

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.: 2022-009819ENV
 Project Title: 3400 Laguna Street Project
 BPA Nos: N/A, not yet filed
 Zoning: RM-1 Use District
 40-X Height and Bulk District

Block/Lot: 0471/003
 Lot Size: 68,090 square feet
 Project Sponsor: Mary Linde, Heritage on the Marina
 Lead Agency: San Francisco Planning Department
 Staff Contact: Megan Calpin – (628) 652-7508

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.

Please note that the City will not accept the building permit application for this project until a Pre-Construction Environmental Compliance Letter has been issued. If you have questions about the monitoring status of your project, please contact the staff listed above, or email CPC.EnvironmentalMonitoring@sfgov.org. Generally, if the mitigation measure has prior to the start of construction requirements (see the Period of Compliance Table below), these measures will require compliance prior to the issuance of the Pre-Construction Environmental Compliance Letter.

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-1: Best Practices and Construction Monitoring Program for Historic Resources	X	X		
Mitigation Measure M-CR-2: Archeological Monitoring	X	X		
Mitigation Measure M-TC-1: Tribal Cultural Resources Program	X	X	X	
Mitigation Measure M-NO-1: Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction	X	X		
Mitigation Measure M-AQ-4: Off-Road Construction Equipment Requirements	X	X		
Mitigation Measure M-BI-1: Nesting Bird Protection		X		

NOTES:

- * Prior to the Pre-Construction Environmental Compliance letter issuance and 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.

Mary Linde

Mary Linde

03/28/2025

Property Owner or Legal Agent (Signature)

Printed Name

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. **Note:** A building permit application cannot be submitted for this project until a Pre-Construction Environmental Compliance letter has been received.

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/Historic Resources				
<p>Mitigation Measure M-CR-1: Best Practices and Construction Monitoring Program for Historic Resources</p> <p>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 accidental damage to historic resources. The measures can include, but are not 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 from construction activities shall be immediately reported to the ERO.</p> <p>If directed by planning department preservation staff, the project sponsor shall engage a qualified preservation 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), 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. In preparation of the monitoring plan, the qualified preservation</p>	Project sponsor/ ERO/preservation professional	Prior to the start of construction activities	Planning Department Preservation Staff/ ERO	Considered complete upon approval of the documentation

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<p>professional should consult any available drawings related to historic resources on site.</p> <p>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.</p>				
<p>Mitigation Measure M-CR-2: Archeological Monitoring</p> <p>Archeological Monitoring Program. The purpose of the archeological monitoring program will be to observe soil disturbing construction activities in order to determine if significant archeological resources are present at the project site and to ensure significant archeological resources are appropriately protected or treated. The project sponsor shall retain the services of an archeological consultant from the rotational Qualified Archeological Consultants List (QACL) maintained by the planning department. After the first project approval action or as directed by the Environmental Review Officer (ERO), the project sponsor shall contact the department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL.</p> <p>The archeological consultant shall undertake an archeological monitoring program as specified herein. 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 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. In addition, the consultant shall be available to conduct a data recovery program if required pursuant to this measure. Archeological 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</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO</p>	<p>Prior to issuance of the first site permit for construction</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>

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<p>effects on a significant archeological resource as defined in CEQA Guidelines section 15064.5 (a)(c).</p> <p>Archeological Monitoring Plan. The archeological monitoring program shall be conducted in accordance with the approved Archeological Monitoring Plan (AMP). The archeological consultant, Native American representatives, and the ERO shall consult on the scope of the AMP, which shall be approved by the ERO prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archaeologist and Native American representatives shall determine what project soils disturbing activities shall be archeologically monitored. The AMP 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. The archaeologist shall implement the monitoring as specified in the approved AMP during construction. The archeological and Native American monitors shall be present on the project site according to a schedule agreed upon by the archeological consultant, Native American representative, and the ERO until the ERO has determined that project construction activities could have no effects on significant archeological deposits.</p> <p>The AMP 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, Native American cultural significance of the expected resources, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions.</p>	<p>Archeological consultant/Native American representatives/ ERO</p>	<p>Prior to soil disturbing activities</p>	<p>ERO</p>	<p>Upon completion of soil disturbing activities</p>
<p>Archeological and Cultural Sensitivity Training. The archeological consultant and local Native American representative shall provide a training to the 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. The training shall advise all project contractors to be</p>	<p>Archeological consultant/Native American representative</p>	<p>Prior to soil disturbing activities</p>	<p>Native American representative</p>	<p>Upon completion of training</p>

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<p>on the alert for evidence of the presence of the expected archeological resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource by the construction crew. The Native American representative at their discretion shall provide a Native American cultural sensitivity training.</p>				
<p>Collection During Archeological Monitoring. The monitor is authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. Ecofacts are biological or geological objects or deposits related to human activity, but not manufactured by humans. Examples of ecofactual materials include animal bones, charcoal, plants, and pollen that can tell us about past diet or environments.</p>	Archeological consultant	During soil disturbing activities	ERO	Upon completion of soil disturbing activities
<p>Paleoenvironmental Analysis of Paleosols. When a submerged paleosol is identified during monitoring, irrespective of whether cultural material is present, samples shall be extracted and processed for dating, flotation for paleobotanical analysis, and other applicable special analyses pertinent to identification of possible cultural soils and for environmental reconstruction. The results of analysis of collected samples shall be reported on in results reports.</p>	Archeological consultant	Upon the discovery of submerged paleosol	ERO	Upon completion of final reporting
<p>Discovery Treatment Determination. If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant in coordination with the Native American monitor shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</p>	Archeological consultant/Native American representatives/ ERO	Upon the discovery of archeological deposits	ERO	Upon completion of soil disturbing activities

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<p>If the ERO in consultation with the archeological consultant and Native American monitor determines that a significant archeological resource or tribal cultural resource is present and that the resource could be adversely affected by the proposed project, the ERO, in consultation with the project sponsor, shall determine whether preservation of the resource in place is feasible. If so, the proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource and the archeological consultant shall prepare an archeological resource preservation plan, which shall be implemented by the project sponsor during construction. The consultant shall submit a draft preservation plan to the planning department for review and approval. If preservation in place is not feasible, a data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>				
<p>Consultation with Descendant Communities. On discovery of an archeological site associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field 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. The representative of the descendant group at their request may provide a cultural sensitivity training to soil-disturbing construction contractors. The ERO and project sponsor shall work with the tribal representative or other representatives of descendant communities to identify the scope of work to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Representatives shall be compensated for their work as identified in the agreed upon scope of work. A copy of the Archeological Resources Report (ARR) (described</p>	<p>Archeological consultant</p>	<p>Upon the discovery of an archeological site associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group</p>	<p>ERO/ representative of the descendant group</p>	<p>Upon completion of final reporting and implementation of all agreed upon scopes of work.</p>

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<p>further below) shall be provided to the representative of the descendant group.</p> <p>Archeological Data Recovery Plan. An archeological data recovery program shall be conducted in accordance with an Archeological Data Recovery Plan (ADRP) if all three of the following apply: 1) a resource has potential to be significant, 2) preservation in place is not feasible, and 3) the ERO determines that an archeological data recovery program is warranted. The project archeological consultant, local Native American representative, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant in coordination with the Native American representative shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain and will coordinate with Native American representative(s) to ensure that cultural values are addressed. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical or if the Native American representative does not approve of destructive methods. The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. • 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. 	<p>Archeological consultant/Native American representative</p>	<p>Upon the discovery of archeological deposits</p>	<p>ERO</p>	<p>Upon completion of final reporting</p>

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<ul style="list-style-type: none"> • Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report. Description of proposed report format and distribution of results. • Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				
<p>Cultural Resources Public Interpretation Plan. The project archeological consultant shall submit a Cultural Resources Public Interpretation Plan (CRPIP) if a significant archeological resource is discovered during a project. As directed by the ERO, a qualified design professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, local artists, or community group may also be required to assist the project archeological consultant in preparation of the CRPIP. If the resource to be interpreted is a tribal cultural resource, the CRPIP shall be prepared in consultation with and developed with the participation of local Native American tribal representatives. 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. The CRPIP shall be sent to the ERO for review and approval. The CRPIP shall be implemented prior to occupancy of the project.</p>	Archeological consultant/Native American representative	Upon the discovery of a significant archeological resource	ERO/qualified design professional	CRPIP is complete on review and approval of ERO. Interpretive program is complete on notification to ERO from the project sponsor that program has been implemented.
<p>Human Remains and Funerary Objects. 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 Office of the Chief Medical Examiner of the City and County of San Francisco (Medical Examiner). The ERO also shall be notified immediately upon the discovery of human remains. In the event of the Medical Examiner’s determination</p>	Archeological consultant/Native American representative	Upon the discovery of human remains	Project sponsor to Notify ERO, Coroner, and, if applicable, NAHC of any discovery of human remains	Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with MLD

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<p>that the human remains are Native American remains, the Medical Examiner shall notify the California State Native American Heritage Commission (NAHC), 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 landowner may consult with the project archeologist and project sponsor and shall consult with the MLD and ERO on preservation in place or recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop an 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 5097.98 (b)(1), the Agreement shall address and take into consideration, 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 unless otherwise specified in the Agreement, 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 an Agreement, consistent with the provisions of Public Resources Code 5097.98. However, if the landowner and the MLD are unable to reach an Agreement, the landowner, ERO, and project sponsor shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance, consistent with state law.</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing</p>				<p>is completed as warranted, approval of Archeological Results Report, and disposition of human remains has occurred as specified in Agreement.</p>

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<p>activity, additionally, shall follow protocols laid out in the project’s archeological treatment documents, and in any related agreement established between the 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>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 Archeological Resources Report (ARR) to the ERO that evaluates the historical significance of any discovered archeological resource, describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken, and if applicable, discusses 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, copies of the ARR shall be distributed as follows: California Historical Resources Information System, Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the approved ARR to the NWIC. The environmental planning division of the planning department shall receive one (1) bound hard copy of the ARR. Digital files that shall be submitted to the environmental planning division 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. The PDF ARR, GIS files, recordation forms, and/or nomination documentation should be submitted via USB or other stable storage device. If a descendant group was consulted during archeological treatment, a PDF of the ARR shall be provided to the representative of the descendant group.</p>	<p>Archeological consultant</p>	<p>Upon completion of soil disturbing activities</p>	<p>ERO</p>	<p>Considered complete upon distribution to the California Historical Resources Information System, Northwest Information Center (NWIC), environmental planning division, National Register of Historic Places/ California Register of Historical Resources, a representative of any descendant group consulted during archeological treatment</p>

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<p>Curation. Significant archeological collections and paleoenvironmental samples of future research value shall be permanently curated at an established curatorial facility or Native American cultural material shall be returned to local Native American tribal representatives at their discretion. The facility shall be selected in consultation with the ERO. Upon submittal of the collection for curation the sponsor or archaeologist shall provide a copy of the signed curatorial agreement to the ERO.</p>	Archeological consultant	Upon discovery of significant archeological or paleoenvironmental resources	ERO	Upon submittal of and implementation of curatorial agreement
Tribal Cultural Resources				
<p>Mitigation Measure M-TC-1: Tribal Cultural Resources Program Preservation in Place. In the event of the discovery of a tribal cultural resource, 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. Coordination shall take place with local Native American representatives, including the Association of Ramaytush Ohlone and other interested Ohlone parties. If it is determined that preservation-in-place of the tribal cultural resource would be both feasible and effective, then the project sponsor in consultation with local Native American representatives and the ERO shall prepare a tribal cultural resource preservation plan (TCRPP). If the tribal cultural resource is an archeological resource of Native American origin, the archeological consultant shall prepare an archeological resource preservation plan (ARPP) in consultation with the local Native American representative, which shall be implemented by the project sponsor during construction. The consultant shall submit a draft ARPP to the planning department for review and approval.</p>	Archeological consultant/Native American representative	Upon discovery of a tribal cultural resource	ERO	Tribal cultural resource preservation plan (TCRPP) is complete on review and approval of ERO. Protection program is complete on notification to ERO from the project sponsor that protection plan has been implemented.
<p>Public Interpretation Land Acknowledgement. The project sponsor shall, in consultation with local Native American representatives, design and install public interpretation at the project site acknowledging that this project is built on traditional Ohlone land. The interpretive program may include a combination of artwork,</p>	Project sponsor/ Native American representative	Prior to issuance of a Temporary Certificate of Occupancy	ERO	Tribal Cultural Resources Land Acknowledgement Public Interpretation Plan is complete on

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<p>preferably by local Native American artists, educational panels or other informational displays or interpretative elements. Within a reasonable timeframe, the project sponsor shall prepare an interpretation plan in consultation with affiliated local Native American representatives and the ERO to guide the acknowledgment program. The plan shall identify, as appropriate, the proposed location for the acknowledgement, the proposed content and materials, the producers or artists, and a long-term maintenance program. If Native American cultural resources are found during Project construction, interpretation of these resources may be included in the interpretative program in consultation with the local Native American representatives and the ERO. The detailed content, media, and other characteristics of such an interpretive program shall be coordinated and approved by the local Native American representatives and the ERO. The final components of the public interpretation program shall be constructed and an agreed upon schedule for their installation and a plan for their maintenance shall be finalized prior to issuance of a Temporary Certificate of Occupancy. Tribal representatives shall be compensated for their work as identified in the agreed upon scope of work.</p>				<p>review and approval of ERO. Interpretive program is complete on notification to ERO from the project sponsor that program has been implemented.</p>
Noise				
<p>Mitigation Measure M-NO-1: Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction</p> <p>Prior to issuance of a Pre-Construction Environmental Compliance letter, the project sponsor shall submit a project specific Pre-construction Survey and Vibration Management and Monitoring Plan to the ERO or the ERO’s designee for approval. The plan shall identify all feasible means to avoid damage to potentially affected buildings on the project site. The potentially affected buildings on site include the Julia Morgan Building, the Perry Building, and the Caretaker’s Cottage. The project sponsor shall ensure that the following requirements of</p>	<p>Project sponsor</p>	<p>Prior to issuance of a Pre-Construction Environmental Compliance letter</p>	<p>ERO</p>	<p>Considered complete upon completion of construction activity</p>

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<p>the Pre-Construction Survey and Vibration Management and Monitoring Plan are included in contract specifications, as necessary.</p>				
<p>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 the on-site potentially affected buildings. For the Perry Building, which is not a historic resource, a structural engineer or other professional with similar qualifications shall document and photograph the existing conditions of the building. The project sponsor shall submit the survey to the ERO or the officer’s designee for review and approval prior to the start of vibration-generating construction activity.</p> <p>For the Julia Morgan Building and the Caretaker’s Cottage, which are historic, 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 the historic buildings. The pre-construction survey shall include descriptions and photograph of all identified historic buildings including all façades, 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. 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. 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>Project sponsor/ qualified consultant</p>	<p>Prior to the start of any ground- disturbing or vibration- generating construction activity</p>	<p>ERO</p>	<p>Considered complete upon approval of survey</p>
<p>Vibration Management and Monitoring Plan. The project sponsor shall undertake a monitoring plan to avoid or reduce project-related construction vibration damage to potentially affected buildings and/or structures and to ensure that any such damage is documented and repaired. Prior to issuance of a Pre-Construction Environmental</p>	<p>Project sponsor</p>	<p>Prior to issuance of a Pre-Construction Environmental Compliance Letter</p>	<p>ERO</p>	<p>Considered complete upon approval of VMMP</p>

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<p>Compliance Letter, the project sponsor shall submit the Plan to the ERO for review and approval. The Vibration Management and Monitoring Plan shall include, at a minimum, the following components, as applicable:</p> <ul style="list-style-type: none"> • Maximum Vibration Level. Based on the anticipated construction and condition of the affected buildings and/or structures, 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, 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). • 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). • 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., smaller, lighter equipment could be used in some cases). • Buffer Distances. 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 				

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<p>the potentially affected buildings and/or structures to avoid damage to the extent possible.</p> <ul style="list-style-type: none"> • Vibration Monitoring. 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 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. 				

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<ul style="list-style-type: none"> ○ 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 are not exceeded. • 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 during vibration-generating construction activity on the project site. The plan will specify how often inspections shall occur. • 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 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. 				
<p>Vibration Monitoring Results Report. After construction is complete the project sponsor shall submit to the ERO 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</p>	Project sponsor	Upon completion of construction	ERO	Upon approval of VMRR

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Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
and structures. The ERO shall review and approve the Vibration Monitoring Results Report.				
Air Quality				
<p>Mitigation Measure M-AQ-4: Off-Road Construction Equipment Requirements. The project sponsor shall comply with the following:</p> <p>A. Engine Requirements</p> <ol style="list-style-type: none"> All off-road diesel-powered construction equipment of 25 horsepower or more used for project construction shall have engines that meet or exceed the California Air Resources Board Tier 4 Final emissions standards. 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 and safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, Tagalog, and Chinese in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. The project sponsor shall instruct construction workers and equipment operators in 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. Construction Emissions Minimization Plan. Before starting onsite construction activities, the contractor shall submit a construction emissions minimization plan (plan) to the ERO or the ERO's designee for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the engine requirements of section A.</p>	Project sponsor/ contractor	Prior to the start of construction activities	Planning Department/ERO	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 on-road trucks pursuant to the plan

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<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 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 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>C. Monitoring. After the start of construction activities, the contractor shall submit reports every six months to the ERO or the ERO's designee, documenting compliance with the plan. After completion of construction activities and prior to receiving a 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>				

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
Biological Resources				
<p>Mitigation Measure M-BI-1: Nesting Bird Protection</p> <p>Nesting birds and their nests shall be protected during construction by implementation of the following:</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 vegetation removal and other construction activities during the bird nesting season cannot be fully avoided, a qualified wildlife biologist shall conduct pre-construction nesting surveys within 72 hours prior to the start of vegetation removal, construction or demolition at areas that have not been previously disturbed by project activities or after any construction breaks of 72 hours 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 areas within 100 feet of the project site in order to locate any active nests of common bird species and within 250 feet of the project site to locate any active raptor (birds of prey) nests. c. If active nests are located during the pre-construction 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>Project sponsor/ qualified wildlife biologist</p>	<p>During construction, within 72 hours prior to the start of vegetation removal, construction, or demolition</p>	<p>CDFW</p>	<p>Upon completion of nesting survey</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>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 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(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 the 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 and CDFW, if necessary. Necessary actions to remove or relocate an active nest(s) shall be coordinated with the planning department and approved by CDFW, if necessary.</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</p>				

Monitoring and Reporting Program^a

Adopted Mitigation Measure	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<p>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 no-disturbance buffer zones around nests may be reduced or eliminated in these cases as determined by the qualified biologist in coordination with the planning department and CDFW, if necessary. 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 and CDFW, as appropriate. Work may proceed around these inactive nests.</p>				

NOTES:

^a **Definitions of MMRP Column Headings:**

- *Adopted Mitigation and Improvements 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.