

# AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

*Record No.:* 2019-022850ENV, 1101–1123 Sutter Street  
*Project Title:* **1101–1123 Sutter Street Project**  
*BPA Nos:* 202105100082  
*Zoning:* Polk Street Neighborhood Commercial (NCD) District  
 1101 Sutter Street – 130-E Height and Bulk District  
 1123 Sutter Street – 65-A Height and Bulk District

*Block/Lot:* 0692/Lots 001 and 019  
*Lot Size:* 29,700 square feet  
*Project Sponsor:* Julie Heinzler, 1101 Sutter Affordable, LP, (415) 442-4800  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* David Young, CPC.1101-1123SutterEIR@sfgov.org, (628) 652-7494

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.

### Period of Compliance

Adopted Mitigation Measure	Prior to the start of Construction*	During Construction**	Post-Construction or Operational	Compliance with MM completed?
M-CR 2a: Historical Documentation	X			
M-CR 2b: Interpretation	X			
M-CR 2c: Historical Architectural Salvage	X			
M-CR-2: Accidental Discovery	X	X		
M-TCR-1: Tribal Cultural Resources Interpretive Program		X		
M-AQ-2: Clean Off-Road Construction Equipment	X	X		
M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas	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.

\_\_\_\_\_ 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](mailto: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.

# MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
HISTORIC ARCHITECTURAL RESOURCES				
<p><b>M-CR-2a: Historical Documentation</b></p> <p>Prior to the issuance of demolition permits, the project sponsor shall undertake Historic American Building Survey (HABS)-level documentation of the subject property, structures, objects, materials, and landscaping. The documentation shall be funded by the project sponsor and undertaken by 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). The professional overseeing the documentation shall meet with San Francisco Planning Department staff for review and approval of a coordinated documentation plan before work on any one aspect may commence. The documentation shall consist of the following:</p> <ul style="list-style-type: none"> <li>• <b>Measured Drawings:</b> A set of measured drawings that depict the existing size, scale, and dimension of the subject property. The planning department preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (plan, section, elevation, etc.). The planning department preservation staff will assist the consultant in determining the appropriate level of measured drawings.</li> <li>• <b>HABS-Level Photography:</b> Digital photographs of the interior and the exterior of the subject property. Large-format negatives are not required. The scope of the digital photographs shall be reviewed by planning department preservation staff for concurrence, and all digital photography shall be conducted</li> </ul>	Project Sponsor	Prior to the issuance of demolition permits.	San Francisco Planning Department	Review and approval of Historic American Building Survey (HABS)-level documentation plan.

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<p>according to current National Park Service standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS photography.</p> <ul style="list-style-type: none"> <li>• <b>HABS Historical Report:</b> A written historical narrative and report, per the HABS Historical Report Guidelines.</li> <li>• <b>Video Recordation of the Historic Resource:</b> Digital video recordation shall be undertaken prior to the issuance of demolition or site permits. The project sponsor shall undertake video documentation of the affected historic resource and its setting. The video recordation will be scoped with and approved by planning department preservation staff prior to issuance of a site permit. The documentation shall be conducted and narrated by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary’s qualification standards (36 CFR, part 61). The documentation shall include as much information as possible – using visuals in combination with narration – about the materials, construction methods, current condition, historic use, and historic context of the historic resource.</li> </ul> <p>The professional(s) shall prepare the documentation and the planning department shall monitor its preparation. The professional(s) shall submit the completed documentation for review and approval by the planning department preservation staff before issuance of building permits. The final approved documentation shall be provided to the planning department and offered to repositories including, but not limited to: the San Francisco Public Library; the Environmental Design Library at the University of California, Berkeley; the California Historical Resources Information System Northwest Information Center; San Francisco Architectural Heritage; and the California Historical Society. Further, a softcover book shall be produced that includes the content from the historical report, historical photographs, HABS photography,</p>				

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<p>and measured drawings. The book shall be made available to the public for distribution.</p>				
<p><b>M-CR-2b: Interpretation</b>                      The project sponsor shall facilitate the development of an interpretive program focused on the history of the project site. The interpretive program should be developed and implemented by a qualified professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, such as a museum or exhibit curator. 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. These themes would include but not be limited to the subject property’s historic significance as Halsted &amp; Co.                      An outline for the interpretative program shall be prepared for review and approval by planning department staff. The outline will lay out the various components of the interpretive program that shall be developed in consultation with an architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards, and approved by planning department staff prior to issuance of a site permit or demolition permit.                      The interpretative program may include but not be limited to the installation of permanent on-site interpretive displays or development of digital/virtual interpretive products. All interpretative material shall be publicly available. For physical interpretation the plan shall include the proposed format and accessible location of the interpretive content, as well as high-quality graphics and written narratives. The interpretative plan should also explore contributing to digital platforms that are publicly accessible, such as the History Pin website or phone applications. Interpretive material could include elements such as</p>	<p>Project Sponsor</p>	<p>Interpretive program outline prior to issuance of a site permit or demolition permit.                       Detailed content, media and other characteristics of interpretive program prior to issuance of a Temporary Certificate of Occupancy.</p>	<p>San Francisco Planning Department</p>	<p>Review and approval of the interpretive program.</p>

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<p>virtual museums and content, such as oral history, brochures, and websites.</p> <p>The detailed content, media and other characteristics of such interpretive program shall be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.</p>				
<p><b>M-CR-2c: Historical Architectural Salvage</b></p> <p>Prior to the issuance of demolition permits that would remove character-defining features as part of construction of the proposed project, the project sponsor shall consult with planning department preservation staff as to whether any such features may be salvaged, in whole or in part, during demolition/alteration. The project sponsor shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretative program. The project sponsor shall prepare a salvage plan for review and approval by planning department staff prior to issuance of any site demolition permit.</p>	Project Sponsor	Prior to issuance of demolition permits.	San Francisco Planning Department	Review and approval of a salvage plan.
<p><b>CULTURAL RESOURCES</b></p>				
<p><b>M-CR-2: Accidental Discovery</b></p> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines section 15064.5(a) and (c), on tribal cultural resources as defined in CEQA Statute section 21074, and on human remains and associated or unassociated funerary objects.</p> <p>The project sponsor shall distribute the planning department archeological resource “ALERT” sheet to the project prime contractor, and 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</p>	Project Sponsor	Prior to and during soil-disturbing activities.	ERO, Archaeological Consultant	<p>Review and approval of plans, reports, and materials.</p> <p>Determine and oversee implementation of additional measures for accidental discovery of historical resources, tribal cultural resources, and human remains.</p>

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<p>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) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>A preconstruction training shall be provided to all construction personnel performing or managing soil disturbing activities prior to the start of soils disturbing activities on the project. The training may be provided in person by a qualified archeologist or using a video and include a handout prepared by a qualified archeologist. The video and materials shall be provided by or reviewed and approved by the ERO. The purpose of the training is to enable personnel to identify archeological resources that may be encountered and to instruct them on what to do if a potential discovery occurs. Images of expected archeological resource types and archeological testing and data recovery methods should be included in the training.</p> <p>The project sponsor shall provide the ERO with a signed affidavit from the responsible parties (prime contractor, subcontractor[s], and utilities firm) to the ERO confirming that all field personnel have taken the preconstruction training.</p> <p>Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the Qualified Archaeological Consultants List maintained by the planning</p>				

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<p>department archeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource retains sufficient integrity and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor. The ERO may also determine that the archeological resource is a tribal cultural resource and will consult with affiliated Native Americans tribal representatives, if warranted.</p> <p>Measures might include preservation in situ of the archeological resource, an archeological monitoring program, an archeological testing program, or an archeological interpretation program. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with the Environmental Planning Division guidelines for such programs. 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.</p> <p>If human remains and associated or unassociated funerary objects are discovered during any soils disturbing activity, all applicable state and federal laws shall be followed, including immediate notification of the San Francisco Office of the Chief Medical Examiner, and in the event of the Medical Examiner’s determination that the human remains are Native American remains, notification to the California State Native American Heritage Commission is required, who shall appoint a Most Likely Descendant (MLD) (California Public Resources Code, section 5097.98).</p> <p>The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor,</p>				



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<p>ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached state regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (California Public Resources Code, section 5097.98).</p> <p>All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO.</p> <p>The archeological consultant shall submit an Archeological Resources Report (ARR) to the ERO. The ARR shall evaluate the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. It shall include a curation and deaccession plan for all</p>				

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<p>recovered cultural materials. Formal site recordation forms (CA DPR 523 series) shall be attached to the ARR as an appendix.</p> <p>The project archeological consultant shall also submit an Archeological Public Interpretation Plan if a significant archeological resource is discovered during a project. The Archeological Public Interpretation Plan 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>Once approved by the ERO, copies of the ARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center shall receive one copy, and the ERO shall receive a copy of the transmittal of the ARR to the Northwest Information Center. The Environmental Planning Division of the planning department shall receive one bound copy and one unlocked searchable PDF copy on of the ARR along with geographic information system 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. Digital files should be submitted via USB or other stable storage device. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p><b>M-TCR-1: Tribal Cultural Resources Interpretive Program</b></p> <p>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 would be both feasible and effective, then the archeological consultant shall prepare an Archeological Resource</p>	Project Sponsor	During construction in the event of the discovery of an archeological resource of Native American origin.	San Francisco Planning Department if preservation in place would be feasible and effective.	San Francisco Planning Department: Review and Approval of the Archeological Resource Preservation Plan.

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<p>Preservation Plan, which shall be implemented by the project sponsor during construction. The consultant shall submit a draft Archeological Resource Preservation Plan to the planning department for review and approval.</p> <p>If the 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 for the tribal cultural resource in consultation with affiliated tribal representatives. A Tribal Cultural Resources Interpretation Plan 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 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.</p>			ERO if preservation in place would not be sufficient or feasible.	ERO: Review and approval of the Tribal Cultural Resources Interpretation Plan.
<b>AIR QUALITY</b>				
<p><b>M-AQ-2: Clean Off-Road Construction Equipment</b></p> <p>The project sponsor shall comply with the following:</p> <p>A. Engine Requirements</p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 horsepower 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 or California Air Resources Board (ARB) Tier 4 Interim or Tier 4 Final off-road emission standards.</li> </ol>	Project Sponsor	Construction emissions minimization plan prior to construction. Engine requirements, waivers, and monitoring	ERO	Review and approval of all reports and plans.

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<p>2. Where access to alternative sources of power are available, portable diesel engines (e.g., generators) shall be prohibited.</p> <p>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.</p> <p>4. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>B. Waivers</p> <p>1. The planning department’s environmental review officer or designee (ERO) may waive the alternative source of power requirement of subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for on-site power generation meets the requirements of subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of Tier 4 off-road equipment is technically not feasible, the equipment would not produce desired emissions reduction due to expected operating modes, 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</p>		<p>during construction.</p>		

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<p>must use the next cleanest piece of off-road equipment, according to the following table, or another alternative that results in comparable reductions of diesel particulate matter.</p> <table border="1" data-bbox="109 354 907 766"> <thead> <tr> <th colspan="3" data-bbox="109 354 907 406">Off-Road Equipment Compliance Step-down Schedule</th> </tr> <tr> <th data-bbox="109 406 415 496">Compliance Alternative</th> <th data-bbox="415 406 676 496">Engine Emission Standard</th> <th data-bbox="676 406 907 496">Emissions Control</th> </tr> </thead> <tbody> <tr> <td data-bbox="109 496 415 587">1</td> <td data-bbox="415 496 676 587">Tier 2</td> <td data-bbox="676 496 907 587">ARB Level 3 VDECS</td> </tr> <tr> <td data-bbox="109 587 415 678">2</td> <td data-bbox="415 587 676 678">Tier 2</td> <td data-bbox="676 587 907 678">ARB Level 2 VDECS</td> </tr> <tr> <td data-bbox="109 678 415 766">3</td> <td data-bbox="415 678 676 766">Tier 2</td> <td data-bbox="676 678 907 766">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>C. Construction Emissions Minimization Plan                      Before starting on-site construction activities, the contractor shall submit a construction emissions minimization plan (plan) to the ERO for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the requirements of section A.</p>	Off-Road Equipment Compliance Step-down Schedule			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				
Off-Road Equipment Compliance Step-down Schedule																			
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																	

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<p>1. The plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include (as reasonably available at the time of plan submission), 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 usage and hours of operation. For VDECS installed, the description may include technology type, serial number, make, model, manufacturer, ARB verification number level, and 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 contract specifications. The plan shall include a certification statement that the project sponsor agrees to comply fully with the plan.</p> <p>3. The project sponsor shall make the plan available to the public for review on site during working hours. The project sponsor shall post at the construction site a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The project sponsor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. Monitoring</p>				

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<p>After start of construction activities, the contractor shall submit reports every six months to the ERO documenting compliance with the plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the plan.</p>				
<b>BIOLOGICAL RESOURCES</b>				
<p><b>M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas</b></p> <p>Nesting birds and their nests shall be protected during construction by implementation of the following measure:</p> <ul style="list-style-type: none"> <li>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 31).</li> <li>b) If construction during the bird nesting season cannot be fully avoided, a qualified wildlife biologist shall conduct pre-construction nesting surveys within 7 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 7 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 of suitable habitat shall be performed in publicly accessible</li> </ul>	Project Sponsor	Prior to and during construction.	San Francisco Planning Department	Approval of activities from the qualified wildlife biologist and coordination with CDFW, as needed.

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<p>areas within 100 feet of the project site in order to locate any active nests of common bird species and within 200 feet of the project site to locate any active raptor (birds of prey) nests.</p> <p>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:</p> <p>i. If construction is not likely to affect the active nest or nesting behavior, 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 that may screen activity from the nest. The 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 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 the survey distances (100 feet for passerines and 200 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 and the biologist determines the construction activity, including noise, is not affecting nesting behaviors.</p>				



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<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 the California Department of Fish and Wildlife (CDFW). Necessary actions to remove or relocate an active nest 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 is vacated, young have fledged, and there is no evidence of a second attempt at nesting.</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</p>				

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CDFW, as appropriate. Work may proceed around these inactive nests.				

**Notes:**

<sup>1</sup> 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.