

ATTACHMENT B

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

<i>Record No.:</i>	2017-012086ENV	<i>Block/Lot:</i>	6055/001
<i>Project Title:</i>	770 Woolsey Street	<i>Lot Size:</i>	2.2 acres
<i>BPA Nos:</i>	N/A	<i>Project Sponsor:</i>	140 Partners LP – 415.394.9012
<i>Zoning:</i>	RH-1 (Residential House, One Family) Use District 40-X Height and Bulk District	<i>Lead Agency:</i>	San Francisco Planning Department
		<i>Staff Contact:</i>	Jenny Delumo – 628.652.7568, jenny.delumo@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 MM Completed?
	Prior to the Start of Construction *	During Construction **	Post-construction or Operational	
Mitigation Measure M-CR-1a: Documentation of Historical Resources	X			
Mitigation Measure M-CR-1b: Salvage Plan	X	X	X	
Mitigation Measure M-CR-1c: Interpretive Program	X		X	
Mitigation Measure M-CR-1d: Retention of Rose Plants	X	X	X	
Mitigation Measure M-CR-2: Archeological Testing	X	X	X	
Mitigation Measure M-TCR-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program		X		
Mitigation Measure M-NO-3, Fixed Mechanical Equipment Noise Control for Building Operations	X			
Mitigation Measure M-AQ-2: Construction Air Quality	X	X		
Mitigation Measure M-BI-1a: Conduct Pre-construction Surveys for Nesting Migratory Birds and Buffer Areas	X	X		

Adopted Mitigation Measure	Period of Compliance			Compliance with MM Completed?
	Prior to the Start of Construction *	During Construction **	Post-construction or Operational	
Mitigation Measure M-BI-1b: Avoidance and Minimization Measures for Bats	X	X		
Mitigation Measure M-GE-5a: Worker Environmental Awareness Training During Ground Disturbing Construction Activities	X	X	X	
Mitigation Measure M-GE-5b: Discovery of Unanticipated Paleontological Resources during Ground Disturbing Construction Activities		X	X	

* 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.

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

Property Owner or Legal Agent Signature

Date

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

ATTACHMENT B

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES/HISTORIC ARCHITECTURAL				
<p>Mitigation Measure M-CR-1a: Documentation of Historical Resources</p> <p>Prior to the issuance of any demolition permit, the project sponsor shall retain a professional who meets the Secretary of the Interior’s Professional Qualification Standards for Architectural History to prepare written and photographic documentation of greenhouses 1–18, the boiler house, the garage/storage building, the mixing shed, water tank, pesticide tank, hand-dug wells, and site in general including circulation paths and spatial arrangements. The documentation shall be prepared based on the National Park Service’s Historic American Buildings Survey (HABS) or the Historic American Landscape Survey (HALS). This type of documentation is based on the Secretary of the Interior’s Standards and Guidelines for Architectural and Engineering Documentation and the National Park Service’s policy for photographic documentation, as outlined in the National Register and National Historic Landmarks Survey Photo Policy Expansion. Documentation shall include:</p> <ul style="list-style-type: none"> • <i>Accurate scaled mapping and architectural descriptions.</i> If available, any existing scaled architectural plans will also be included. • <i>Photographs in large-format (4"x5") black-and-white negatives and 8"x10" enlargements.</i> Digital photography may be substituted for large-format negative photography if archived locally. • <i>A report containing site-specific history and appropriate contextual information.</i> This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. • <i>Print-on-Demand Book.</i> The Print-on-Demand book shall be made available to the public for distribution. The project sponsor shall make the content from the 	<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 the demolition permit</p>	<p>Planning Department Preservation Staff</p>	<p>Considered complete upon approval of the documentation and transmittal to repositories</p>

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<p>historical report, historical photographs, HABS photography, measured drawings, and field notes available to the public through a preexisting print-on-demand book service. This service will print and mail softcover books containing the aforementioned materials to members of the public who have paid a nominal fee. The sponsor shall not be required to pay ongoing printing fees once the book has been made available through the service.</p> <p>The project sponsor shall transmit such documentation to the planning department and to repositories including the History Room of the San Francisco Public Library, San Francisco Heritage, the California Historical Society, the Northwest Information Center of the California Historical Information Resource System, and local or neighborhood historical societies. The qualified consultant will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested repositories. All documentation shall first be scoped and then be reviewed and approved by the planning department's preservation staff prior to issuance of the demolition or site permit.</p> <p>Prior to the issuance of any demolition permit, the project sponsor shall retain a qualified professional to undertake video documentation of the affected historical resource and its setting. This mitigation measure would supplement the traditional HABS/HALS documentation, and would enhance the collection of reference materials that would be available to the public and inform future research.</p> <p>The documentation shall be conducted by a professional videographer with experience recording architectural resources. The professional videographer shall provide a storyboard of the proposed video recordation for review and approval by Planning Department preservation staff.</p> <p>The final video shall be reviewed and approved by the planning department preservation staff prior to issuance of a demolition permit or site permit or issuance of any Building Permits for the project. Archival copies of the video documentation shall be submitted to the planning department, and to repositories including: History Room at the San Francisco Public Library, San Francisco Heritage, Prelinger Archives, and the California Historical Society. This mitigation measure would supplement the traditional HABS documentation, and would enhance the collection of reference materials that would be available to the public and inform future research.</p>				

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<p>Mitigation Measure M-CR-1b: Salvage Plan</p> <p>Prior to the issuance of any demolition permit that would remove character-defining features of, or demolish, contributing historic architectural resources on the project site, the project sponsor shall determine in consultation with planning staff whether any such features may be feasibly salvaged, in whole or in part, during demolition/reconstruction. The project sponsor shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretative program and for reconstruction of the boiler house, greenhouses 1 and 2, and fencing. A Salvage Plan shall be prepared by a qualified architectural historian or historic architect who meets the Secretary of the Interior's Professional Qualification Standards and submitted to planning department staff. The salvage plan shall be approved by planning department staff prior to issuance of the demolition permit.</p>	<p>Project sponsor in consultation with planning staff and a qualified architectural historian or historic architect who meets the Secretary of the Interior's Professional Qualification Standards if a salvage plan is prepared</p>	<p>Prior to issuance of the demolition permit</p>	<p>Planning Department</p>	<p>Considered complete upon determination that no features are present that can be salvaged or after approval of the salvage plan</p>
<p>Mitigation Measure M-CR-1c: Interpretive Program</p> <p>The project sponsor shall facilitate the development of an interpretive program focused on the history of the project site highlighting the retained rose plants and reconstructed greenhouses. The planning department shall review the proposed reconstruction plan for greenhouses 1 and 2 and boiler house to ensure the retention of character defining features as feasible, and the reuse of salvaged materials and replacement materials. The interpretive program should be developed and implemented by a qualified preservation professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner. As feasible, coordination with local artists should occur. The primary goal of the program is to educate visitors and future residents about the property's historical themes, associations, and lost contributing features within broader historical, social, and physical landscape contexts.</p> <p>This program shall be initially outlined in a proposal for an Historic Resources Public Interpretive Plan subject to review and approval by planning department preservation staff prior to approval of the demolition permit. The plan will include the general parameters of the interpretive program including the substance, media, and other elements of the interpretative program, which shall include within publicly accessible areas of the project site a permanent display(s) of interpretive materials concerning the history and architectural features of the historic resource,</p>	<p>Project sponsor in coordination with an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards and an exhibit designer or landscape architect with historical interpretation design experience</p>	<p>Prior to approval of the demolition permit for the interpretive program proposal and prior to issuance of a Temporary Certificate of Occupancy for detailed interpretive program</p>	<p>Planning Department</p>	<p>Considered complete after approval of the detailed interpretive program</p>

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<p>including both the site as a whole and the individual contributing buildings and features. The interpretative plan should also explore contributing to digital platforms that are publicly accessible.</p> <p>The detailed content, media, and other characteristics of such an interpretive program, including a maintenance plan, shall be coordinated with the retention of the surviving rose plants (Mitigation Measure M-CR-1d) and approved by planning department staff prior to issuance of a Temporary Certificate of Occupancy.</p>				
<p>Mitigation Measure M-CR-1d: Retention of Rose Plants</p> <p>Prior to the issuance of any demolition permit, the project sponsor shall prepare a relocation and care plan for the surviving rose plants located within and around the greenhouses. This plan shall include specific locations for temporary relocation during construction, and permanent relocation to portions of the project site. In addition, the plan shall detail the care and maintenance protocols to ensure plant health both during the interim relocation and once in their final location. Final relocation sites of the rose plants shall include as many onsite locations as possible, including at least one location within the publicly accessible areas of the project site. This plan shall be prepared by a qualified horticultural expert or other landscape professional knowledgeable in the transplant and care of roses. The relocation plan shall be coordinated with the interpretive program (Mitigation Measure M-CR-1c) and approved by planning department staff prior to commencement of any demolition activities.</p>	Project sponsor and a qualified horticultural expert or other landscape professional knowledgeable in the transplant and care of roses	Prior to issuance of a demolition permit	Planning Department	Considered complete after relocation and care plan is approved
<p>Mitigation Measure M-CR-2: Archeological Testing</p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be</p>	Project sponsor's qualified archeological consultant and construction contractor.	Prior to issuance of construction permits and throughout the construction period.	Environmental Review Officer	Considered complete after Final Archeological Resources Report is approved.

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<p>submitted first and directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines section 15064.5(a)(c).</p> <p>Archeological Testing Program. The archeological testing program shall be conducted in accordance with the approved Archeological Testing Plan (ATP). The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>The archeological consultant and the ERO shall consult on the scope of the ATP reasonably prior to any project-related soils disturbing activities commencing. The archeological consultant shall prepare and submit to the ERO for review and approval an ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, lay out what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ATP shall also identify the testing method to be used, and the locations recommended for testing and shall identify archeological monitoring requirements for construction soil disturbance as warranted. The archeologist shall implement the approved testing as specified in the approved ATP prior to and/or during construction. The archeologist shall consult with the ERO at the conclusion of testing to report testing results, determine whether data recovery is needed, and provide construction monitoring recommendations and shall implement monitoring as determined in consultation with the ERO.</p> <p>Archeological Data Recovery Plan. If testing results are positive and the ERO determines that an archeological data recovery program is warranted, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project</p>	<p>Project sponsor's qualified archeological consultant and construction contractor.</p>	<p>Prior to issuance of construction permits and throughout the construction period.</p>	<p>Environmental Review Officer</p>	<p>Considered complete after approval of Archeological Testing Plan.</p>
<p>Project sponsor and archeological consultant and</p>	<p>In the event that an archeological site is uncovered during the</p>	<p>Planning Department</p>	<p>Considered complete upon approval of Final</p>	

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<p>investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report (FARR) shall be provided to the representative of the descendant group.</p> <p>Human Remains and Funerary Objects. The treatment of human remains and funerary objects discovered during any soils 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 and, in the event of the Medical Examiner’s determination that the human remains are Native American remains, notification of 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). The ERO also shall be notified immediately upon the discovery of human remains.</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>Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of the MLD. However, if the ERO, project sponsor, and MLD are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and associated or unassociated funerary objects are stored securely and respectfully</p>	<p>Environmental Review Officer.</p> <p>Project sponsor/ archeological consultant in consultation with the San Francisco Medical Examiner, California State Native American Heritage Commission, and most likely descendant.</p>	<p>In the event that human remains are uncovered during the construction period.</p>	<p>Planning Department</p>	<p>archeological resources report.</p> <p>Considered complete after approval of Final Archeological Results Report and disposition of human remains has occurred as specified in Agreement</p>

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<p>until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's archeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner, and the ERO.</p> <p>Archeological Public Interpretation Plan. The project archeological consultant shall submit an Archeological Public Interpretation Plan (APIP) if a significant archeological resource is discovered during a project. If the resource to be interpreted is a tribal cultural resource, the APIP shall be prepared in consultation with and developed with the participation of Ohlone tribal representatives. The APIP shall describe the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. The APIP shall be sent to the ERO for review and approval. The APIP shall be implemented prior to occupancy of the project.</p>	<p>Archeological consultant, at the direction of the Environmental Review Officer, will prepare Archeological Public Interpretation Plan. Measure laid out in Archeological Public Interpretation Plan are implemented by sponsor and consultant.</p>	<p>Following completion of treatment, analysis, and interpretation of by archeological consultant.</p>	<p>Archeological consultant submits draft Archeological Public Interpretation Plan to Environmental Review Officer for review and approval.</p>	<p>Archeological Public Interpretation Plan is complete on review and approval of Environmental Review Officer. Interpretive program is complete on certification to Environmental Review Officer that program has been implemented</p>
<p>Final Archeological Resources Report. 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. The archeological consultant shall submit a draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological, historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken, and if applicable, discusses curation arrangements. Information that may put at risk any</p>	<p>Archeological consultant, at the direction of the Environmental Review Officer.</p>	<p>At completion of archeological investigations.</p>	<p>Planning Department</p>	<p>Considered complete after Final Archeological Resources Report is approved.</p>

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<p>archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound and one unlocked, searchable PDF copy on digital medium of the approved FARR along with GIS shapefiles of the site and feature locations and copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Project sponsor in consultation with the Environmental Review Officer	In the event a significant archeological resource is discovered	Environmental Review Officer	Considered complete upon curation at an established curatorial facility
TRIBAL CULTURAL RESOURCES				
<p>Mitigation Measure M-TCR-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program</p> <p>Preservation in place. In the event of the discovery of an archeological resource of Native American origin, the Environmental Review Officer (ERO), the project sponsor, and the tribal representative, shall consult to determine whether preservation in place would be feasible and effective. If it is determined that preservation-in-place of the tribal cultural resource (TCR) would be both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP), which shall be implemented by the project sponsor during construction. The consultant shall submit a draft ARPP to Planning for review and approval.</p> <p>Interpretive Program. If the Environmental Review Officer (ERO), in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. A Tribal Cultural Resources Interpretation Plan (TCRIP) produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan</p>	<p>Project sponsor, archeological consultant, and Environmental Review Officer, in consultation with the affiliated Native American tribal representatives</p> <p>Project sponsor in consultation with the tribal representative</p>	<p>If significant archeological resource is present, during implementation of the project</p> <p>After determination that preservation in place is not feasible, and subsequent to Archeological data recovery</p>	<p>Planning Department</p> <p>Sponsor or archeological consultant shall submit the TCRIP to the Environmental Review Officer for</p>	<p>Considered complete upon project redesign, completion of archeological resource preservation plan</p> <p>Complete upon sponsor verification to Environmental Review Officer that interpretive</p>

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shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.			review and approval	program was implemented
NOISE				
<p>Mitigation Measure M-NO-3: Fixed Mechanical Equipment Noise Control for Building Operations</p> <p>Prior to approval of a building permit, the project sponsor shall submit documentation to the Environmental Review Officer (ERO) or the officer's designee, demonstrating with reasonable certainty that the building's fixed mechanical equipment (such as heating, ventilation and air conditioning [HVAC] equipment) meets the noise limits specified in section 2909 of the noise ordinance (i.e., a 5 dB increase above the ambient noise level at the property plane for residential properties; and interior noise limits of 55 dBA and 45 dBA for daytime and nighttime hours inside any sleeping or living room in a nearby dwelling unit on a residential property assuming windows open, respectively). Acoustical treatments required to meet the noise ordinance may include, but are not limited to:</p> <ul style="list-style-type: none"> • Enclosing noise-generating mechanical equipment; • Installing relatively quiet models of air handlers, condenser units, exhaust fans, and other mechanical equipment; • Using mufflers or silencers on equipment exhaust fans; • Orienting or shielding equipment to protect noise sensitive receptors (residences, hospitals, convalescent homes, schools, churches, hotels and motels, and sensitive wildlife habitat) to the greatest extent feasible; • Increasing the distance between noise-generating equipment and noise-sensitive receptors; and/or • Placing barriers around the equipment to facilitate the attenuation of noise. 	Project sponsor	Prior to issuance of a building permit to permit construction of the proposed buildings	Planning Department	Considered complete upon installation of fixed mechanical equipment that have been demonstrated to meet these requirements

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AIR QUALITY				
<p>Mitigation Measure M-AQ-3: Construction Air Quality</p> <p>The project sponsor or the project sponsor’s contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i></p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 4 Interim or Tier 4 Final off-road emission standards. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. 4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. <p>B. <i>Waivers.</i></p> <ol style="list-style-type: none"> 1. The Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1). 2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of Tier 4 interim or Tier 4 final off-road equipment is 	<p>Project sponsor and contractor</p>	<p>Prior to issuance of construction permits project sponsor to submit:</p> <ol style="list-style-type: none"> 1. Construction emissions minimization plan for review and approval, and 2. Signed certification statement 	<p>Planning Department</p>	<p>Considered complete upon planning department review and acceptance of construction emissions minimization plan, implementation of the plan, and submittal of final report summarizing use of construction equipment pursuant to the plan.</p>
<ol style="list-style-type: none"> 1. The Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1). 2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of Tier 4 interim or Tier 4 final off-road equipment is 	<p>Project sponsor/ contractor and Environmental Review Officer or designee</p>	<p>If a waiver is requested</p>	<p>Environmental Review Officer</p>	<p>Considered complete upon granting of the waiver</p>

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<p>technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not Tier 4 compliant. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to table below. Emerging technologies with verifiable emissions reductions supported by substantial evidence may also be employed in lieu of the step-down schedule below.</p> <p>Table M-AQ-3-1 Off-Road Equipment Compliance Step-down Schedule</p> <table border="1"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 3 VDECS*</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> </tbody> </table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>* ARB = air resources board VDECS = verified diesel emissions control strategy</p> <p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of section A.</p> <ol style="list-style-type: none"> The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and 	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 3 VDECS*	2	Tier 2	ARB Level 2 VDECS	3	Tier 2	ARB Level 1 VDECS	Project sponsor/ contractor(s)	Prior to construction activities	Project sponsor and contractor(s) to prepare and submit a Construction Emissions Minimization Plan to the Environmental Review Officer	Considered complete on findings by Environmental Review Officer that Construction Emissions Minimization Plan is complete
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 3 VDECS*														
2	Tier 2	ARB Level 2 VDECS														
3	Tier 2	ARB Level 1 VDECS														

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contractor's contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.</p> <p>3. The contractor shall make the Plan available to the public for review on-site during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i></p> <p>After start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	Project sponsor/ contractor(s)	Quarterly	Project sponsor and contractor(s) to submit quarterly reports to the Environmental Review Officer	Considered complete upon findings by the Environmental Review Officer that the Plan is being/has been implemented

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BIOLOGICAL RESOURCES				
<p>Mitigation Measure M-BI-1a: Conduct Pre-construction Surveys for Nesting Migratory Birds and Buffer Areas</p> <p>Nesting birds and their nests shall be protected during construction by implementation of the following measures for each construction phase:</p> <ol style="list-style-type: none"> a. To the extent feasible, the project sponsor shall conduct initial activities including, but not limited to, vegetation removal, tree trimming or removal, ground disturbance, building demolition, site grading, and other construction activities that may compromise breeding birds or the success of their nests outside of the nesting season (January 15 through August 15). b. If construction during the bird nesting season cannot be fully avoided, a qualified wildlife biologist shall conduct pre-construction nesting surveys within 14 days prior to the start of construction or demolition at areas that have not been previously disturbed by project activities or after any construction breaks of 14 days or more. Typical experience requirements for a “qualified biologist” include a minimum of four years of academic training and professional experience in biological sciences and related resource management activities and a minimum of two years of experience in biological monitoring or surveying for nesting birds. Surveys shall be performed in publicly accessible areas within 100 feet of common bird species and within 250 feet of the project site in order to locate any active raptor (birds of prey) nests. c. If active nests are located during the preconstruction nesting bird surveys, a qualified biologist shall evaluate if the schedule of construction activities could affect the active nests; if so, the following measures shall apply, as determined by the biologist: <ol style="list-style-type: none"> i. If construction is not likely to affect the active nest, construction may proceed without restriction; however, a qualified biologist shall regularly monitor the nest at a frequency determined appropriate for the surrounding construction activity to confirm there is no adverse effect. Spot-check monitoring frequency would be determined on a nest-by-nest basis considering the particular construction activity, duration, proximity to the nest, and physical barriers which may screen activity from the nest. The 	Project sponsor, qualified biologist, CDFW	Pre-construction surveys during the bird nesting season would occur within 14 days prior to the start of construction. Implementation ongoing during construction if active nests are observed.	Qualified biologist in coordination with planning department staff and CDFW if active nests are observed.	Ongoing during construction if active nests are observed.

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ^a			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>qualified biologist may revise their determination at any time during the nesting season in coordination with the planning department.</p> <p>ii. 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 shall halt within the buffer until a qualified biologist determines the nest is no longer in use. These buffer distances shall be equivalent to survey distances (100 feet for passerines and 250 feet for raptors); however, the buffers may be adjusted if an obstruction, such as a building, is within line-of-sight between the nest and construction.</p> <p>iii. 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 planning department, who would notify California Department of Fish and Wildlife (CDFW). Necessary actions to remove or relocate an active nest(s) shall be coordinated with the planning department and approved by CDFW.</p> <p>iv. 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>v. Any birds that begin nesting within the project area and survey buffers amid construction activities are assumed to be habituated to construction-related or similar noise and disturbance levels, so exclusion zones around nests may be reduced or eliminated in these cases as determined by the qualified biologist in coordination with the planning department, who would notify CDFW. Work may proceed around these active nests as long as the nests and their occupants are not directly affected.</p> <p>d. In the event inactive nests are observed within or adjacent to the project site at any time throughout the year, any removal or relocation of the inactive nests shall be at the discretion of the qualified biologist in coordination with the planning department, who would notify and seek approval from the CDFW, as appropriate. Work may proceed around these inactive nests.</p>				

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<p>protection measures shall be developed by the qualified biologist in coordination with the California Department of Fish and Wildlife. Such measures may include postponing the removal of buildings, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other avoidance measures.</p> <p>5. The qualified biologist shall be present during building demolition if potential bat roosting habitat or active bat roosts are present. Buildings with active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.</p> <p>6. The demolition 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>				
GEOLOGY AND SOILS				
<p>Mitigation Measure GE-5a: Worker Environmental Awareness Training During Ground Disturbing Construction Activities</p> <p>Prior to commencing construction, and ongoing throughout ground disturbing activities (e.g., excavation, utility installation, the project sponsor or their designee (herein referred as project sponsor) shall ensure that all project construction workers are trained on the contents of the Paleontological Resources Alert Sheet (Draft for Review provided), as provided by the Environmental Review Officer (ERO). The Paleontological Resources Alert Sheet shall be prominently displayed at the construction site, during ground disturbing activities, to provide pre-construction worker environmental awareness training regarding potential paleontological resources.</p> <p>In addition, the project sponsor shall inform 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. As new workers that will be</p>	Project sponsor/ contractor(s)	Prior to and during ground disturbing activities	Project sponsor and contractor(s) shall distribute an alert sheet and submit a confirmation letter to the Environmental Review Officer each time a training session is held. The letter	Considered complete upon end of ground disturbing activities

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<p>involved in ground disturbing activities arrive at the project site, the construction supervisor shall train them.</p> <p>The project sponsor shall submit in writing (email, letter, memo) confirming the timing of the worker training) to the ERO. The letter shall confirm the project's location, the date of training, the location of the informational handout display, and the number of participants. The letter shall be transmitted to the ERO within five (5) business days of conducting the training.</p>			shall be submitted within five (5) business days of conducting a training session.	
<p>Mitigation Measure M-GE-5b: Discovery of Unanticipated Paleontological Resources during Ground Disturbing Construction Activities</p> <p>In the event of the discovery of an unanticipated paleontological resource during construction, the project sponsor or their designee (herein referred as project sponsor) shall ensure ground disturbing activities shall temporarily be halted within 20 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 Environmental Review Officer (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 disturbing this paleontological resource, the qualified paleontologist shall prepare a Paleontological Impact Reduction Program (impact reduction program). The impact reduction program shall include measures to fully document and recover the resource of scientific importance. The qualified paleontologist shall submit the</p>	Project sponsor, qualified paleontologist, and construction contractor, at the direction of the Environmental Review Officer	In the event of the discovery of an unanticipated paleontological resource during construction	If necessary, the project sponsor and a qualified paleontologist shall submit a Paleontological Evaluation Letter or Paleontological Resources Report to the Environmental Review Officer	Considered complete upon end of ground disturbing activities or, if necessary, approval of a Paleontological Evaluation Letter or Paleontological Resources Report by the Environmental Review Officer

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ^a			
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<p>impact reduction program to the ERO for review and approval. The impact reduction program shall be submitted to the ERO for review 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 impact reduction 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 impact reduction 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>				

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.

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