copy of the Archeological Resources Report (ARR) to the representative of the descendant group.</p> <p><i>Compensation.</i> Tribal representatives or other descendant community representatives for archeological or tribal cultural resources who participate in the project shall be compensated for time invested in the preparation or review of plans, documents, artwork, etc., as well as for archeological monitoring undertaken in fulfillment of the requirements of this mitigation measure, similarly to other consultants and experts employed for subsequent projects under the Waterfront Plan. The ERO, Port/project sponsor and project archeologist, as appropriate, shall work with the tribal representative or other descendant community representatives to identify the appropriate scope of consultation work.</p> <p><i>Archeological Data Recovery Program.</i> the project archeologist shall prepare an Archeological Data Recovery Plan (ADRP) if all three of the following apply: (1) a potentially significant resource is discovered, (2) preservation in place is not feasible, and (3) the ERO determines that archeological data recovery is warranted. When the ERO makes such a determination, the project archeologist, project sponsor, ERO and, for</p>	<p>Archeological consultant, project sponsor and project contractor at the direction of the ERO in consultation with descendant community</p> <p>ERO, archeological consultant, project sponsor, and tribal representative (if requested)</p>	<p>During archeological treatment of resource associated with descendant community</p> <p>After determination by ERO that an ADRP is required</p>	<p>Consultation with ERO on identified descendant group. Descendant group provides recommendations, offered opportunity to monitor, and is given a copy of the ARR.</p> <p>Archeological consultant submits ADRP to ERO for review and approval.</p>	<p>Considered complete upon implementation of measures agreed upon during consultation</p> <p>Considered complete upon implementation of ADRP approved by ERO</p>

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<p>tribal cultural archeological resources, the tribal representative, shall coordinate on the scope of the data recovery program, if requested. The archeological consultant shall prepare a draft ADRP and submit it to the ERO for review and approval. If the time needed for preparation and review of a comprehensive ADRP would result in a significant construction delay, the scope of data recovery may instead be agreed upon in consultation between the project archeologist and the ERO and documented by the project archeologist in a memo to the ERO. The ADRP/memo shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain; that is, the ADRP/memo will identify what scientific/historic 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 historic property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resource that would not otherwise be disturbed by construction if nondestructive methods are practical.</p> <p>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. • Cataloguing and Laboratory Analysis: Description of selected cataloguing system and proposed types of analyses to be conducted based on anticipated material types. • 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 accidental damage. • Final report: Description of proposed report format and distribution of results. • Public interpretation: Description of potential types of interpretive products and locations of interpretive exhibits based on consultation with the project sponsor. 				

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<ul style="list-style-type: none"> • 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>The project archeologist shall implement the archeological data recovery program upon approval of the ADRP/memo by the ERO.</p> <p><i>Coordination of Archeological Data Recovery Investigations.</i> In cases in which the same resource has been or is being affected by another project for which data recovery has been conducted, is in progress, or is planned, the following measures shall be implemented to maximize the scientific and interpretive value of the data recovered from both archeological investigations:</p> <ul style="list-style-type: none"> • In cases where neither investigation has not yet begun, both project archeologists and the ERO shall consult on coordinating and collaboration on archeological research design, data recovery methods, analytical methods, reporting, curation and interpretation to ensure consistent data recovery and treatment of the resource. • In cases where archeological data recovery investigation is already under way or has been completed for a prior project, the project archeologist for the subsequent project shall consult with the prior project archeologist, if available; review prior treatment plans, findings and reporting; and inspect and assess existing archeological collections/inventories from the site prior to preparation of the archeological treatment plan for the subsequent discovery, and shall incorporate prior findings in the final report of the subsequent investigation. The objectives of this coordination and review of prior methods and findings will be to identify refined research questions; avoid redundant work and maximize the benefits of additional data recovery; determine appropriate data recovery methods and analyses; assess new findings relative to prior research findings; and integrate prior findings into subsequent reporting and interpretation. 				

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<p><i>Treatment of Human Remains and Funerary Objects.</i> 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)).</p> <p>The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement (“Agreement”) with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>If the remains cannot be permanently preserved in place, the Port shall consult with the MLD and may consult with the project archeologist, project sponsor and the ERO on recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop a Burial Agreement (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 Public Resources Code section 5097.98(c)(1), the Agreement shall address, as applicable and to the degree consistent with the wishes of the MLD, the appropriate</p>	<p>Project sponsor/ archeological consultant in consultation with the ERO, Medical Examiner, NAHC, and MLD as warranted</p>	<p>In the event that human remains are uncovered during the construction period</p>	<p>Project archeologist or project sponsor shall notify ERO and Medical Examiner, who will contact NAHC as warranted.</p>	<p>Considered complete on finding by the Environmental Review Officer that all state laws regarding human remains/burial objects have been adhered to, consultation with the most likely descendant is completed as warranted, and disposition of human remains has occurred as specified in Agreement</p>

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<p>excavation, removal, recordation, scientific analysis, custodianship prior to reinternment 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.</p> <p>Both parties are expected to make a concerted and good faith effort to arrive at a Burial Agreement. However, if the Port and the MLD are unable to reach an Agreement on scientific treatment of the remains and/or funerary objects, the ERO, in consultation with the Port shall ensure that the remains and/or funerary objects are stored securely and respectfully until they can be reinterred on the project site, with appropriate dignity, in a location not subject to further or future subsurface disturbance, in accordance with the provisions of state law.</p> <p>Treatment of historic-period human remains and/or funerary objects discovered during any soil-disturbing activity shall be in accordance with protocols laid out in the project archeological treatment document, and other relevant agreements established between the project sponsor, Medical Examiner and the ERO. The project archeologist shall retain custody of the remains and associated materials while any scientific study scoped in the treatment document is conducted and the remains shall then be curated or respectfully reinterred by arrangement on a case-by case-basis.</p> <p><i>Cultural Resources Public Interpretation Plan and Land Acknowledgement.</i> If a significant archeological resource is identified, the project archeologist shall prepare a Cultural Resources Public Interpretation Plan (CRPIP). 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.</p> <p>If the resource to be interpreted is a tribal cultural resource, the department shall notify Native American tribal representatives that public interpretation is being planned. The CRPIP shall be prepared in consultation with and developed with the participation, if requested by a tribe, of Native American tribal representatives, and the interpretive</p>	<p>Archeological/interpretation consultant at the direction of the ERO will prepare CRPIP. Measure laid out in CRPIP are implemented by sponsor and consultant. Native American representative (if requested)</p>	<p>Following completion of treatment, analysis, and interpretation of by archeological consultant</p>	<p>Archeological consultant shall submit the CRPIP to ERO for review and approval.</p>	<p>CRPIP is complete on review and approval of ERO. Interpretive program is complete on certification to ERO that program has been implemented</p>

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<p>materials shall include an acknowledgement that the project is located upon traditional Ohlone lands. For interpretation of a tribal cultural resource, the interpretive program may include a combination of artwork, preferably by local Native American artists, educational panels or other informational displays, a plaque, or other interpretative elements including digital products that address local Native people’s experience and the layers of history. As feasible, and where landscaping is proposed, the interpretive effort may include the use and the interpretation of native and traditional plants incorporated into the proposed landscaping.</p> <p>The project archeological consultant shall submit the CRPIP and drafts of any interpretive materials that are subsequently prepared to the ERO for review and approval. The project sponsor shall ensure that the CRPIP is implemented prior to occupancy of the project.</p> <p><i>Archeological Resources Report.</i> Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the testing program to the ERO. If significant resources were found, the report shall also describe any archeological testing and data recovery efforts and results and provide evaluation of the California Register and tribal significance of any discovered archeological resource. It shall also describe the research design, archeological and historic research methods employed, analytical results and interpretations, and if applicable, curation arrangements. Formal site recordation forms (CA DPR 523 series) shall be attached to the ARR as an appendix.</p> <p>Once approved by the ERO, the project archeologist shall distribute the approved ARR as follows: copies that meet current information center requirements at the time the report is completed (presently, an electronic copy of the report and of each resources record in pdf format and, if available, GIS shapefiles of the project site and of the boundaries and locations of any recorded resources) to the California Archeological Site Survey Northwest Information Center (NWIC), and a copy of the transmittal of the approved ARR to the NWIC to the ERO; one bound hardcopy of the ARR, along with digital files that 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</p>	<p>Archeological consultant at the direction of the ERO</p>	<p>At completion of archeological investigations</p>	<p>Archeological consultant shall prepare and submit ARR to the ERO for review and approval.</p>	<p>Complete on certification to ERO that copies of the approved ARR have been distributed</p>

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<p>Register of Historical Resources, via USB or other stable storage device, to the department environmental planning division of the planning department; and, if a descendant group was consulted, a digital or hard copy of the ARR to the descendant group, depending on their preference.</p> <p><i>Curation.</i> 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 Port of project sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	<p>Project archeologist prepares collection for curation and Port or project sponsor pays for curation costs</p>	<p>Upon acceptance by the ERO of the final report</p>	<p>Upon submittal of the collection for curation the sponsor or archaeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	<p>Considered complete upon acceptance of the collection by the curatorial facility</p>
<p>Mitigation Measure M-CR-2d: Treatment of Submerged and Deeply Buried Resources. This measure applies to projects that would include multiple subgrade stories or entail the use of piles, soil improvements or other deep foundations in landfill areas within former creeks, bay marshes or waters of the bay that may be sensitive for submerged or buried historic or Native American archeological resources as determined in the preliminary archeological review prepared by the department; and/or in the event of the discovery of a submerged or deeply buried resource during archeological testing or soil-disturbing construction activities. This measure shall be applied in conjunction with Waterfront Plan Mitigation Measures M-CR-2a, Accidental Discovery, and/or M-CR-2b, Archeological Monitoring Program, and/or M-CR-2c, Archeological Testing Program, and all relevant provisions of those measures shall be implemented in addition to the provisions of this measure, as detailed below.</p> <p>The following measures additional shall be undertaken upon discovery of a potentially significant deeply buried or submerged resource to minimize significant effects from deep project excavations, soil improvements, pile construction, or construction of other deep foundation systems, in cases where the ERO has determined through consultation with the sponsor, and with tribal representatives as applicable, that preservation in place—the preferred mitigation—is not a feasible or effective option. Note that limiting impacts to a buried or submerged deposit to pile driving or soil improvements shall not be construed as representing preservation in place.</p>	<p>The archeological consultant, project sponsor and project contractor and tribal representative (for Native American archeological resources) at the direction of the ERO</p>	<p>In the event of the discovery of a submerged or deeply buried archeological resource</p>	<p>Planning department/project sponsor</p>	<p>After completed implementation of treatment program by project sponsor identified in approved treatment program memo</p>

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<p><i>Treatment Determination.</i> If the resource cannot feasibly or adequately be preserved in place, in situ documentation and/or archeological data recovery shall be conducted, consistent with the provisions of Mitigation Measures M-CR-2a, Accidental Discovery; M-CR-2b, Archeological Monitoring Program; and M-CR-2c, Archeological Testing Program, as detailed in the Waterfront Plan EIR MMRP. However, by definition, such resources sometimes are located deeper than the maximum anticipated depth of project mass excavations, such that the resource would not be exposed for investigation, and/or under water or may otherwise pose substantial access, safety or other logistical constraints for data recovery; or the cost of providing archeological access to the resource may demonstrably be prohibitive.</p> <p>In such cases, where physical documentation and data recovery will be limited by the constraints identified above, the ERO, project sponsor, project archeologist, and tribal representative if requested, shall consult to explore alternative documentation and treatment options to be implemented in concert with any feasible archeological data recovery. The appropriate treatment elements, which would be expected to vary with the type of resource and the circumstances of discovery, shall be identified by the ERO based on the results of consultation from among the measures listed below. Additional treatment options may be developed and agreed upon through consultation if it can be demonstrated that they would be equally or more effective in recovering or amplifying the value of the data recovered from physical investigation of the affected resources by addressing applicable archeological research questions and in disseminating those data and meaningfully interpreting the resource to the public.</p> <p>Potential treatment measure options listed below are applicable to both Native American archeological deposits and features, and historic maritime resources. Each treatment measure or a combination of these treatment measures, in concert with any feasible standard data recovery methods applied as described above, would be effective in mitigating significant impacts to submerged and buried resources. However, some measures are more applicable to one type of resource than the other; to a specific construction method; to the specific circumstances of discovery; and to the stratigraphic position of the resource. The ERO, in consultation</p>				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>with the project archeologist and project sponsor, shall identify which of these measures that, individually or in combination, will be applicable and effective in recovering sufficient data, enhancing the research value of the data recovery, meaningfully interpreting the resource to the public, or otherwise effectively mitigating the loss of data or associations that will result from project construction. Multiple treatment measures shall be adopted in combination, as needed to adequately mitigate data loss and, as applicable, impacts to tribal cultural values, as determined in consultation with the ERO and, as applicable, tribal representatives.</p> <p>Additional treatment options may be considered and shall be adopted, subject to ERO approval, if it can be demonstrated that they would provide data relevant to the understanding and interpretation of the resource on the project site or to the affected class of resources (e.g., rare submerged and deeply buried Native American archeological resources of Early or Middle Holocene age); or that would otherwise enhance the scientific or historic research value of any data recovered directly from the resource; and/or would enhance public interpretation of the resource, as detailed below.</p> <p><i>Treatment Program Memo.</i> The project archeologist shall document the results of the treatment program consultation with respect to the agreed upon scope of treatment in a treatment program memo, for ERO review and approval. Upon approval by the ERO, the project sponsor shall ensure that treatment program is implemented prior to and during subsequent construction, as applicable. Reporting, interpretive, curation and review requirements are the same as delineated under the other cultural resources mitigation measures that are applicable to the project, as noted above. The project sponsor shall be responsible for ensuring the implementation of all applicable mitigation measures, as identified in the treatment program memo.</p> <p><i>Potential Treatment Measures.</i></p> <ul style="list-style-type: none"> • <i>Remote Archeological Documentation.</i> Where a historic feature cannot be recovered or adequately documented in place by the archeologist due to size, bulk or inaccessibility, the archeologist shall conduct all feasible remote documentation methods, such as 3-D photography using a remote access device, remote sensing (e.g., ground-penetrating radar with a low-range [150 or 200 MHz] antenna), or other appropriate 				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>technologies and methods, to accurately document the resource and its context. As noted, the project sponsor and contractor shall support remote archeological documentation as needed, such as by assisting with equipment access (e.g., drone, lights and camera or laser scanner mounted on backhoe); providing personnel qualified to enter the excavation to assist with documentation; and accommodating training of construction personnel by the project archeologist so that they can assist in measuring or photographing the resource from inside the excavation in cases when the archeologist cannot be allowed to enter.</p> <ul style="list-style-type: none"> • <i>Modification of Contractor’s Excavation Methods.</i> As needed to prevent damage to the resource before it has been documented; to assist in exposure and facilitate observation and documentation; and potentially to assist in data recovery; at the request of the ERO the project sponsor shall consult with the project archeologist and the ERO to identify modifications to the contractor’s excavation and shoring methods. Examples include improved dewatering during excavation; use of a smaller excavator bucket or toothless bucket; discontinuing immediate offhaul of spoils and providing a location where spoils can be spread out and examined by the archeologist prior to being offhauled; and phasing or benching of deep excavations to facilitate observation and/or deeper archeological trenching. • <i>Data Recovery through Open Excavation.</i> If the project will include mass excavation to the depth of the buried/submerged deposit, archeological data recovery shall include manual (preferred) or controlled mechanical sampling of the deposit. If project construction would not include mass excavation to the depth of the deposit but would impact the deposit through deep foundation systems or soil improvements, the ERO and the project sponsor shall consult to consider whether there are feasible means of providing direct archeological access to the deposit (for example, excavation of portion of the site that overlies the deposit to the subject depth so that a sample can be recovered). The feasibility consideration shall include an estimate of the project cost of excavating to the necessary depth and of providing shoring and dewatering sufficient to allow archeological access to the deposit for manual or mechanical recovery. 				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<ul style="list-style-type: none"> <p><i>Mechanical Recovery.</i> If site circumstances limit access to the find in situ, the ERO, archeological consultant and project sponsor shall consider the feasibility of mechanically removing the feature or portion of a feature intact for off-site documentation and analysis, preservation and interpretive use. The consultation above shall include consideration as to whether such recovery is logistically feasible and can be accomplished without major data loss. The specific means and methods and the type and size of the sample shall be identified, and the recovery shall be implemented if determined feasible by the ERO. The sponsor shall assist with mechanical recovery and transport and curation of recovered materials and shall provide for an appropriate and secure off-site location for archeological documentation and storage as needed.</p> <p><i>Salvage of Historic Materials.</i> Samples or sections of historic features that cannot be preserved in place (such a structural members of piers or wharves, sections of wooden sea wall, rail alignments, or historic utility or paving features of particular data value or interpretive interest) shall be tested for contamination and, if not contaminated, shall be salvaged for interpretive use or other reuse. These might include uses such as display of a reconstructed resource; use of timbers or planks for furniture, such as landscape boxes, railings, benches or platforms, and signage structures, and installation of such features in publicly accessible open spaces; or other uses of public interest. Historic wood and other salvageable historic structural material not used for interpretation shall be recovered for reuse, consistent with the San Francisco Ordinance No.27-06, which requires recycling or reuse of all construction and demolition debris material removed from a project. If the project has the potential to encounter such features, the project sponsor shall plan in advance for reuse of salvaged historic materials to the greatest extent feasible, including identification of a location for interim storage and identification of potential users and reuses.</p> <p><i>Data Recovery Using Geoarcheological Cores.</i> If, subsequent to identification and boundary definition of a buried/ submerged resource, it is deemed infeasible to expose the resource for archeological data recovery, geoarcheological coring of the identified deposit shall be</p> 				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>conducted at grid intervals of no greater than 5 meters/15 feet. The maximum feasible core diameter shall be used for data recovery coring. However, while geoarcheological coring can provide basic data about a resource (e.g., food sources exploited, date), due to the of the small size of the sample recoverable through geoarcheological coring the recovered sample, even from numerous cores, this method generally cannot recover a sufficient quantity of data to adequate characterize the range of activities that took place at the site. For this reason, if the coring sample constitutes less than 5 percent of the estimated volume of material within the boundaries of the resource that will be directly impacted by project construction, the following additional measures shall be implemented in concert with geoarcheological coring to fully mitigate significant impacts to such a resource.</p> <ul style="list-style-type: none"> • <i>Scientific Analysis of Data from Comparable Archeological Sites/“Orphaned Collections.”</i> The ERO and the project archeologist shall consult to identify a known archeological site or historic feature, or curated collections or samples recovered during prior investigation of similar sites or features are available for further analysis; and for which site-specific or comparative analyses would be expected to provide data relevant to the interpretation or context reconstruction for the affected site. Appropriate analyses, to be identified in consultation between the ERO, the consultant and (for Native American archeological deposits) the Native American representative(s), may include reanalysis or comparative analysis of artifacts or archival records; faunal or paleobotanical analyses; dating; isotopes studies; or such other relevant studies as may be proposed by members of the project team based on the research design developed for the affected site and on data available from affected resource and comparative collections. The scope of analyses would be determined by the ERO based on consultation with the project archeologist, the project sponsor, and (for sites of Native American origin) Native American representatives. • <i>Additional Off-Site Data Collection and/or Sample and Data Analysis for Historic and Paleoenvironmental Reconstruction.</i> The ERO and project archeologist shall identify existing geoarcheological data and geotechnical coring records on file with the city of San Francisco; 				

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<p>and/or cores extracted and preserved during prior geotechnical or geoarcheological investigations that could contribute to reconstruction of the environmental setting in the vicinity of the identified resource, to enhance the historic and scientific value of recovered data by providing additional data about prehistoric environmental setting and stratigraphic sensitivity; and/or would provide information pertinent to the public interpretation of the significant resource. Objectives of such analyses, depending on the resource type could include: (1) placement of known and as-yet undiscovered Native American archeological resources more securely in their environmental and chronological contexts; (2) more-accurate prediction of locations that are sensitive for Middle Holocene and earlier resources; (3) increased understanding of changes in San Francisco’s historic environmental setting (such as the distribution of inland marshes and ponds and forested areas), and of the chronology of both historic period and prehistoric environmental change and human use. Relevant data may also be obtained through geoarcheological coring at accessible sites identified by the ERO through consultation with San Francisco public agencies and private project sponsors.</p>				
TRIBAL CULTURAL RESOURCES				
<p>Mitigation Measure M-TCR-1: Tribal Notification and Consultation. <i>Summary.</i> Mitigation Measure M-TCR-1, Tribal Notification and Consultation, requires notification of tribal representatives during project-level environmental review of specified types of subsequent projects detailed below. Notification would provide tribal representatives with the opportunity to consult and provide input on whether a tribal cultural resource is present at the subsequent project site, and on whether the subsequent project as proposed would diminish the cultural value of that tribal cultural resource. Consultation under M-TCR-1 would provide opportunities for tribes to review and participate in developing measures to reduce or avoid tribal cultural resource impacts. This measure applies to both archeological tribal cultural resources and non-archeological tribal cultural resources.</p>	<p>Project sponsor archeological consultant, and ERO, in consultation with the local Native American representatives</p>	<p>During environmental review for notification and consultation; prior to issuance of demolition permit and during construction for identified measures</p>	<p>Planning department/project sponsor</p>	<p>Considered complete if no tribal cultural resource is identified, or tribal cultural resource is identified and implementation of identified tribal cultural resource measures</p>

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p><i>Applicability.</i> This measure is applicable for the following types of subsequent projects under the Waterfront Plan:⁴</p> <ul style="list-style-type: none"> • Notification for Native American archeological tribal cultural resources: <ul style="list-style-type: none"> – Projects for which the planning department’s preliminary archeological review identifies potential impacts to a Native American archeological resource; – After the discovery of a significant Native American archeological resource, and when planning for public interpretation of the resource is being initiated. • Notification for non-archeological tribal cultural resources located along the shoreline: <ul style="list-style-type: none"> – Long-term waterfront development projects (50- to 66-year lease terms) along the bay shoreline or piers extending in the bay, including three subsequent projects sites projected for new development: Piers 30–32, Pier 70 Triangle site, and Pier 90; – New construction or major redesign of waterfront open spaces (as determined by the ERO) and public access interpretive exhibits and programs located along the shoreline or on piers extending over the Bay, such as interpretive exhibits along The Embarcadero Promenade or the Blue Greenway; – Substantial habitat removal or restoration projects (as determined by the ERO), excluding Port maintenance activities or minor improvements; or new construction or major redesign project that would include habitat removal or restoration as a component of the proposed improvements; – Projects involving substantial (as determined by the ERO) shoreline stabilization or improvement, including development of natural infrastructure (wetlands, horizontal levees, living shorelines). <p><i>Notification.</i> The San Francisco Planning Department shall distribute a notification regarding the subsequent Waterfront Plan projects and programs to the NAHC tribal representative list and others included on the department’s Native American tribal distribution, include the Association of the Ramaytush Ohlone and other Ohlone interested parties list. The</p>				

⁴ Note that the tribal notification requirements under Mitigation Measure M-TCR-1 are different than the notification requirements under Public Resources Code section 21080.3.1.

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<p>notification would be conducted during project-level environmental review of the types of subsequent projects specified above. The notification shall include a description of the subsequent project, location, anticipated depth and extent of soil disturbance necessary for construction, and information on changes to public access, removal or addition of native planting or habitat, and any proposed public interpretation as relevant; the conclusions of the preliminary archeological review regarding potential impacts to Native American archeological tribal cultural resources; anticipated next steps, including proposed archeological identification and/or treatment for archeological tribal cultural resources; an invitation to consult on the project; and a timeline for requesting consultation, which is within 30 days after receipt of a notification.</p> <p>For subsequent projects for which the planning department’s preliminary archeological review identifies potential impacts to a Native American archeological tribal cultural resource, the notification will also include the conclusions of the preliminary archeological review regarding potential impacts to Native American archeological resources, and measures proposed to address archeological impacts, as described in Section E.4, Cultural Resources.</p> <p><i>Consultation.</i> Tribal representatives who request consultation shall be afforded the opportunity to provide input on potential impacts to tribal cultural resources and measures to mitigate such impacts. The aim of consultation is to ensure that tribal representatives are afforded the opportunity to provide meaningful input into project design, to provide input into the treatment of archeological tribal cultural resources, and to appropriately acknowledge and reflect tribal cultural heritage and values in the design and siting of open space elements, plantings, and interpretive materials.</p> <p>For subsequent projects affecting Native American archeological resources, the consultation shall afford tribal representatives who respond to the notification the opportunity to provide input on potential impacts to Native American archeological resources that are tribal cultural resources, and measures to mitigate archeological impacts, including Mitigation Measures M-CR-2a, Procedures for Accidental Discovery of Archeological Resources for Projects Involving Soil Disturbance; M-CR-2b, Archeological</p>				

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<p>Monitoring; M-CR-2c, Archeological Testing; and/or M-CR-2d, Treatment of Submerged and Deeply Buried Resources, as determined applicable by the ERO as described in Section E.4. These measures in regard to archeological tribal cultural resources require that tribal representative be afforded the opportunity to consult on development of archeological investigation plans, to participate in implementation of such plans as they relate to tribal cultural resources, and to recommend that cultural resources awareness training programs for construction workers include Native American tribal representatives and specific training on the treatment of Native American archeological and tribal cultural resources, if requested. These measures also identify preservation in place, if feasible as determined by the ERO, as the preferred treatment of resources that are known or are discovered during archeological investigations or during construction and require that tribal representatives be offered the opportunity to consult on preservation in place determinations and plans, if requested. In addition, these measures require that tribal representatives be offered meaningful opportunities to participate in the development of public interpretive materials that address Native American archeological and tribal cultural resources, and that these materials include acknowledgement that the project is located on traditional Ohlone lands.</p> <p>For subsequent projects as described above, the consultation shall address potential project impacts, with the objective of incorporating feasible site design and other measures into the project consistent with Waterfront Plan policies that, based on consultation, would reduce or eliminate these impacts. Feasible site design and other measures will be included in required BCDC and Waterfront Design Advisory Committee review processes to ensure all public access and design features and improvements are cohesive and consistent with waterfront urban design policies in Port and BCDC plans.</p> <p>Site-specific measures that may be identified through consultation and are determined feasible by the ERO and the Port would be implemented by the Port or project sponsor in coordination with planning department staff. These could include, but would not be limited to:</p> <ul style="list-style-type: none"> • For subsequent projects that require pile-driving or deep foundations that extend to buried soils sensitive for Native American occupation, 				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>sampling and paleoenvironmental analysis of soils that would be affected by project piles or excavation to evaluate changes to the Native American environmental setting over the 8,000-year period of their occupation of San Francisco. Data obtained through paleoenvironmental analysis may be included in interpretive exhibits, including native plantings as part of subsequent projects.</p> <ul style="list-style-type: none"> Planting and vegetation treatments in publicly accessible open spaces and community gathering areas that emphasize native and/or environmentally sustainable shoreline plants, such as those traditionally gathered and used by the Ohlone. Public interpretive exhibits, coordinated with other Port interpretive programs, subject to public review by BCDC and Waterfront Design Advisory Committee review processes, that educate the public about and/or reflect tribal cultural heritage and values and address local Native American experience and history. Such interpretation program components should be coordinated with other interpretative programs along the waterfront, to maximize and enhance the value of each interpretive effort. Public art by local Native American artists. Public access areas or ensured access to an on-site space within the subsequent project site (such as a community room) that can be made available for gathering events organized by the local Native American community, by arrangement with event space organizers. Other educational tools and applications identified by tribal representatives. <p>Different or additional project-specific mitigation measures may be identified through Native American consultation if, in consultation between the tribal representative and the ERO, they are determined to be equally as or more effective than the measures identified above in mitigating the specific impact of proposed subsequent projects upon tribal cultural resources.</p> <p>Project-specific mitigation measures applicable to the subsequent project shall be adopted by mutual agreement between the tribal consultants and the department and shall be implemented by the Port/project sponsor. Measures would be implemented during project design, construction, and</p>				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>operations as relevant to ensure that impacts to the values associated with tribal cultural resources are avoided or minimized, as determined feasible by the ERO.</p> <p>The consultation process will determine whether subsequent projects would have impacts on the tribal cultural resource and, if so, the extent of impacts and feasible measures to mitigate the impacts. The ERO, Port, and project sponsor shall work with the tribal representatives to develop the scope, timeline, and method of delivery as determined by the ERO. Tribal representatives who engage in preparation or review of plans and documents shall be compensated for their work to fulfill their role in carrying out the mitigation requirements as determined through the scoping process described above.</p> <p>If no tribal group requests consultation, but the ERO nonetheless determines that the proposed project may have a potential significant adverse effect on a tribal cultural resource based on prior consultation, the ERO may require implementation of the site-specific measures and treatments listed above, as applicable.</p>				
TRANSPORTATION AND CIRCULATION				
<p>Mitigation Measure M-TR-6: Driveway and Loading Operations Plan (DLOP). Sponsors of subsequent projects that provide more than 100,000 square feet⁵ of residential or commercial uses shall prepare and implement a DLOP to reduce potential conflicts between driveway and loading operations, including passenger and freight loading activities, and people walking, bicycling, and driving, to maximize reliance of onsite loading spaces to accommodate new loading demand, and to ensure that off-site loading activity is considered in the design of new buildings.</p> <p>Applicable projects shall prepare a draft DLOP for review and approval by the planning department, in consultation with the Port and SFMTA, as part of project review and finalized prior to issuance of the first certificate of occupancy. The DLOP shall be written in accordance with any guidelines issued by the planning department.</p>	<p>Project sponsor of subsequent projects shall prepare and implement a DLOP</p>	<p>Submission of a draft DLOP for review and approval by the planning department, in consultation with the Port and SFMTA, as part of subsequent project review; Finalized prior to issuance of the first certificate of occupancy</p>	<p>Project sponsor of subsequent projects; planning department</p>	<p>Considered complete upon approval of DLOP by the planning department, in consultation with the Port and SFMTA</p>

⁵ The threshold of 100,000 square feet in this mitigation measure is consistent with planning code section 155(u), which requires implementation of a Driveway and Loading Operations Plan (DLOP) in the Central SoMa Special Use District and Van Ness & Market Residential Special Use District. Developments that provide more than 100,000 square feet are required to provide off-street loading spaces and have a greater loading demand than buildings that provide less than 100,000 square feet.

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<p>Mitigation Measure M-C-TR-4: Implement Measures to Reduce Transit Delay. Consistent with the Waterfront Plan’s new transportation policy 46 (Developing and implementing Port-wide and subarea Transportation Demand Management plans), the Port shall be responsible for preparing a South Beach subarea Transportation Demand Management (TDM) plan to reduce vehicular travel in this subarea and support use of sustainable travel modes. Strategies to reduce vehicular travel in this subarea shall include but not limited to:</p> <ul style="list-style-type: none"> • Land use/transportation coordination, such as parking demand management, SFMTA coordination, multi-modal marketing, education, and outreach programs; and • TDM requirements generally consistent with the Planning Commission’s Standards for TDM Program (TDM Program Standards) for the project sponsors of subsequent leasing and new development (development project) in this subarea that meet the applicability criteria of planning code section 169.3, TDM Program. The Planning Department shall consider applying a 10 percent greater target points requirement than that set forth in the TDM Program Standards to a development project based on if the development project would result in cumulatively considerable delay to the 10 Townsend route, and feasibility of additional TDM measures. Such TDM measures to meet the target points could include those in the TDM Program Standards, or other TDM measures determined appropriate by the SFMTA and the Planning Department. <p>The Port shall prepare the subarea TDM plan in coordination with the Planning Department and the SFMTA, and the Port shall finalize the plan for implementation within two years of the final approval and certification of the Waterfront Plan EIR or prior to City approval of subsequent leasing and new development in the subarea that meet the applicability criteria of planning code section 169.3, whichever is later. A Port-wide TDM plan that includes South Beach subarea TDM details shall satisfy this requirement.</p>	<p>Port</p>	<p>Within two years of the final approval and certification of the Waterfront Plan EIR or prior to City approval of subsequent leasing and new development in the subarea that meet the applicability criteria of planning code section 169.3, whichever is later</p>	<p>Port shall prepare the South Beach subarea TDM plan to the planning department and SFMTA for review and approval.</p>	<p>Considered complete upon approval of South Beach subarea TDM plan by the planning department and the SFMTA</p>

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NOISE AND VIBRATION				
<p>Mitigation Measure M-NO-1: Construction Noise Control. Prior to issuance of any demolition or building permit, the project sponsor shall submit a project-specific construction noise control plan to the ERO or the ERO’s designee for approval. The construction noise control plan shall be prepared by a qualified acoustical engineer, with input from the construction contractor, and include all feasible measures to reduce construction noise. The construction noise control plan shall identify noise control measures to meet a performance target of construction activities not resulting in a noise level greater than 90 dBA at noise sensitive receptors and 10 dBA above the ambient noise level at noise sensitive receptors (residences, hospitals, convalescent homes, schools, churches, hotels and motels, and sensitive wildlife habitat). The project sponsor shall ensure that requirements of the construction noise control plan are included in contract specifications. If nighttime construction is required, the plan shall include specific measures to reduce nighttime construction noise. The plan shall also include measures for notifying the public of construction activities, complaint procedures, and a plan for monitoring construction noise levels in the event complaints are received. The construction noise control plan shall include the following measures to the degree feasible, or other effective measures, to reduce construction noise levels:</p> <ul style="list-style-type: none"> • Use construction equipment that is in good working order, and inspect mufflers for proper functionality; • Select “quiet” construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures); • Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors; • Prohibit the idling of inactive construction equipment for more than 5 minutes; • Locate stationary noise sources (such as compressors) as far from nearby noise sensitive receptors as possible, muffle such noise sources, and construct barriers around such sources and/or the construction site; 	<p>Project sponsor/qualified acoustical consultant/construction contractor</p>	<p>Prior to issuance of any demolition or building permit</p>	<p>Planning department</p>	<p>Considered complete after receipt of noise monitoring reports and completion of construction activities</p>

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<ul style="list-style-type: none"> • Avoid placing stationary noise-generating equipment (e.g., generators, compressors) within noise-sensitive buffer areas (as determined by the acoustical engineer) immediately adjacent to neighbors; • Enclose or shield stationary noise sources from neighboring noise-sensitive properties with noise barriers to the extent feasible. To further reduce noise, locate stationary equipment in pit areas or excavated areas, if feasible; and • Install temporary barriers, barrier-backed sound curtains, and/or acoustical panels around working powered impact equipment and, if necessary, around the project site perimeter. When temporary barrier units are joined together, the mating surfaces shall be flush with each other. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, shall be closed with material that completely closes the gaps, and dense enough to attenuate noise. <p>The construction noise control plan shall include the following measures for notifying the public of construction activities, complaint procedures and monitoring of construction noise levels:</p> <ul style="list-style-type: none"> • Designation of an on-site construction noise manager for the project; • Notification of neighboring noise sensitive receptors within 300 feet of the project construction area at least 30 days in advance of high-intensity noise-generating activities (e.g., pier drilling, pile driving, and other activities that may generate noise levels greater than 90 dBA at noise sensitive receptors) about the estimated duration of the activity; • A sign posted on-site describing noise complaint procedures and a complaint hotline number that shall always be answered during construction; • A procedure for notifying the planning department of any noise complaints within one week of receiving a complaint; • A list of measures for responding to and tracking complaints pertaining to construction noise. Such measures may include the evaluation and implementation of additional noise controls at sensitive receptors; and • Conduct noise monitoring (measurements) at the beginning of major construction phases (e.g., demolition, grading, excavation) and during high-intensity construction activities to determine the effectiveness of 				

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<p>noise attenuation measures and, if necessary, implement additional noise control measures.</p> <p>The construction noise control plan shall include the following additional measures during pile-driving activities:</p> <ul style="list-style-type: none"> • When pile driving is to occur within 600 feet of a noise-sensitive receptor, implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, auger cast-in-place, or drilled-displacement, or the use of more than one pile driver to shorten the total pile-driving duration [only if such measure is preferable to reduce impacts to sensitive receptors]) where feasible, in consideration of geotechnical and structural requirements and conditions; • Where the use of driven impact piles cannot be avoided, properly fit impact pile driving equipment with an intake and exhaust muffler and a sound-attenuating shroud, as specified by the manufacturer; and • Conduct noise monitoring (measurements) before, during, and after the pile driving activity. 				
<p>Mitigation Measure M-NO-2a: Protection of Adjacent Buildings/Structures and Vibration Monitoring during Construction.</p> <p>Prior to issuance of any demolition or building permit, the project sponsor shall submit a project-specific Pre-construction Survey and Vibration Management and Monitoring Plan for approval to the Environmental Review Officer (ERO). The plan shall identify all feasible means to avoid damage to potentially affected buildings. The project sponsor shall ensure that the following requirements of the Pre-construction Survey and Vibration Management and Monitoring Plan are included in contract specifications, as necessary.</p> <p><i>Pre-construction Survey.</i> Prior to the start of any ground-disturbing activity, the project sponsor shall engage a consultant to undertake a pre-construction survey of potentially affected buildings. If potentially affected buildings and/or structures are not potentially historic, a structural engineer or other professional with similar qualifications shall document and photograph the existing conditions of the potentially affected buildings and/or structures. The project sponsor shall submit the survey for review and approval prior to the start of vibration-generating construction activity.</p>	<p>Project sponsor, structural engineer, qualified historic preservation professional</p>	<p>Prior to issuance of demolition or building permit</p>	<p>Project sponsor, structural engineer, qualified historic preservation professional shall submit a pre-construction survey to the planning department.</p>	<p>Considered complete upon approval of the Pre-construction Survey by the planning department</p>

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<p>If nearby affected buildings are known historic resources or potential identified as historic resources, unless there is evidence in the record the building is not a historic resource or would not be particularly sensitive to construction vibration, the project sponsor shall engage a qualified historic preservation professional and a structural engineer or other professional with similar qualifications to undertake a pre-construction survey of potentially affected historic buildings. The pre-construction survey shall include descriptions and photographs of all identified historic buildings including all facades, roofs, and details of the character-defining features that could be damaged during construction, and shall document existing damage, such as cracks and loose or damaged features (as allowed by property owners). The report shall also include pre-construction drawings that record the pre-construction condition of the buildings and identify cracks and other features to be monitored during construction. The qualified historic preservation professional shall be the lead author of the pre-construction survey if historic buildings and/or structures could be affected by the project. The pre-construction survey shall be submitted to the ERO for review and approval prior to the start of vibration-generating construction activity.</p> <p><i>Vibration Management and Monitoring Plan.</i> The project sponsor shall undertake a monitoring plan to avoid or reduce project-related construction vibration damage to adjacent buildings and/or structures and to ensure that any such damage is documented and repaired. Prior to issuance of any demolition or building permit, the project sponsor shall submit the plan for review and approval.</p> <p>The Vibration Management and Monitoring Plan shall include, at a minimum, the following components, as applicable:</p> <ul style="list-style-type: none"> • <i>Maximum Vibration Level.</i> Based on the anticipated construction and condition of the affected buildings and/or structures on adjacent properties, a qualified acoustical/vibration consultant in coordination with a structural engineer (or professional with similar qualifications) and, in the case of potentially affected historic buildings/structures, a qualified historic preservation professional, shall establish a maximum vibration level that shall not be exceeded at each building/structure on adjacent properties, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices 	<p>Project sponsor/ contractor(s)</p>	<p>Prior to issuance of any demolition or building permits</p>	<p>Project sponsor shall submit a Vibration Management and Monitoring Plan to the planning department.</p>	<p>Considered complete upon approval of the Vibration Management and Monitoring Plan by planning department</p>

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<p>(common standards are a peak particle velocity [PPV] of 0.25 inch per second for historic and some old buildings, a PPV of 0.3 inch per second for older residential structures, and a PPV of 0.5 inch per second for new residential structures and modern industrial/commercial buildings).</p> <ul style="list-style-type: none"> • <i>Vibration-Generating Equipment.</i> The plan shall identify all vibration-generating equipment to be used during construction (including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction). • <i>Alternative Construction Equipment and Techniques.</i> The plan shall identify potential alternative equipment and techniques that could be implemented if construction vibration levels are observed in excess of the established standard (e.g., drilled shafts [caissons] could be substituted for driven piles, if feasible, based on soil conditions, or smaller, lighter equipment could be used in some cases). • <i>Pile-Driving Requirements.</i> For projects that would require pile driving, the project sponsor shall incorporate into construction specifications for the project a requirement that the construction contractor(s) use all feasible means to avoid or reduce damage to potentially affected buildings. Such methods may include one or more of the following: <ul style="list-style-type: none"> – Incorporate “quiet” pile-driving technologies into project construction (such as drilled shafts, using sonic pile drivers, auger cast-in-place, or drilled-displacement), as feasible; and/or – Ensure appropriate excavation shoring methods to prevent the movement of adjacent structures. • <i>Buffer Distances.</i> The plan shall identify buffer distances to be maintained based on vibration levels and site constraints between the operation of vibration-generating construction equipment and the potentially affected building and/or structure to avoid damage to the extent possible. • <i>Vibration Monitoring.</i> The plan shall identify the method and equipment for vibration monitoring to ensure that construction vibration levels do not exceed the established standards identified in the plan. <ul style="list-style-type: none"> – Should construction vibration levels be observed in excess of the standards established in the plan, the contractor(s) shall halt 				

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<p>construction and put alternative construction techniques identified in the plan into practice, to the extent feasible.</p> <ul style="list-style-type: none"> - The qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures) shall inspect each affected building and/or structure (as allowed by property owners) in the event the construction activities exceed the vibration levels identified in the plan. - The structural engineer and/or historic preservation professional shall submit monthly reports to the ERO during vibration-inducing activity periods that identify and summarize any vibration level exceedances and describe the actions taken to reduce vibration. - If vibration has damaged nearby buildings and/or structures that are not historic, the structural engineer shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged. - If vibration has damaged nearby buildings and/or structures that are historic, the historic preservation consultant shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged. - Following incorporation of the alternative construction techniques and/or planning department review of the damage report, vibration monitoring shall recommence to ensure that vibration levels at each affected building and/or structure on adjacent properties are not exceeded. • <i>Periodic Inspections.</i> The plan shall identify the intervals and parties responsible for periodic inspections. The qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures) shall conduct regular periodic inspections of each affected building and/or structure on adjacent properties (as allowed by property owners) during vibration-generating construction activity on the project site. The plan will specify how often inspections shall occur. 				

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<ul style="list-style-type: none"> • <i>Repair Damage.</i> The plan shall also identify provisions to be followed should damage to any building and/or structure occur due to construction-related vibration. The building(s) and/or structure(s) shall be remediated to their pre-construction condition (as allowed by property owners) at the conclusion of vibration-generating activity on the site. For historic resources, should damage occur to any building and/or structure, the building and/or structure shall be restored to its pre-construction condition in consultation with the qualified historic preservation professional and planning department preservation staff. • <i>Vibration Monitoring Results Report.</i> After construction is complete the project sponsor shall submit a final report from the qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures). The report shall include, at a minimum, collected monitoring records, building and/or structure condition summaries, descriptions of all instances of vibration level exceedance, identification of damage incurred due to vibration, and corrective actions taken to restore damaged buildings and structures. The ERO shall review and approve the Vibration Monitoring Results Report. 	Project sponsor, historic preservation professional, and/or structural engineer	Following end of construction activities	Project sponsor, historic preservation professional, and/or structural engineer shall submit a Vibration Monitoring Results Report to the ERO.	Considered complete after approval of the Vibration Monitoring Results Report by the ERO
<p>Mitigation Measure M-NO-2b: Protection of Vibration-Sensitive Equipment during Construction. Prior to construction, the project sponsor shall designate and make available a community liaison to respond to vibration complaints from building occupants of adjacent recording and TV studios within a minimum of 225 feet of the project site. Contact information for the community liaison shall be posted in a conspicuous location so that it is clearly visible to building occupants most likely to be disturbed. Through the community liaison, the project sponsor team shall provide notification to property owners and occupants of recording and TV studios at least 10 days prior to construction activities involving equipment that can generate vibration capable of interfering with vibration-sensitive equipment, informing them of the estimated start date and duration of vibration-generating construction activities. Equipment types capable of generating such vibration include a vibratory roller, large bulldozer, or similar equipment, operating within 225 feet of the building. If feasible, the project sponsor team shall identify potential</p>	Project sponsor and designated community liaison	10 days prior to construction	Project sponsor and designated community liaison shall provide notification to property owners and occupants of recording and TV studios.	Considered complete upon end of construction

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<p>alternative equipment and techniques that could reduce construction vibration levels. For example, alternative equipment and techniques may include use of static rollers instead of vibratory rollers.</p> <p>If concerns prior to construction or complaints during construction related to equipment interference are identified, the community liaison shall work with the project sponsor team and the affected building occupants to resolve the concerns such that the vibration control measures would meet a performance target of the 65 VdB vibration level for vibration-sensitive equipment, as set forth by Federal Transit Administration. To resolve concerns raised by building occupants, the community liaison shall convey the details of the complaint(s) to the project sponsor team, such as who shall implement specific measures to ensure that the project construction meets the performance target of 65 VdB vibration level for vibration-sensitive equipment. The community liaison would then notify building occupants of the measures to be implemented. These measures may include evaluation by a qualified noise and vibration consultant, scheduling certain construction activities outside the hours of operation or recording periods of specific vibration-sensitive equipment if feasible, and/or conducting groundborne vibration monitoring to document that the project can meet the performance target of 65 VdB at specific distances and/or locations. Groundborne vibration monitoring, if appropriate to resolve concerns, shall be conducted by a qualified noise and vibration consultant.</p>				
<p>Mitigation Measure M-NO-3: Noise Analysis and Attenuation. A noise analysis shall be required for new development that includes noise-generating activities or equipment (e.g., heating, ventilation, and air-conditioning equipment; outdoor gathering areas; places of entertainment) when proposed within 900 feet and with direct line-of-sight to noise sensitive receptors. This analysis shall be conducted prior to the first project approval action.</p> <p>This analysis shall include, a site survey to identify potential noise-sensitive uses and include at least one 24-hour noise measurement to determine ambient noise levels throughout the day and nighttime hours. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed use would not adversely affect nearby noise-sensitive uses,</p>	<p>Project sponsor and qualified acoustic and/or engineering professional</p>	<p>Prior to first project approval action</p>	<p>Project sponsor and qualified acoustic and/or engineering professional shall prepare and submit noise analysis to the planning department.</p>	<p>Considered complete upon approval of noise analysis by the planning department and incorporation of identified noise reduction measures into the building design and operations</p>

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<p>would not substantially increase ambient noise levels, and would not result in a noise level in excess of any applicable standards, such as those in section 2909 of the noise ordinance. All recommendations from the acoustical analysis necessary to ensure that noise sources would meet applicable requirements of the noise ordinance and/or not result in substantial increases in ambient noise levels shall be incorporated into the building design and operations. Should concerns remain regarding potential excessive noise, completion of a detailed noise control analysis (by a person qualified in acoustical analysis and/or engineering), and incorporation of noise reduction measures (including quieter equipment, construction of barriers or enclosures, etc.) into the building design and operations prior to the first project approval action may be required.</p>				
AIR QUALITY				
<p>Mitigation Measure M-AQ-3a: Clean Construction Equipment. The project sponsor shall submit a construction emissions minimization plan to the Port Chief Harbor Engineer, who will then notify the Port Environmental Regulatory Compliance staff and an Environmental Planning Air Quality Specialist for review and approval.</p> <p>The construction emissions minimization plan shall apply to all off-road and in-water marine equipment operating for more than 20 total hours over the entire duration of construction activities. The plan shall detail project compliance with the following requirements as necessary:</p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 horsepower shall meet the following requirements: <ol style="list-style-type: none"> a) Where access to grid-powered electricity is reasonably available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, and cement and mortar mixers, pressure washers, and pumps. If grid electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand; b) All other off-road equipment shall have engines that meet or exceed either U.S. Environmental Protection Agency (U.S. EPA) or California 	<p>Project sponsor</p>	<p>Prior to construction activities requiring the use of off-road and in-water marine equipment</p>	<p>Project sponsor shall submit construction emissions minimization plan to the Port Chief Harbor Engineer.</p>	<p>Considered complete upon approval of construction emissions minimization plan by the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist</p>

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<p>Air Resources Board (CARB) Tier 4 Interim or Final off-road emission standards;</p> <ol style="list-style-type: none"> 2. All in-water marine equipment greater than 100 horsepower shall have engines that meet or exceed U.S. EPA or CARB Tier 3 Marine Engine emission standards; 3. Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.). 4. Exceptions to requirements 1 and 2 above may be granted if the project sponsor has submitted information providing evidence that meeting the requirement (1) is technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, or (3) there is a compelling emergency need to use equipment that to not meet the engine standards and the sponsor has submitted documentation that the requirements of this exception provision apply. In seeking an exception, the project sponsor shall demonstrate that the project will use the cleanest piece of construction equipment available and feasible and strive to meet a performance standard of average construction emissions of ROG, NOx, PM_{2.5} below 54 lbs/day, and PM₁₀ emissions below 82 lbs/day. 5. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit. 6. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications. 7. The construction emissions minimization plan shall include estimates of the construction timeline by phase with a description of each piece of off-road and marine equipment required for every construction phase. Off-road and marine equipment descriptions and information may 				

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<p>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 type, and hours of operation.</p> <p>8. The construction emissions minimization plan shall be kept on site and available for review during working hours by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the plan and a way to request a copy of the plan. The project sponsor shall provide copies of the construction emissions minimization plan as requested.</p>				

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<p>9. <i>Reporting.</i> Biannual reports shall be submitted to the Port Chief Harbor Engineer and Port Environmental Regulatory Compliance staff, in addition to an Environmental Planning Air Quality Specialist for review, indicating the construction phase and equipment information used during each phase including the information required in requirement 7, above.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the Port Chief Harbor Engineer and Port Environmental Regulatory Compliance staff, in addition to an Environmental Planning Air Quality Specialist for review, a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in requirement 7.</p>	Project sponsor	Biannually and within six months of completion of construction activities	Project sponsor shall submit biannual reports to the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist.	Considered complete upon approval of biannual reports and final report by the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist
<p>10. <i>Certification Statement and On-Site Requirements.</i> Prior to the commencement of construction activities, the project sponsor shall certify (1) compliance with the construction emissions minimization plan, and (2) all applicable requirements of the construction emissions minimization plan have been incorporated into contract specifications.</p>	Project sponsor	Prior to construction activities requiring the use of off-road and in-water marine equipment	Project sponsor shall submit certification station.	Considered complete upon receipt of certification statement by the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist
<p>Mitigation Measure M-AQ-3b: Super-Compliant VOC Architectural Coatings during Construction. The project sponsor shall use super-compliant VOC architectural coatings during construction for all interior spaces and shall include this requirement on plans submitted for review by the Port engineering division. “Super-Compliant” refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113, which requires a limit of 10 grams VOC per liter (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings).</p>	Project sponsor	Prior to and during construction	Project sponsor shall submit plans requiring the use of super compliant VOC architectural coatings to the Port engineering division.	Considered complete upon approval of plans by the Port engineering division

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<p>Mitigation Measure M-AQ-4a: Educate Residential and Commercial Tenants Concerning Low-VOC Consumer Products. Prior to receipt of any building permit and every 5 years thereafter, the project sponsor shall develop electronic correspondence to be distributed by email or posted on site annually to tenants of the project that encourages the purchase of consumer products and paints that are better for the environment and generate less volatile organic compound emissions. The correspondence shall encourage environmentally preferable purchasing and shall include contact information and links to SF Approved (https://www.sfapproved.org/).</p>	Project sponsor	Prior to receipt of any building permit and every 5 years thereafter	Project sponsor shall distribute correspondence to tenants of the project.	Ongoing
<p>Mitigation Measure M-AQ-4b: Reduce Operational Emissions. Subsequent projects shall implement the following additional measures to reduce operational criteria air pollutant emissions:</p> <ol style="list-style-type: none"> 1. For any proposed refrigerated warehouses or large (greater than 20,000 square feet) retailers, provide electrical hook-ups for diesel trucks with Transportation Refrigeration Units (TRU) at the loading docks. 2. Encourage the use of trucks equipped with TRUs that meet U.S. Environmental Protection Agency Tier 4 emission standards. 3. Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit. 4. All newly constructed loading docks that are on a commercial or industrial property, and can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading. 5. Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site. 6. Prohibit trucks from idling for more than 2 minutes by posting “no idling” signs at the site entry point, at all loading locations, and throughout the project site. 7. Use super-compliant VOC architectural coatings in maintaining buildings. “Super-Compliant” refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management 	Project sponsor	Prior to issuance of building permits (for items that can be shown on plans) and during operations, as necessary	Project sponsor shall submit plans demonstrating compliance for those items that can be shown on plans and shall implement measures to reduce operational criteria air pollutant emissions.	Prior to building permit approval, as necessary, and ongoing

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<p>District rule 1113, which requires a limit of 10 grams VOC per liter (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings).</p> <p>8. Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.</p>				
<p>Mitigation Measure M-AQ-4c: Best Available Control Technology for Projects with Diesel Generators and Fire Pumps. The project applicant shall implement the following measures. These features shall be submitted to the Port Chief Harbor Engineer and Port Environmental Regulatory Compliance staff, in addition to an Environmental Planning Air Quality Specialist for review and approval, and shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the San Francisco Planning Department prior to the issuance of any building permits:</p> <ol style="list-style-type: none"> 1. All diesel generators and fire pumps shall have engines that meet or exceed California Air Resources Board Tier 4 Final emission standards (California Code of Regulations title 13, section 2423). 2. Non-diesel-fueled emergency generator technology (e.g., battery technology) shall be installed if it is commercially available, subject to the review and approval of the City fire department for safety purposes, and is demonstrated to reduce criteria pollutant emissions. 3. Permanent stationary emergency diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by Bay Area Air Quality Management District (air district) in its permitting process. Additional restrictions limiting the hours per year that generators may be tested may also be required, as determined necessary by the San Francisco Planning Department. 4. For each new diesel backup generator or fire pump permit submitted for a project, including any associated generator pads, engine specifications shall be submitted to the San Francisco Planning Department for review and approval prior to issuance of a permit for the generator or fire pump from the Port Chief Harbor Engineer. Once 	<p>Project sponsor</p>	<p>Prior to issuance of building permits</p>	<p>Project sponsor shall submit project drawings or other documentation showing best available control technology features to the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist.</p>	<p>Considered complete upon approval of project drawings or other documentation by Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist</p>

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<p>operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators or fire pumps shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator or fire pump is located shall maintain records of the testing schedule for each diesel backup generator and fire pump for the life of that diesel backup generator and fire pump and provide this information for review to the planning department within three months of requesting such information.</p>				
<p>Mitigation Measure M-AQ-4d: Electric Vehicle Charging. Prior to the issuance of the building’s final certificate of occupancy, the project applicant shall demonstrate that at least 15 percent of all parking spaces are equipped with electric vehicle (EV) charging equipment. The installation of all EV charging equipment shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City.</p>	Project sponsor	Prior to issuance of building permit, sponsor to submit plans or other documentation demonstrating compliance; prior to issuance of the building’s final certificate of occupancy project sponsor to verify compliance	Project sponsor shall provide documentation of EV charging equipment on project drawings to the Department of Building Inspection or Port Building Inspector, as applicable.	Considered complete upon approval of project drawings by the Department of Building Inspection or Port Building Inspector, as applicable
<p>Mitigation Measure M-AQ-5a: Design Land Use Buffers around Active Loading Docks. For subsequent projects that include newly constructed loading docks that are on a commercial or industrial property, especially in the Pier 94 Backlands in the Southern Waterfront subarea, that would be expected to accommodate more than 100 trucks per day (or 40 transportation refrigeration trucks per day), locate truck activity areas, including loading docks and delivery areas, as far away from sensitive receptors (such as residences, child care, or medical facilities) as feasible.</p>	Project sponsor	Prior to issuance of construction permits	Project sponsor shall locate loading docks away from sensitive receptors.	Considered complete upon approval of building plans by the Department of Building Inspection or Port Building Inspector, as applicable

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<p>Mitigation Measure M-AQ-5b: Reduce Exposure to Toxic Air Contaminants. The project applicant shall incorporate the following health risk reduction measures into the project design, as feasible. These features shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> Plant trees and/or vegetation between sensitive receptors and the project’s operational source(s) of TACs, if feasible. In addition, plant trees and/or vegetation between sensitive receptors and existing sources of toxic air contaminants, if feasible. Locally native trees that provide suitable trapping of particulate matter are preferred (redwood, deodar cedar, oak, and oleander).⁶ 	Project sponsor	Prior to issuance of construction permits	Project sponsor shall include health risk reduction measures on project designs and submit to the Department of Building Inspection, or Port Building Inspector, as applicable.	Considered complete upon approval of project drawings by the Department of Building Inspection, or Port Building Inspector, as applicable
<p>Mitigation Measure M-AQ-5c: Implement a Truck Route Plan. For subsequent projects that include construction of loading docks on a commercial or industrial property and that are found to result in significant health risk impacts, the project sponsor shall develop a Truck Route Plan that establishes operational truck routes to avoid sensitive receptors as identified in the environmental review analysis completed for the project. The purpose of the Truck Route Plan is to route trucks on streets that are located as far from offsite sensitive receptors as possible, while still maintaining the operational goals of the project. The Truck Route Plan must include route restrictions, truck calming, truck parking, and truck delivery restrictions to minimize exposure of nearby sensitive receptors to truck exhaust and fugitive particulate emissions.</p> <p>Prior to the commencement of operational activities, the project sponsor shall certify (1) compliance with the Truck Route Plan, and (2) all applicable requirements of the Truck Route Plan have been incorporated into tenant contract specifications.</p>	Project sponsor	Prior to operation	Project sponsor shall submit a Truck Route Plan to the planning department for approval. Project sponsor shall also submit affidavit of compliance with the plan and that applicable requirements of the plan are incorporated into contract specification.	Considered complete upon approval of the Truck Route Plan by the planning department and receipt of affidavit from project sponsor

⁶ Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, May 2017. Page 5-17.

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WIND				
<p>Mitigation Measure M-WI-1a: Wind Analysis and Minimization Measures for Subsequent Projects. All projects proposed within the Plan Area that would have a height greater than 85 feet shall be evaluated by a qualified wind expert, in consultation with the San Francisco Planning Department, to determine their potential to result in a new wind hazard exceedance or aggravate an existing wind hazard exceedance (defined as the one-hour wind hazard criterion with a 26 mph equivalent wind speed). If the qualified expert determines that wind-tunnel testing is required due to the potential for a new or worsened wind hazard exceedance, such testing shall be undertaken in coordination with San Francisco Planning Department staff, with results summarized in a wind tunnel report. The buildings tested in the wind tunnel shall incorporate only those wind baffling features that can be shown on plans. Such features must be tested in the wind tunnel and discussed in the wind tunnel report in the order of preference discussed below, with the overall intent being to reduce ground-level wind speeds in areas of substantial use by people walking (e.g., sidewalks, plazas, building entries, etc.):</p> <ol style="list-style-type: none"> 1. <i>Building Massing.</i> New buildings and additions to existing buildings shall be shaped to minimize ground-level wind speeds. Examples of these include setbacks and/or podiums, stepped and/or curved facades, and vertical steps in the massing to help disrupt downwashing flows. 2. <i>Wind Baffling Measures on the Building and on the Project Sponsor’s Private Property.</i> Wind baffling measures shall be included on future buildings and/or on the parcel(s) to disrupt vertical wind flows along tower façades and through the project site. Examples of these may include staggered balcony arrangements on main tower façades, screens, canopies, and/or fins attached to the buildings, covered walkways, colonnades, large-scale art features, landscaping, free standing canopies, and/or wind screens. Solid windscreens have a greater effect at reducing the wind speeds to immediate leeward side of the screens; however, outside of this area of influence, the winds are either unaffected or accelerated. Porous windscreens have less of an impact to the immediate leeward side; however, they have an 	Project sponsor and qualified wind expert	Prior to issuance of construction permits	Project sponsor and qualified wind expert to submit wind analysis to the planning department.	Considered complete upon approval of the wind report

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<p>increased area of influence and are less likely to cause any accelerations of the winds further downwind.</p> <p>Only after documenting all feasible attempts to reduce wind impacts via building massing and wind baffling measures on a building, shall the following be considered:</p> <p>3. <i>Landscaping and/or Wind Baffling Measures in the Public Right-of-Way.</i> Landscaping and/or wind baffling measures shall be installed to slow winds along sidewalks and protect places where people walking are expected to gather or linger. Landscaping and/or wind baffling measures shall be installed on the windward side of the areas of concern (i.e., the direction from which the wind is blowing). Landscaping typically affects winds locally; the larger the tree crown and canopy, the greater the area of influence. Tall, slender trees with little foliage have little to no impact on local winds speeds at ground level because of the height of the foliage above ground. Shorter street trees with larger canopies help reduce winds around them but their influence on conditions farther away is limited. Examples of wind baffling measures may include street art to provide a sheltered area for people to walk and free-standing canopies and wind screens in areas where people walking are expected to gather or linger. If landscaping or wind baffling measures are required as one of the features to mitigate wind impacts, Mitigation Measure M-WS-1b (below) shall also apply:</p>				
<p>Mitigation Measure M-WI-1b: Maintenance Plan for Landscaping and Wind Baffling Measures in the Public Right-of-Way. If it is determined that a subsequent project could not reduce additional wind hazards via massing or wind baffling measures on the subject building or the developer's property and therefore landscaping and/or wind baffling features are to be installed in the public right-of-way, the project sponsor for the subsequent project shall prepare a maintenance plan for review and approval by the San Francisco Planning Department to ensure maintenance of the features in perpetuity.</p>	Project sponsor	Prior to issuance of construction permits	Project sponsor shall submit a maintenance plan to the planning department for review and approval.	Considered complete upon approval of the maintenance plan

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
BIOLOGICAL RESOURCES				
<p>Mitigation Measure M-BI-1a: Worker Environmental Awareness Program Training. Project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist and attended by all project personnel performing demolition or ground-disturbing work where buildings, bridges, landscaping/street trees, natural vegetation or shoreline habitats are present prior to the start of work. The WEAP training shall generally include, but not be limited to, education about the following:</p> <ul style="list-style-type: none"> • Applicable state and federal laws, environmental regulations, project permit conditions, and penalties for non-compliance. • Special-status plant and animal species with the potential to be encountered on or in the vicinity of the project area during construction. • Avoidance measures and a protocol for encountering special-status species including a communication chain. • Preconstruction surveys and biological monitoring requirements associated with each phase of work and at specific locations within the project area (e.g., shoreline work) as biological resources and protection measures will vary depending on where work is occurring within the site, time of year, and construction activity. • Known sensitive resource areas in the project vicinity that are to be avoided and/or protected as well as approved project work areas, access roads, and staging areas. 	<p>Project sponsor, qualified biologist, construction contractor(s)</p>	<p>Prior to construction</p>	<p>Project sponsor and qualified biologist shall develop WEAP training.</p>	<p>Considered complete at end of construction</p>
<p>Mitigation Measure M-BI-1b: Special-Status Plant Species Surveys. Botanical surveys shall be conducted where construction, demolition, site access, materials staging, or spoils piles are planned within coastal saltmarsh, coastal scrub, or coastal dunes, or within 50 feet of these habitats. Surveys will follow CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities</i> (CDFG 2009). Surveys shall maximize the likelihood of locating special-status species, be floristic in nature, include areas of potential indirect impacts, be conducted in the field at the time of year when species are both evident and identifiable, and be replicated and spaced throughout the growing season to accurately determine what</p>	<p>Project sponsor, qualified biologist, construction contractor(s), Port</p>	<p>Prior to and during construction</p>	<p>Qualified biologist to conduct surveys prior to construction. Coordinate with the Port, USFWS, and/or CDFW as applicable if special-status plants are encountered.</p>	<p>Considered complete at end of construction</p>

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>plants exist on the site. If no special-status plants are identified, no further action is required to avoid or minimize impacts to these species.</p> <p>If special-status plants are encountered in the work area, they should be avoided. If they cannot be avoided, the Port shall, in coordination with USFWS and/or CDFW (as applicable based on plant status), avoid plants through project design, protect plants from construction activities through the use of exclusion fencing and signage, or minimize impacts to plant populations, relocate plants to other suitable habitat nearby, or harvest seed, as appropriate to the particular species.</p> <p>Prior to construction, staging areas shall be identified that avoid impacts to special-status plants identified, and construction exclusion fencing shall be used to define the work area and minimize disturbance to these areas. The fencing shall be maintained through the construction phase and monitored on a weekly basis during construction to ensure protection of special-status plants and their habitat.</p> <p>If avoidance is not feasible, rare plants and their seeds shall be salvaged and relocated, and habitat restoration shall be provided to replace any destroyed special-status plant occurrences at a minimum 1:1 ratio (i.e., no net loss) or as specified by resource agencies based on area of lost habitat. Compensation for loss of special-status plant populations shall include the restoration or enhancement of temporarily impacted areas, and management of restored areas. Restoration or reintroduction shall be located on-site where feasible. At a minimum, the restoration areas shall meet the following performance standards by the fifth year:</p> <ol style="list-style-type: none"> a. The compensation area shall be at least the same size as the impact area. b. Vegetation cover and composition in special-status plant restoration areas shall emulate existing reference populations. c. Monitoring shall demonstrate the continued presence of rare plants in the restoration area. d. Invasive species cover shall be less than or equal to the invasive species cover in the impact area. <p>Additionally, restored populations shall have greater than the number of individuals of the impacted population, in an area greater than or equal to the size of the impacted population, for at least 3 consecutive years</p>				

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<p>without irrigation, weeding, or other manipulation of the restoration site. The Habitat Monitoring Plan to be prepared in accordance with Mitigation Measure M-BI-4, Avoidance of Pickleweed Mat Sensitive Natural Community, shall include the above monitoring requirements and success criteria.</p>				
<p>Mitigation Measure M-BI-2a: Nesting Bird Protection Measures. Mitigation Measure M-BI-2a applies to new development projects that include removal of trees or vegetation, major tree trimming, demolition of buildings, or use of heavy equipment (e.g., earthwork, demolition) that could disturb nests or nesting birds. Nesting birds and their nests shall be protected during construction by use of the following measures:</p> <ol style="list-style-type: none"> 1. A qualified wildlife biologist shall conduct pre-construction nesting surveys during the avian nesting breeding season (approximately February 15 to September 15) within 7 days prior to construction. Surveys shall be performed for the project area, vehicle and equipment staging areas, and suitable habitat within 250 feet to locate any active passerine (perching bird) nests and within 500 feet to locate any active raptor (bird of prey) nests. 2. If active nests are located during the pre-construction nesting bird surveys, the qualified wildlife biologist shall evaluate if the schedule of construction activities could affect the active nests and the following measures shall be implemented based on their determination: <ol style="list-style-type: none"> a. If construction is not likely to affect the active nest, construction may proceed without restriction. b. If it is determined that construction may affect the active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s) and all project work would halt within the buffer until a qualified biologist determines the nest is no longer in use. Typically, these buffer distances are up to 250 feet for passerines and 500 feet for raptors; however, the buffers may be adjusted downward for some species, or if an obstruction, such as a building, is within line-of-sight between the nest and construction activities. c. Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests shall be done at the discretion of the qualified biologist and in coordination with the Port. Necessary 	<p>Project sponsor, qualified biologist, CDFW</p>	<p>Pre-construction surveys during the avian nesting breeding season would occur within 7 days prior to the start of construction; implementation ongoing during construction if active nests are observed</p>	<p>Qualified biologist in coordination with the Port if active nests are observed.</p>	<p>Ongoing during construction if active nests are observed</p>

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>actions to remove or relocate an active nest(s) shall be coordinated with the Port.</p> <p>d. Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged.</p> <p>e. Any birds that begin nesting within the project area and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby begin to show disturbance associated with construction activities, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.</p>				
<p>Mitigation Measure M-BI-2b: Avoidance and Minimization Measures for Bats. A qualified biologist (as defined by CDFW⁷) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to demolition or building relocation activities or tree work to conduct a pre-construction habitat assessment of the project area (focusing on buildings to be demolished or relocated) to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify bat habitat or signs of potentially active bat roosts within the project area (e.g., guano, urine staining, dead bats, etc.).</p> <p>The following measures shall be implemented should potential roosting habitat or potentially active bat roosts be identified during the habitat assessment in buildings to be demolished or relocated for subsequent projects under the Waterfront Plan or in trees adjacent to construction</p>	<p>Project sponsor and qualified biologist</p> <p>Project sponsor, contractor(s), and qualified biologist</p>	<p>Prior to demolition, building relocation, or tree work for the pre-construction habitat assessment</p> <p>Prior to construction and during demolition, relocation, and tree work</p>	<p>Qualified biologist in coordination with Port if active roost sites are observed.</p> <p>Qualified biologist in coordination with the Port and CDFW if active roost sites are observed.</p>	<p>Considered complete at end of construction</p> <p>Considered complete at end of construction</p>

⁷ CDFW defines credentials of a *qualified biologist* within permits or authorizations issued for a project. Typical qualifications include a minimum of four years of academic training leading to a degree and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>activities that could be trimmed or removed for subsequent projects under the Waterfront Plan:</p> <ol style="list-style-type: none"> 1. In areas identified as potential roosting habitat during the habitat assessment, initial building demolition, relocation, and any tree work (trimming or removal) shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor.⁸ 2. Depending on temporal guidance as defined below, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or relocation, or any tree trimming or removal. 3. If active bat roosts or evidence of roosting is identified during pre-construction surveys for building demolition and relocation or tree work, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site. 4. If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species- and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with CDFW. Such measures may include postponing the removal of buildings or structures, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other compensatory mitigation. 5. The qualified biologist shall be present during building demolition, relocation, or tree work if potential bat roosting habitat or active bat roosts are present. Buildings and trees with active roosts shall be disturbed only under clear weather conditions when precipitation is 				

⁸ Torpor refers to a state of decreased physiological activity with reduced body temperature and metabolic rate.

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.</p> <p>6. The demolition or relocation of buildings containing or suspected to contain bat roosting habitat or active bat roosts shall be done under the supervision of the qualified biologist. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.</p> <p>7. Trimming or removal of existing trees with potential bat roosting habitat or active (non-maternity or hibernation) bat roost sites shall follow a two-step removal process (which shall occur during the time of year when bats are active, according to a) above and, depending on the type of roost and species present, according to c) above).</p> <p>a. On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws.</p> <p>b. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).</p> <p>c. All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.</p>				
<p>Mitigation Measure M-BI-3: Fish and Marine Mammal Protection during Pile Driving. If required by the National Marine Fisheries Service (NMFS), a sound attenuation monitoring plan shall be prepared to reduce impacts to fish and marine mammals. The plan shall incorporate the following best management practices subject to modification in the NMFS-approved plan:</p> <ul style="list-style-type: none"> • In-water pile driving shall be conducted within the established environmental work window between June 1 and November 30, designed to avoid potential impacts to fish species. 	Project sponsor	Sound attenuation monitoring plan prior to the start of construction; plan shall be implemented during construction	Project sponsor shall prepare and submit a sound attenuation monitoring plan to the Port and planning department for review and approval.	Considered complete at end of construction

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<ul style="list-style-type: none"> • To the extent feasible vibratory pile drivers shall be used for the installation of all support piles. Vibratory pile driving shall be conducted following the U.S. Army Corps of Engineers “Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California.” U.S. Fish and Wildlife Service and NMFS completed section 7 consultation on this document, which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters. • A soft start technique to impact hammer pile driving shall be implemented, at the start of each work day or after a break in impact hammer driving of 30 minutes or more, to give fish and marine mammals an opportunity to vacate the area. • If during the use of an impact hammer, established NMFS pile driving thresholds are exceeded, a bubble curtain or other sound attenuation method as described in the NMFS-approved sound attenuation monitoring plan shall be utilized to reduce sound levels below the criteria described above. If NMFS sound level criteria are still exceeded with the use of attenuation methods, a NMFS-approved biological monitor shall be available to conduct surveys before and during pile driving to inspect the work zone and adjacent waters for marine mammals. The monitor shall be present as specified by the NMFS during impact pile driving and ensure that: <ul style="list-style-type: none"> – The safety zones established in the sound monitoring plan for the protection of marine mammals are maintained. – Work activities are halted when a marine mammal enters a safety zone and resumed only after the animal has been gone from the area for a minimum of 15 minutes. • Alternatively, the project sponsors may consult with NOAA directly and submit evidence to their satisfaction of the Environmental Review Officer of NOAA consultation. In such case, the project shall comply with NOAA recommendations and/or requirements. 				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>Mitigation Measure M-BI-4: Avoidance of Pickleweed Mat Sensitive Natural Community. Prior to the start of construction in any area where a pickleweed mat community exists, the Port shall consult with the Planning Department to determine whether this mitigation measure shall be implemented as presented, or modified based on site and construction details of the subsequent project. The Port shall retain a qualified biologist (i.e., a biologist experienced at identifying coastal saltmarsh vegetation) to clearly delineate the extent of pickleweed mat community within 20 feet of the project work area. Pickleweed mat shall be protected from the work area by environmentally sensitive area fencing, which shall be maintained throughout the construction period. A qualified biologist shall oversee the delineation and installation of fencing. Excavation, vehicular traffic, staging of materials, and all other project-related activity shall be located outside of the environmentally sensitive area.</p>	<p>Port, qualified biologist, and construction contractor(s)</p>	<p>Prior to construction</p>	<p>Port to consult with the planning department to determine whether to implement the measure or modify based on site and construction details.</p>	<p>Considered complete at end of construction</p>
<p>If the pickleweed mat community cannot be avoided, any temporarily affected areas shall be restored to pre-construction conditions or better at the conclusion of construction activities that occur within 20 feet of the retained pickleweed mat in accordance with CDFW and regional board permits. Compensation for permanent impacts on the sensitive natural community shall be provided at a 1:1 or greater ratio, or as specified by USACE, regional board, and/or CDFW. If impacts to prior mitigation sites occur, resource agencies may require a greater ratio (e.g., 2:1 or higher). Compensation for loss of pickleweed mat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. To that end, the restoration sites shall, at a minimum, meet the following performance standards by the fifth year after restoration:</p> <ol style="list-style-type: none"> 1. Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area. 2. No more cover by invasive species shall be present than in the baseline/impact area. <p>Restoration shall be detailed in a Habitat Mitigation and Monitoring Plan, which shall be developed before the start of construction and in coordination with permit applications and/or conditions. At a minimum, the Plan shall include:</p>	<p>Port, qualified biologist, and construction contractor(s)</p>	<p>Prior to and during construction</p>	<p>Port and qualified biologist to consult with CDFW, RWQCB, and/or USACE as appropriate.</p>	<p>Considered complete upon approval of the Habitat Mitigation and Monitoring Plan by CDFW, RWQCB, and/or USACE</p>

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<ol style="list-style-type: none"> 1. Name and contact information for the property owner of the land on which the mitigation will take place; 2. Identification of the water source for supplemental irrigation, if needed; 3. Identification of depth to groundwater; 4. Topsoil salvage and storage methods for areas that support special-status plants; 5. Site preparation guidelines to prepare for planting, including coarse and fine grading; 6. Plant material procurement, including assessment of the risk of introduction of plant pathogens through the use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds; 7. A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored; 8. Planting methods, including containers, hydroseed or hydromulch, weed barriers, and cages, as needed; 9. Soil amendment recommendations, if needed; 10. An irrigation plan, with proposed rates (in gallons per minute), schedule (i.e., recurrence interval), and seasonal guidelines for watering; 11. A site protection plan to prevent unauthorized access, accidental damage, and vandalism; 12. Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species; 13. Performance standards by which successful completion of mitigation can be assessed relative to a relevant baseline or reference site, and by which remedial actions will be triggered; 14. Success criteria that shall include the minimum performance standards described above; 15. Monitoring methods and schedule; 16. Reporting requirements and schedule (e.g., annual reporting); 				

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>17. Adaptive management and corrective actions to achieve the established success criteria; and</p> <p>18. An educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages.</p> <p>The Habitat Mitigation and Monitoring Plan and all field documentation, prepared in coordination with the appropriate regulatory agencies, shall be submitted to a designee from the Port for review and approval prior to the issuance of any demolition, grading, or building permit for construction that would occur within 20 feet of the pickleweed mat sensitive natural community.</p>				
<p>Mitigation Measure M-BI-6: Avoidance of Impacts on Wetlands and Waters. The Port and its contractors for the specific construction activity to be undertaken shall minimize impacts on waters of the United States and waters of the state, including wetlands, by implementing the following measures:</p> <ul style="list-style-type: none"> • The proposed project shall be designed to avoid, to the extent practical, work within wetlands and/or waters under the jurisdiction of USACE, regional board, and CDFW. If applicable, permits or approvals shall be sought from the above agencies, as required. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction shall be identified and the area outside avoided. • Before the start of construction within 50 feet of any wetlands and drainages, appropriate measures shall be taken to ensure protection of the wetland from construction runoff or direct impact from equipment or materials, such as the installation of a silt fence, and signs indicating the required avoidance shall be installed. No equipment mobilization, grading, clearing, or storage of equipment or machinery, or similar activity, shall occur until a qualified biologist has inspected and approved the fencing installed around these features. The construction contractor for the specific construction activity to be undertaken shall ensure that the temporary fencing is maintained until construction activities are complete. No construction activities, including equipment 	<p>Port and contractor(s)</p>	<p>Prior to construction</p>	<p>Port and contractor(s) shall design projects to avoid wetlands and waters and implement measures within 50 feet.</p>	<p>Considered complete at end of construction</p>

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<p>movement, storage of materials, or temporary spoils stockpiling, shall be allowed within the fenced areas protecting wetlands.</p> <ul style="list-style-type: none"> Where disturbance to jurisdictional wetlands or waters cannot be avoided, any temporarily affected jurisdictional wetlands or waters shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, regional board, and CDFW permits. Compensation for permanent impacts on wetlands or waters shall be provided at a 1:1 ratio, or as agreed upon by CDFW, USACE, and regional board. Compensation for loss of wetlands may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. To that end, the restoration or compensation sites shall, at a minimum, meet the following performance standards by the fifth year after restoration: <ol style="list-style-type: none"> Wetlands restored or constructed as federal wetlands meet the applicable federal criteria for jurisdictional wetlands, and wetlands restored or constructed as state wetlands meet the state criteria for jurisdictional wetlands. No more cover by invasive species shall be present than in the baseline/impact area pre-project. <p>Restoration and compensatory mitigation activities shall be described in the habitat mitigation and monitoring plan prescribed by Mitigation Measure M-BI-4, Avoidance of Impacts on Pickleweed Mat Sensitive Natural Community.</p>				
GEOLOGY AND SOILS				
<p>Mitigation Measure M-GE-6a: Unanticipated Discovery of Paleontological Resources during Construction. The following procedures must be undertaken for project construction activities:</p> <ul style="list-style-type: none"> <i>Worker Awareness Training.</i> Prior to commencing construction, and ongoing throughout ground disturbing activities (e.g., excavation, utility installation), the project sponsor and/or their designee shall ensure that all project construction workers are trained on the contents of the Paleontological Resources Alert Sheet, as provided by the planning department. The Paleontological Resources Alert Sheet shall be prominently displayed at the construction site during ground disturbing activities for reference regarding potential paleontological resources. 	Project sponsor and/or their designee	Prior to and during ground disturbing activities	Project sponsor and contractor(s) shall distribute an alert sheet and submit a confirmation letter to the ERO each time a training session is held. The letter shall	Considered complete upon end of ground disturbing activities

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<p>In addition, the project sponsor shall inform the contractor and construction personnel of the immediate stop work procedures and other procedures to be followed if bones or other potential fossils are unearthed at the project site. Should new workers that will be involved in ground disturbing construction activities begin employment after the initial training has occurred, the construction supervisor shall ensure that they receive the worker awareness training as described above.</p> <p>The project sponsor shall complete the standard form/affidavit confirming the timing of the worker awareness training to the Environmental Review Officer (ERO). The affidavit shall confirm the project's location, the date of training, the location of the informational handout display, and the number of participants. The affidavit shall be transmitted to the ERO within 5 business days of conducting the training.</p> <ul style="list-style-type: none"> <p><i>Paleontological Resource Discoveries.</i> In the event of the discovery of an unanticipated paleontological resource during project construction, ground disturbing activities shall temporarily be halted within 25 feet of the find until the discovery is examined by a qualified paleontologist as recommended by the Society of Vertebrate Paleontology standards (SVP 2010) and Best Practices in Mitigation Paleontology (Murphey et al. 2019). Work within the sensitive area shall resume only when deemed appropriate by the qualified paleontologist in consultation with the ERO.</p> <p>The qualified paleontologist shall determine: (1) if the discovery is scientifically significant; (2) the necessity for involving other responsible or resource agencies and stakeholders, if required or determined applicable; and (3) methods for resource recovery. If a paleontological resource assessment results in a determination that the resource is not scientifically important, this conclusion shall be documented in a Paleontological Evaluation Letter to demonstrate compliance with applicable statutory requirements (e.g., Federal Antiquities Act of 1906, CEQA Guidelines section 15064.5, California Public Resources Code chapter 17, section 5097.5, Paleontological Resources Preservation Act 2009). The Paleontological Evaluation Letter shall be submitted to the ERO for review within 30 days of the discovery.</p> <p>If the qualified paleontologist determines that a paleontological resource is of scientific importance, and there are no feasible measures to avoid</p>	<p>Project sponsor, qualified paleontologist, and construction contractor, at the direction of the ERO</p>	<p>In the event of the discovery of an unanticipated paleontological resource during construction</p>	<p>be submitted within 5 business days of conducting a training session.</p> <p>The project sponsor and a qualified paleontologist shall submit a Paleontological Evaluation Letter or Paleontological Mitigation Program to the ERO.</p>	<p>Considered complete upon end of ground disturbing activities or, if necessary, approval of a Paleontological Evaluation Letter or Paleontological Mitigation Program by the ERO</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>disturbing this paleontological resource, the qualified paleontologist shall prepare a Paleontological Mitigation Program. The mitigation program shall include measures to fully document and recover the resource of scientific importance. The qualified paleontologist shall submit the mitigation program to the ERO for review and approval within 10 business days of the discovery. Upon approval by the ERO, ground disturbing activities in the project area shall resume and be monitored as determined by the qualified paleontologist for the duration of such activities.</p> <p>The mitigation program shall include: (1) procedures for construction monitoring at the project site; (2) fossil preparation and identification procedures; (3) curation of paleontological resources of scientific importance into an appropriate repository; and (4) preparation of a Paleontological Resources Report (report or paleontology report) at the conclusion of ground disturbing activities. The report shall include dates of field work, results of monitoring, fossil identifications to the lowest possible taxonomic level, analysis of the fossil collection, a discussion of the scientific significance of the fossil collection, conclusions, locality forms, an itemized list of specimens, and a repository receipt from the curation facility. The project sponsor shall be responsible for the preparation and implementation of the mitigation program, in addition to any costs necessary to prepare and identify collected fossils, and for any curation fees charged by the paleontological repository. The paleontology report shall be submitted to the ERO for review within 30 business days from conclusion of ground disturbing activities, or as negotiated following consultation with the ERO.</p>				
<p>Mitigation Measure M-GE-6b: Paleontological Resource Monitoring Plan during Construction. During the course of implementing Mitigation Measure M-GE-6a, if a significant paleontological resource is encountered, the project sponsor shall engage a qualified paleontologist to develop a site-specific monitoring plan prior to commencing soil-disturbing activities at the project site. The Paleontological Monitoring Plan would determine project construction activities requiring paleontological monitoring based on those likely to affect sediments with moderate sensitivity for paleontological resources. Prior to issuance of any demolition permit, the project sponsor shall submit the Paleontological Resource Monitoring Plan to the ERO for approval.</p>	<p>Project sponsor, qualified paleontologist, and construction contractor, at the direction of the ERO</p>	<p>Prior to issuance of any demolition project</p>	<p>Project sponsor and a qualified paleontologist shall submit a Paleontological Resource Monitoring Plan to the ERO.</p>	<p>Considered complete upon approval of the monitoring plan</p>

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<p>At a minimum, the plan shall include:</p> <ol style="list-style-type: none"> 1. Project Description 2. Regulatory Environment – outline applicable federal, state, and local regulations 3. Summary of Sensitivity Classification(s) 4. Research Methods, including but not limited to: <ol style="list-style-type: none"> 4a. Field studies conducted by the approved paleontologist to check for fossils at the surface and assess the exposed sediments. 4b. Literature Review to include an examination of geologic maps and a review of relevant geological and paleontological literature to determine the nature of geologic units in the project area. 4c. Locality Search to include outreach to the University of California Museum of Paleontology in Berkeley. 5. Results: to include a summary of literature review and finding of potential site sensitivity for paleontological resources; and depth of potential resources if known. 6. Recommendations for any additional measures that could be necessary to avoid or reduce any adverse impacts to recorded and/or inadvertently discovered paleontological resources of scientific importance. Such measures could include: <ol style="list-style-type: none"> 6a. Avoidance: If a known fossil locality appears to contain critical scientific information that should be left undisturbed for subsequent scientific evaluation. 6b. Fossil Recovery: If isolated small, medium- or large-sized fossils are discovered during field surveys or construction monitoring, and they are determined to be scientifically significant, they should be recovered. Fossil recovery may involve collecting a fully exposed fossil from the ground surface, or may involve a systematic excavation, depending upon the size and complexity of the fossil discovery. 6c. Monitoring: Monitoring involves systematic inspections of graded cut slopes, trench sidewalls, spoils piles, and other types of construction excavations for the presence of fossils, and the fossil recovery and documentation of these fossils before they are destroyed by further ground disturbing actions. Standard 				

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<p>monitoring is typically used in the most paleontologically sensitive geographic areas/geologic units (moderate, high and very high potential); while spot-check monitoring is typically used in geographic areas/geologic units of moderate or unknown paleontological sensitivity (moderate or unknown potential).</p> <p>6d. Data recovery and reporting: Fossil and associated data discovered during soils disturbing activities should be treated according to professional paleontological standards and documented in a data recovery report. The plan should define the scope of the data recovery report.</p> <p>The consultant shall document the monitoring conducted according to the monitoring plan and any data recovery completed for significant paleontological resource finds discovered, if any. Plans and reports prepared by the consultant shall be considered draft reports subject to revision until final approval by the ERO. The final monitoring report and any data recovery report shall be submitted to the ERO prior to the certificate of occupancy.</p>	<p>Project sponsor, qualified paleontologist, and construction contractor, at the direction of the ERO</p>	<p>Prior to the certificate of occupancy</p>	<p>Project sponsor and a qualified paleontologist shall submit a final monitoring report to the ERO.</p>	<p>Considered complete upon approval of the final monitoring report by the ERO</p>
HYDROLOGY AND WATER QUALITY				
<p>Mitigation Measure M-HY-1: Water Quality Best Management Practices for In-Water Work. The project sponsor shall implement water quality best management practices to protect water quality from pollution due to fuels, oils, lubricants, and other harmful materials, as determined in consultation with the Environmental Planning Division of the San Francisco Planning Department based on review of engineering and construction details of project improvements. The Planning Department shall review best management practices detailed in the San Francisco Department of Public Health Pollution Prevention Toolkit for Maritime Industries along with other measures as may be identified to address specific construction details of proposed project improvement to determine the specific mitigation details, which may include:</p> <ul style="list-style-type: none"> • Preparation of a spill prevention control and countermeasure (SPCC) plan to address the emergency cleanup of any hazardous material and will be available on site, which typically includes: <ul style="list-style-type: none"> – Methods to address the emergency cleanup of any hazardous material and what materials will be available on site; 	<p>Project sponsor and construction contractor</p>	<p>SPCC and MMDP Plans submitted prior to construction; plans and measures to be implemented during construction</p>	<p>Project sponsor or contractor shall submit the SPCC and MMDP plans to the planning department for review and approval.</p>	<p>Considered complete upon approval of SPCC and MMDP plans by the planning department</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<ul style="list-style-type: none"> - SPCC, hazardous waste, stormwater and other emergency planning requirements; - Measures to prevent spills into the Bay associated with in water fueling, if in water fueling is required on some of the construction barges. Such measures can include: <ul style="list-style-type: none"> o Secondary booms and/or pads, depending upon where fueling would take place on the vessel; o Secondary containment on the deck of the vessel to contain the petroleum product; o Specifying volume of petroleum products that will be on the vessel and evaluating the potential for spills. Absorbent and cleanup materials (such as oil sorbent boom, heavy oil pads, Oil-Dri Absorbent Floor, etc.) of sufficient quantity to clean up potential spill volume shall be provided; and o The locations of properly permitted offsite locations where vessels will be fueled. • Fueling of equipment consistent with proper fuel transfer procedures as per U.S. Coast Guard regulations (33 CFR 156.120 and 33 CFR 155.320), including inspection requirements of spill containment and the fueling location to document that no spills have occurred, or that any spills are cleaned up immediately. • Well-maintained equipment is used to perform the construction work, and equipment maintenance is performed off site when possible. Daily equipment inspections to help prevent leaks or spills. Leaks or spills are best cleaned up when discovered, with proper disposal of cleaning materials; • Precautions to protect listed species, their habitats, and Essential Fish Habitat from construction by-products and pollutants such as demolition debris, construction chemicals, fresh cement, saw-water, or other deleterious materials. Construction will be conducted from both land and water, and care shall be used by equipment operators to control debris so that it does not enter the Bay. • A materials management disposal plan (MMDP) to prevent any debris from falling into the Bay during construction to the maximum extent 				

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<p>practicable. The measures identified in the MMDP are commonly based on the Best Available Technology, and may include:</p> <ul style="list-style-type: none"> - During construction, any barges performing the work shall be moored in a position to capture and contain the debris generated during any sub-structure or in-water work. In the event that debris does reach the Bay, personnel in workboats within the work area shall immediately retrieve the debris for proper handling and disposal. All debris shall be disposed of at an authorized upland disposal site; - Measures to ensure that fresh cement or concrete shall not be allowed to enter San Francisco Bay. Construction waste shall be collected and transported to an authorized upland disposal area, and per federal, state, and local laws and regulations; - All hazardous material shall be stored upland in storage trailers and/or shipping containers designed to provide adequate containment. Short-term laydown of hazardous materials for immediate use shall be permitted with the same anti-spill precautions; - All construction material, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the site once the proposed project is completed and transported to an authorized disposal area, in compliance with applicable federal, state, and local laws and regulations; - Construction material shall be covered every night and during any rainfall event (if there is one); - Construction crews shall reduce the amount of disturbance within the project site to the minimum necessary to accomplish the project; and - Measures to prevent saw water from entering the Bay. 				

NOTES:

- ^a Definitions of MMRP Column Headings:
 - *Adopted Mitigation 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.