

RESOLUTION NO. 95-2006

Adopted July 18, 2006

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
REPORT AND ADOPTING ENVIRONMENTAL FINDINGS AND
A STATEMENT OF OVERRIDING CONSIDERATIONS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT ("CEQA") AND STATE CEQA GUIDELINES AND
AUTHORIZING AN OWNER PARTICIPATION AGREEMENT
WITH LAMBERT DEVELOPMENT LLC, A DELAWARE
LIMITED LIABILITY COMPANY, FOR THE DEVELOPMENT
OF A 74-UNIT RESIDENTIAL PROJECT LOCATED AT 64-72
TOWNSEND STREET, ASSESSOR'S BLOCK 3789, LOT 3, AT
THE NORTHWEST CORNER OF TOWNSEND AND COLIN P.
KELLY JR. STREETS; RINCON POINT – SOUTH BEACH
REDEVELOPMENT PROJECT AREA**

BASIS FOR RESOLUTION

1. The 64-72 Townsend Street property ("Site"), located at the corner of Townsend and Colin P. Kelly Streets, is the last remaining development site in the Rincon Point-South Beach Redevelopment Project Area ("Project Area"). The property is currently improved with a single-story, reinforced commercial building known as the Hooper's South End Grain Warehouse, which is considered a "contributory" building to the City of San Francisco's South End Historic District and is considered an historical resource pursuant to the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA") and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, "CEQA Guidelines").
2. The Rincon Point-South Beach Redevelopment Plan (the "Plan") designates the Site as commercial, with residential use as an alternate use. On April 18, 2000, by Resolution No. 53-2000, the Redevelopment Agency of the City and County of San Francisco (the "Agency") authorized an owner participation agreement with Northshore Resources IV Limited Partnership, a California limited partnership ("Northshore"), to rehabilitate the existing warehouse on the Site for approximately 29,000 square feet of office, commercial, and retail uses. Northshore completed its rehabilitation of the warehouse in December 2002; however, Northshore has been unable to lease the warehouse since construction was completed, and it has remained vacant.
3. Lambert Development LLC, a Delaware limited liability company ("Developer"), is purchasing the Site from Northshore, the current owner. The Developer wishes to enter into a new owner participation agreement with the Agency (the "OPA") to build

a project that includes an adaptive reuse of the existing single-story warehouse and seven stories of new residential construction, creating a nine-story building. The proposed development program includes 74 for-sale residential units, including seven affordable housing units, 74 above-grade residential parking spaces on two levels, approximately 10,294 square feet of open space for the residential units, and approximately 5,000 square feet of small-scale, neighborhood-serving retail (collectively, the "Project").

4. The Developer is subject to the Agency's Housing Participation Policy ("AHPP"), which was last amended on July 23, 2002, by Resolution No. 71-2002. In accordance with the AHPP, seven of the 74 for-sale units will be affordable to moderate-income households earning up to 100% of Area Median Income. The affordable units are distributed throughout the Project in a mix of types and sizes proportionate to the overall unit mix in the Project.
5. The Developer has voluntarily agreed to comply with the Agency's Small Business Enterprise ("SBE") Program and will make good-faith efforts to achieve the goals of the Agency's SBE Program. In addition, the Developer has voluntarily agreed to comply with the Agency's construction workforce program and the Agency's prevailing wage provisions for all construction work done in conjunction with the Project.
6. The Plan provides for owners to participate in the redevelopment of private property in the Project Area. The Developer wishes to participate and to enter into the OPA to build the proposed Project which will become effective when the Site is sold by Northshore to the Developer.
7. As part of the Agency's review of the proposed Project, and in compliance with CEQA and State CEQA Guidelines, Agency staff completed an initial study of the proposed Project and determined that it would have probable environmental effects in the areas of historical resources, traffic and related circulation impacts, and cumulative transportation effects. As a result, Agency staff determined that an Environmental Impact Report ("EIR") was required and published a Notice of Preparation on January 13, 2006.
8. Pursuant to the requirements of CEQA, a Draft Environmental Impact Report ("Draft EIR") was prepared for the proposed Project. The Draft EIR was published on April 19, 2006. On April 19, 2006, the Agency provided public notice in the San Francisco Examiner, a newspaper of general circulation, of the availability of the Draft EIR for public review and comment, and of the date and time of the Agency Commission public hearing on the Draft EIR. This notice was also mailed to approximately 255 people on the Agency's Project Area "interested parties" list and was posted in a number of locations in the Project Area.

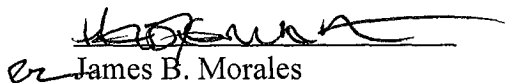
9. Copies of the Draft EIR were distributed to the Agency Commission and were mailed to approximately 93 people including the Rincon Point – South Beach Citizens Advisory Committee (the “CAC”), neighboring property owners who have expressed an interest in the Project, other interested parties and local and state agencies. The Draft EIR was also posted on the Agency’s website and electronic copies of the Draft EIR were emailed to approximately 25 people.
10. Notice of Completion of the Draft EIR was recorded with the State Secretary of Resources via the State Clearinghouse on April 19, 2006 (State Clearinghouse No. 2006012057).
11. The Draft EIR found that the proposed Project, even with mitigation, would have unavoidable significant impacts in the area of historical architectural resources. While other potential significant impacts were described in the Draft EIR, these potential impacts would be reduced to less than significant levels with the implementation of the mitigation measures described in the Draft EIR. The Developer has agreed to implement the mitigation measures as required, and as attached to the OPA (See Exhibit 1 to Attachment A to this Resolution.).
12. The Draft EIR public review period began on April 19, 2006 and ended on June 5, 2006. The Agency held a duly advertised public hearing on May 16, 2006 to receive public comments on the adequacy of the Draft EIR. No comments were received at the public meeting. At the close of the Draft EIR public review period on June 5, 2006, the Agency had received written comments from one member of the public.
13. The Agency prepared responses to comments on environmental issues received in writing during the 47-day public review period for the Draft EIR, prepared revisions to the text of the Draft EIR in response to comments received, and corrected errors in the Draft EIR. This material was presented in a “Comments and Responses” document, published on June 21, 2006, and was distributed to the Agency Commission and to all parties who commented on the Draft EIR, and was available to others upon request at the Agency’s offices and was posted on the Agency’s website. A notice of availability of the Comments and Responses document and notice of the date of certification of the Final EIR was mailed to the Project Area “interested parties” list, the CAC, and other interested parties.
14. A Final Environmental Impact Report (“Final EIR”) has been prepared by the Agency, consisting of the Draft EIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document, all as required by law. Since publication of the Draft EIR, no new information of significance has become available that would require recirculation of the EIR under CEQA Guidelines Section 15088.5.
15. Project EIR files have been made available for review by the Agency Commission and the public. These files are available for public review at the Agency’s offices and are part of the record before the Agency Commission.

16. The Final EIR reflects the independent judgment and analysis of the Agency, is adequate, accurate and objective, and the Comments and Responses document contains no significant revisions to the Draft EIR.
17. The Project described in the Final EIR, which the Agency Commission is being asked to certify, would have the following unavoidable significant environmental impacts that could not be mitigated to a less than significant level:
 - a. Constructing a seven-story building on top of the Hooper's South End Grain Warehouse would be a significant adverse impact.
 - b. Constructing a seven-story building on top of the Hooper's South End Grain Warehouse would result in a considerable contribution to a significant adverse cumulative impact on historic architectural resources in the project vicinity.
18. The Agency Commission is also being asked to adopt a Statement of Overriding Considerations, which concludes that the Project's various benefits (i.e., economic, legal, social, etc., as outlined in the accompanying Attachment A) outweigh the unavoidable significant impacts in the area of historical architectural resources.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Final Environmental Impact Report is certified pursuant to CEQA and State CEQA Guidelines; that environmental findings stated above and a Statement of Overriding Considerations are adopted pursuant to CEQA and State CEQA Guidelines, which concludes that the Project's various benefits outweigh the unavoidable significant impacts in the area of historical architectural resources; and the Executive Director is authorized to execute an Owner Participation Agreement and related documents with Lambert Development LLC, a Delaware limited liability company, for the development of a 74-unit for-sale residential project located at 64-72 Townsend Street, Assessor's Block 3789, Lot 3, in the Rincon Point – South Beach Redevelopment Project Area, substantially in the form lodged with the Agency General Counsel.

APPROVED AS TO FORM:


James B. Morales
Agency General Counsel

ATTACHMENT A

1. INTRODUCTION

These Findings are made by the Redevelopment Agency of the City and County of San Francisco (the "Agency") pursuant to the California Environmental Quality Act, California Public Resources Code section 21000 et seq., ("CEQA") with respect to the 72 Townsend Street Residential Project ("Project"), in light of substantial evidence in the record of Project proceedings, including but not limited to, the 72 Townsend Street Residential Project Final Environmental Impact Report ("Final EIR") prepared pursuant to CEQA and the State CEQA Guidelines, 14 California Code of Regulations Sections 15000 et seq., (the "CEQA Guidelines").

This document is organized as follows:

Section 2 describes the Project.

Section 3 describes the actions to be taken by the Agency.

Section 4 provides the basis for approval of the Project, including a description of each alternative, and the economic, legal, social, technological, and other considerations that lead to the rejection of alternatives as infeasible that were not incorporated into the Project.

Section 5 sets forth Findings as to the disposition of each of the mitigation measures proposed in the Final EIR.

Section 6 identifies the unavoidable, significant adverse impacts of the Project that have not been mitigated to a level of insignificance by the adoption of mitigation measures as provided in Section 5.

Section 7 contains a Statement of Overriding Considerations, setting forth specific reasons in support of the Agency's approval actions for the Project in light of the significant unavoidable impacts discussed in Section 6.

Exhibit 1, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Section IV of the Final EIR that is required to reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

2. PROJECT DESCRIPTION

The project site is in the northeast quadrant of San Francisco, in an area known as South Beach. The rectangular project site is on the west side of the City block bounded by Townsend, Colin P. Kelly Jr., Brannan, and Second Streets. The project site is located at 64-72 Townsend Street, on Assessor's Block 3789, Lot 3. The 29,098-square-foot site (approximately 0.67 acre) currently contains the 31-foot-tall, single-story Hooper's South End Grain Warehouse building ("Hooper's Warehouse") that was constructed in 1874 and survived the 1906 earthquake and fire that destroyed most of the area immediately north of the site. The existing building contains approximately 28,175 gross square feet and is currently vacant.

The Hooper's Warehouse building is listed in local and state surveys of buildings that could be considered historic resources: the State Office of Historic Preservation ("OHP") Status Code

2S2 indicates that the building has been found eligible for listing in the National Register of Historic Places (“National Register”) and has already been listed in the California Register of Historic Resources (“California Register”); the building is listed in *Splendid Extended* (the Foundation for San Francisco's Architectural Heritage's extended survey of Downtown San Francisco); and the building is recognized as a Contributory Building to the South End Historic District.

The project sponsor, Lambert Development LLC, proposes to retain the existing historic warehouse building occupying the entire site, except for the roof, and to construct seven residential stories on top of the existing building, creating a nine-story building. The first two levels (in the shell of the existing building) would contain two levels of above-grade parking with 74 spaces, as well as 5,000 square feet of ground-floor neighborhood-serving retail space. The upper seven floors would contain 37 one-bedroom units and 37 two-bedroom units for a total of 74 units. Vehicular access to the parking garage would be on Colin P. Kelly Jr. Street on the east side of the building via an existing opening in the historic building. Pedestrian access would be from a lobby facing Colin P. Kelly Jr. Street.

3. AGENCY COMMISSION ACTIONS

At this time, the Agency is considering various actions (“Actions”) in furtherance of the Project, which include the following:

- 3.1 Adoption of these CEQA Findings, including a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program;
- 3.2 Approval of an Owner Participation Agreement with the Agency for the Project.
- 3.3 Approval of the Schematic Design for the Project.

4. CONSIDERATION OF PROJECT ALTERNATIVES

4.1 Summary of Alternatives Analyzed in the Final EIR

The Final EIR for the Project analyzed the environmental effects of the proposed Project and considered three alternatives:

- No Project Alternative
- Preservation Alternative
- Reduced Alternative

4.2 Reasons for Selection of the Project

The Project is selected because it would promote achievement of the following Rincon Point – South Beach Redevelopment Plan Objectives:

1. Remove structurally substandard buildings, eliminate blighting influences, remove impediments to land development, and achieve changes in land use.
2. Stimulate and attract private investment, thereby improving the City's economic health, tax base, and employment opportunities.

4. Provide for job opportunities through economic development improvements, including neighborhood commercial facilities, a small-boat harbor, a hotel complex, and the restoration and adaptive re-use of certain structures.

7. Encourage use of the most cost-effective energy efficient measures feasible.

8. Provide for the development of mixed-income housing.

In addition, the Project will promote achievement of all of the following project sponsor objectives:

- Redevelop the existing warehouse building on the site into a high-quality, cost-effective residential/retail building in the South Beach area of San Francisco to provide 74 residential units and associated parking, and 5,000 square feet of neighborhood-serving retail space, to meet the demands of the expanding San Francisco economy and growth in the project area.
- Develop a project consistent with the existing urban design character of the area.
- Complete the project on schedule and within budget.
- Develop a project with minimal environmental disruption.

4.4 Overview of Other Plan Alternatives Considered and Reasons Rejected

The following section presents an overview of the Alternatives analyzed in the Final EIR. A more detailed description of each Alternative can be found in Chapter VI of the Final EIR.

Rejected Alternative: Alternative A, No Project Alternative

This alternative would entail no change to the existing one-story, approximately 28,175 gsf warehouse building on the site, which is currently vacant but contains retail/restaurant space and a parking garage. The proposed project would not be built. This alternative, however, would not preclude future proposals for redevelopment of the project site for uses permitted in the Commercial/Alternate Use: Residential designation in the *Redevelopment Plan*, and the 40- to 105-foot height district in the *Design for Development*.

If the No Project Alternative were implemented, none of the impacts associated with the proposed project would occur. The existing Hooper's Warehouse building (64-72 Townsend Street) on the site—a building located within the South End Historic District, listed in the California Register, identified by the OHP as having been found eligible for listing in the National Register; listed in *Splendid Extended*; and recognized as a Contributory Building to the South End Historic District—with its existing retail/restaurant space and parking garage, would remain unaltered. The air quality impacts of the proposed project, and project-specific effects on intersection conditions, transit use, parking, loading, and pedestrian and bicycle traffic, would not occur, although these impacts would not be significant under the proposed project. If the existing building is occupied by retail and/or restaurant uses in the future, additional air emissions and person-trips would be generated, but the impacts would be smaller than those of the proposed project. Intersection operations (at Townsend/The Embarcadero and King/Second)

and transit operating conditions would degrade to unacceptable levels of service by the 2025 cumulative horizon year with or without this alternative. Under this alternative, if the existing building remains vacant, there would be no incremental contribution from the project site to these degraded conditions. If the existing building is occupied by retail and/or restaurant uses in the future, the incremental contribution from the project site to these degraded conditions would be less than those of the proposed project.

Other less than significant effects of the proposed project described in the Initial Study (Appendix A of the Final EIR), including effects of the proposed project on visual quality and urban design, light and glare, agricultural resources, wind effects, shadow effects on nearby streets and buildings, biology, potential discovery of subsurface cultural resources during excavation, geology/topography, hazardous materials, hydrology and water quality, land use, noise, population and housing, recreation, and utilities/public services would not occur with this alternative and no mitigation measures would be required. If the existing building is occupied by retail and/or restaurant uses in the future, additional impacts on hydrology and water quality, noise, population and housing, recreation, and utilities/public services could occur, but these impacts would be similar to or less than those of the proposed project and these impacts would be less than significant.

The No Project Alternative is rejected as infeasible for the following reasons:

Reduced Revenues – Under the No Project Alternative, the Agency will receive less tax increment revenues, which would result in fewer resources being invested back into the neighborhood and its revitalization. Consequently, the No Project Alternative would not achieve the Project objectives of stimulating economic revitalization or eliminating conditions of blight in the Project area.

Reduced Housing – The No Project Alternative would provide no housing overall and no affordable housing.

Reduced Economic and Business Vitality – The No Project Alternative will provide fewer resources for economic revitalization efforts such as job opportunities, or neighborhood business opportunities.

As discussed above, the No Project Alternative does not have appreciably fewer significant environmental effects than the Project. For the economic, legal, social, technological, and other considerations reasons set forth here and in the Final EIR, the No Project Alternative is rejected as infeasible.

Rejected Alternative: Alternative B, Preservation Alternative

Alternative B, the Preservation Alternative, would retain the existing Hooper's Warehouse building, with its retail/restaurant space and parking garage, on the site. The building's envelope would not be altered, but the changes of the 1999 adaptive reuse project would be partially reversed by removing the non-historic stucco finish, decreasing the level of fenestration on the Townsend Street façade, replacing the non-historic chamfered corner with a storefront aligned with the streets, and documenting the history of the building, as described in Mitigation Measures CR-1 through CR-4 (pages 84 and 85 of the Final EIR). The building would be used for retail/commercial purposes.

Unlike the proposed project, Alternative B: Preservation Alternative would preserve the existing Hooper's Warehouse building on the site. This alternative would avoid the removal of the existing roof, including the original heavy timber posts and trusses, and alteration of the overall form of the building that would occur under the proposed project. This was considered a significant impact on historic resources of the proposed project.

Impacts of this alternative on visual quality, urban design, views, and land use would be less than those of the proposed project and would be less than significant.

Alternative B would generate fewer vehicle trips than the proposed project, and have reduced environmental effects on transportation and parking, although these impacts would be less than significant for the proposed project. This alternative would contribute smaller amounts than the proposed project to the cumulative year 2025 growth in traffic at two nearby intersections that would operate at LOS E under cumulative conditions (Townsend/The Embarcadero and King/Second), but neither this alternative nor the proposed project would have a significant cumulative impact, because both would add traffic to movements that would continue to operate satisfactorily, or would make very small contributions to critical intersection movements that would operate poorly under 2025 Cumulative conditions.

This alternative's effects on wind and shadow would be less than those of the proposed project. The wind and shadow impacts, including cumulative impacts, would be less than significant.

Compared to the proposed project, the Preservation Alternative would have smaller effects on air quality, archeological cultural resources, hazards, noise, utilities and public services, biology, geology/topography, water, and energy/natural resources, and these impacts would be less than significant

The Preservation Alternative is rejected as infeasible for the following reasons:

Reduced Housing – The Preservation Alternative would provide no housing overall and no affordable housing.

Reduced Employment Opportunities – The Preservation Alternative will provide fewer net new employment opportunities than with the Project.

Reduced Economic Development –The Preservation Alternative would provide less overall development, thereby reducing tax increment financing available for economic revitalization efforts and would not result in the same level of enhancements and improvements to the Project area.

For the economic, legal, social, technological, and other considerations reasons set forth here and in the Final EIR, the Preservation Alternative is rejected as infeasible.

Rejected Alternative: Alternative C, Reduced Alternative

Alternative C, the Reduced Alternative, would alter the existing Hooper's Warehouse building by constructing additional residential levels. Under this alternative, three or four levels, with approximately 37 residential units, would be added. Approximately 37 above-grade parking

spaces on the first two levels would be provided. This alternative would include 5,000 square feet of ground-floor neighborhood-serving retail space.

Alternative C: Reduced Alternative would remove the existing roof, including the original heavy timber posts and trusses, and alter the overall form of the existing Hooper's Warehouse building on the site. Similar to the proposed project, the alterations under this alternative would be considered a significant impact on historic resources.

Under this alternative, the overall appearance of the project site would be substantially altered due to the addition of three or four additional floors. The height, massing, and scale of this alternative would be less than the proposed project, and impacts on visual quality, urban design, and views would be less than those of the proposed project and would be less than significant.

This alternative would add to the intensity of land use within the South Beach area, but the approximately 37 residential units would not be considered a significant addition to the projected residential housing stock in the City in the context of year 2025 housing projections. Land use impacts, including cumulative impacts, of this alternative would be less than those of the proposed project and would be less than significant.

Alternative C would have smaller environmental effects on transportation and parking. This alternative would generate about 1,070 new daily person-trips and 123 weekday p.m. peak hour person-trips (compared to 1,390 new daily person-trips and 178 weekday p.m. peak hour person-trips for the proposed project). The impacts of this alternative on operating conditions and levels of congestion at the key intersections studied would be less than significant. This alternative would contribute smaller amounts than the proposed project to the cumulative year 2025 growth in traffic at two nearby intersections that would operate at LOS E under cumulative conditions (Townsend/The Embarcadero and King/Second), but neither this alternative nor the proposed project would have a significant cumulative impact, because both would add traffic to movements that would continue to operate satisfactorily, or would make very small contributions to critical intersection movements that would operate poorly under 2025 Cumulative conditions.

This alternative's effects on wind and shadow, including cumulative impacts, would be less than those of the proposed project and would be less than significant.

Compared to the proposed project, the Reduced Alternative would have similar or smaller effects on air quality, archeological cultural resources, hazards, noise, utilities and public services, biology, geology/topography, water, and energy/natural resources, and would be less than significant.

The Reduced Alternative is rejected as infeasible for the following reasons:

Reduced Housing – The Reduced Alternative would provide substantially less housing overall and less affordable housing than with the Project.

Reduced Employment Opportunities – The Reduced Alternative will provide fewer net new employment opportunities than with the Project.

Reduced Economic Development – The Reduced Alternative would provide less overall development, thereby reducing tax increment financing available for economic revitalization efforts and would not result in the same level of enhancements and improvements to the Project area.

For the economic, legal, social, technological, and other considerations reasons set forth here and in the Final EIR, the Reduced Alternative is rejected as infeasible.

5. FINDINGS REGARDING MITIGATION MEASURES

The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The Findings in this section concern mitigation measures set forth in the Final EIR. These Findings discuss mitigation measures as proposed in the Final EIR and recommended for adoption by the Agency Commission, which can be implemented by the Agency and City agencies or departments, including, but not limited to, the Department of City Planning ("Planning Department"), the Department of Public Works ("DPW"), the Municipal Transportation Agency ("MTA"), the Department of Building Inspection ("DBI") and the Department of Public Health ("DPH"). The project sponsor will have primary responsibility for implementation of the mitigation measures and the Agency will have the primary responsibility for monitoring the implementation.

Exhibit 1, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Chapter IV and Table C-1 of the Final Supplement that is required to reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

The Agency finds that, based on the record before it, the mitigation measures proposed for adoption in the Final EIR are feasible, as explained further below, and that they can and should be carried out by the identified agencies at the designated time. The Agency adopts these measures and recommends that the Agency and City agencies and departments implement these measures. The Agency urges other agencies to adopt and implement applicable mitigation measures set forth in the Final EIR that are within the jurisdiction and responsibility of such entities. The Agency acknowledges that if such measures are not adopted and implemented, the Project may result in additional significant unavoidable impacts. For this reason, and as discussed in Section 6, the Agency is adopting a Statement of Overriding Considerations as set forth in Section 7.

The Findings in this section concern mitigation measures set forth in the Final EIR. All mitigation measures identified in the Final EIR that will reduce or avoid significant adverse environmental impacts are proposed for adoption and are set forth in Exhibit 1, in the Mitigation Monitoring and Reporting Program. None of the mitigation measures set forth in the Final EIR that is needed to reduce or avoid significant adverse environmental impacts are rejected.

Mitigation measures identified in this EIR and in the Initial Study would be required by the Agency as conditions of project approval unless they are demonstrated to be infeasible based on substantial evidence in the record. Implementation of some measures may be the responsibility of other public agencies.

*** AQ-1. Construction Air Quality**

The project applicant shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures:

- Water all active construction areas at least twice daily. Consistent with Ordinance 175-91, only non-potable water shall be used for all dust-control purposes. The construction contractor shall obtain reclaimed water from the City's Clean Water Program for this purpose.
- Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard.
- Pave, apply water two times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction site.
- Sweep adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- All construction contracts shall require construction contractors to (1) properly maintain construction equipment and vehicles in accordance with the manufacturers' recommendations, and (2) minimize idling time when equipment is not in use and when trucks are waiting in queues.

*** CR-1. Historic Resources (Stucco Finish)**

Remove the non-historic stucco finish. Prior to 1999, Hooper's South End Grain Warehouse was stuccoed, and experts disagreed about whether or not it was originally exposed brick or stucco. Further testing should be conducted, but the existing stucco is clearly non-historic and damaging to the building's character. If it is possible to remove it without damaging the brick below, removing it to expose the brick, or removing it and applying a stucco finish that more closely approximates an historic finish would offer one means of mitigating the effect posed by the residential addition.

*** CR-2. Historic Resources (Fenestration on Townsend Street Façade)**

Decrease the level of fenestration on the Townsend Street façade. Through incremental change and the 1999 project, the Townsend Street façade has been drastically opened, losing the sense of enclosure that is characteristic of this warehouse type. By decreasing the size of openings and rebuilding some of the former wall, the proposed project could partially mitigate the impact of the construction of the new residential structure.

*** CR-3. Historic Resources (Chamfered Corner)**

Remove the non-historic chamfered corner and replace it with a storefront aligned with the streets.

* **CR-4. Historic Resources (Documentation)**

Document the history and the existing exterior and interior conditions of Hooper's South End Grain Warehouse according to the *Historic American Buildings Survey* ("HABS") Level II documentation in addition to the other mitigation measures identified, and (2) install on-site displays communicating the historic significance of the building and the historical location of the shoreline.

(1) According to HABS standards, Level II documentation consists of the following tasks:

- *Drawings:* Existing drawings, where available, should be photographed with large format negatives or photographically reproduced on mylar.
- *Photographs:* Photographs with large-format negatives should be shot of exterior and interior views or historic views where available. These should be printed on archival fiber paper.
- *Written data:* A report documenting the existing conditions and history of the building should be prepared.

The completed documentation package would be submitted to local and regional archives, including but not limited to, the San Francisco Public Library History Room, the California Historical Society and the Northwest Information Center at Sonoma State University in Rohnert Park.

(2) Install a plaque at the front of the building to communicate its historic significance. In addition, the sidewalk around Hooper's South End Grain Warehouse makes indications about the historic location of the shoreline, which once passed underneath the corner of the building. The existing pavement does not continue those lines to the edge of the building. When relaying concrete around the building, continue the historic lines up to the edge of the building.

* **CR-5. Historic Resources (Subsurface Cultural Resources)**

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)(c), including human or associated funerary remains. The project sponsor shall retain the services of an archaeologist. During any soils disturbing activities within the project site, the archaeologist shall carry out a pre-excavation testing program to better determine the probability of finding archaeological remains on the site. The testing program shall consist of a series of mechanical exploratory borings or trenches and/or other testing methods determined to be appropriate by the archaeologist.

If, after testing, the archaeologist determines that no further investigations or precautions are necessary to safeguard potentially significant archaeological resources, the archaeologist shall submit a written report to the City's Environmental Review Officer ("ERO"), with copies to the project sponsor and the Agency. If the archaeologist determines that further investigations or precautions are necessary, he/she shall consult with the ERO, and they shall jointly determine what additional procedures are necessary to minimize potential effects on archaeological resources.

These additional mitigation measures shall be implemented by the project sponsor and might include a program on on-site monitoring of any site excavation and foundation work that may be necessary, during which the archaeologist shall record observations in a permanent log. Whether or not there are archaeological finds of significance, the archaeologist shall prepare a written report on the monitoring program that shall be submitted first and directly to the ERO with copies to the project sponsor and Agency. During the monitoring program, the project sponsor shall designate one individual on site as his/her representative. This representative shall have the authority to suspend work at the site to give the archaeologist time to investigate and evaluate archaeological resources that may be encountered.

Should evidence of cultural resources of potential significance be found during the monitoring program, the archaeologist shall immediately notify the ERO, and the project sponsor shall halt any activities which the archaeologist and the ERO jointly determine could damage such cultural resources. Ground disturbing activities which might damage cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the archaeologist shall prepare a written report to be submitted first and directly to the EIR, with copies to the project sponsor and Agency, which shall contain an assessment of the potential significance of the archaeological finds and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO shall recommend specific additional mitigation measures to be implemented by the project sponsor. These additional mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation and recovery of archival material.

Finally, the archaeologist shall prepare a report documenting the archaeological resources that were discovered, and evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure shall be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report shall be sent to the President of the Landmarks Preservation Advisory Board and the Northwest Information Center. Three copies of the final report shall be submitted to the Office of Major Environmental Analysis, accompanied by copies of the transmittals documenting distribution to the President of the Landmarks Preservation Advisory Board and the Northwest Information Center.

*** CR-6. Historic Resources (Paleontological Resources)**

If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s).

*** HM-1. Hazards (Contaminated Soil)**

All contaminated soils designated as hazardous waste shall be excavated by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the San Francisco Department of Public Health ("DPH").

A Site Health and Safety ("H&S") Plan would be required by the California Division of Occupational Safety and Health prior to initiating any earth-moving activities at the site. The H&S Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in Air Quality Mitigation Measure AQ-1.
- Protocols for managing stockpiled and excavated soils.

The H&S Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:

- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier of sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the H&S Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The H&S Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The H&S Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures could include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

* **HM-2. Hazards (Decontamination of Equipment)**

All trucks and excavation and soil handling equipment shall be decontaminated following use and prior to removal from the site. Gross contamination shall be first removed through brushing, wiping, or dry brooming. The vehicle or equipment shall then be washed clean (including tires). Prior to removal from the work site, all vehicles and equipment shall be inspected to ensure that contamination has been removed.

* **HM-3. Hazards (Procedures for Handling Contaminated Soils)**

The following procedures shall be observed when handling, hauling, and disposing of contaminated soils:

- (a) Specific work practices: The construction contractor shall be alert for the presence of hazardous soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, State, and federal regulations) when such soils are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.
- (b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.
- (c) Air monitoring: Air monitoring of ambient air and, as necessary, for worker exposure, shall be performed to ensure compliance with all federal, State, and local regulations and exposure requirements.
- (c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.
- (d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.
- (e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

* **HM-4. Hazards (Closure/Certification Report for Contaminated Soils)**

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a Closure/Certification Report to DPH for review and approval. The Closure/Certification Report shall include the mitigation measures in the Site Mitigation Plan (*Site Mitigation Plan, 72 Townsend Street, San Francisco, CA*, SCA Project No. X4256.AS, SCA Environmental, Inc., August 2000) for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

* **HM-5. Hazards (Procedures for Exterior Excavation Work)**

If excavation work at the exterior of the project building is planned, such as for utility trenches, additional sampling of soils at these exterior locations shall be performed, as directed by DPH.

5.2 Findings on Adoption of a Mitigation Monitoring and Reporting Program

The Agency finds that the Mitigation Monitoring and Reporting Program attached hereto as Exhibit 1 (the "Program"), is designed to ensure compliance during Project implementation. The Agency further finds that the Program presents measures that are appropriate and feasible for adoption and the Program should be adopted and implemented as set forth in Exhibit 1.

5.3 Location and Custodian of Record

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, San Francisco, CA 94103. The Redevelopment Agency Commission Secretary, Erwin Tanjuaquio, is the custodian of records for the Agency.

6. SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

In accordance with Section 21100(b)(2)(A) of CEQA, and with Section 15126.2 of the CEQA Guidelines, this section identifies environmental impacts that could not be eliminated or reduced to less than significant levels by mitigation measures included as part of the proposed project, or by other mitigation measures that could be implemented, as described in Final EIR Chapter IV, Mitigation Measures. The proposed Project, with mitigation, would have the following unavoidable significant impacts on historic architectural cultural resources:

- The project sponsor intends to redevelop the Hooper's South End Grain Warehouse building at 64-72 Townsend Street by adding a seven-story residential structure on top of the existing warehouse. The Hooper's Warehouse building at 64-72 Townsend Street is considered a historical resource for CEQA purposes, and the proposed redevelopment of this building would be a significant adverse impact.
- The proposed project would result in a considerable contribution to a significant cumulative impact on historic architectural resources in the project vicinity.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding the significant effects noted above, pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the Agency finds, after considering the Final EIR and based on substantial evidence in said documents, the administrative record and as set forth herein, that specific overriding economic, legal, social, and other considerations outweigh the identified significant effects on the environment. In addition, the Agency finds, in addition to the specific reasons discussed in Section 4 above, that those Project Alternatives rejected above are also rejected for the following specific economic, social, or other considerations resulting from Project approval and implementation:

- A. The project is consistent with and furthers the goals of the Rincon Point – South Beach Redevelopment Plan (“Plan”).
- B. The Project will provide mixed income, high density housing to this area.
- C. The Project will further the preservation goals of the Plan through an adaptive reuse of this contributory structure in a historic district.
- D. The Project will stimulate and attract private investment, thereby improving the City’s economic health, tax base and employment opportunities.
- E. The Project will provide for job opportunities through economic development of improvements, including neighborhood commercial facilities and restoration and adaptive re-use of the Building.
- F. The Project will also further regional policies relating to the preservation of open space and the reduction of urban sprawl. By concentrating high density new housing in the City, the Project will reduce urban sprawl and lessen the pressure to develop open space in other parts of the Bay Area. The cost and consequences of urban sprawl have been documented for more than two decades.
- G. In order to effectively reduce urban sprawl, San Francisco and other bay area governments must support new development models that create more compact and efficient development patterns that accommodate growth. The Project will add high-density infill in San Francisco near transit and jobs. The Project will directly advance the important regional goals of reducing urban sprawl and thereby reduce the pressure to develop open space areas in the Bay Area.
- H. The Project will make much more efficient use of the Property in furtherance of the goals and objectives of the Plan. The Property is currently occupied by a single story vacant warehouse.
- I. The Commission hereby finds and determines that approval of the Project would further the objectives of the Plan and promote the health, safety and welfare of the City for the reasons set forth above.

Having considered these Project benefits, including the benefits and considerations discussed in Section 4.A above, the Agency finds that the Project’s benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

EXHIBIT I

72 TOWNSEND STREET RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

1. INTRODUCTION

Public Resources Code section 21081.6 requires public agencies to adopt a reporting or monitoring program (hereafter referred to as a "Mitigation and Monitoring Plan") whenever a public agency requires changes to a project or imposes conditions of approval to mitigate or avoid a project's significant effects on the environment. The purpose of the Mitigation and Monitoring Plan requirement is to ensure that such project changes and mitigation measures are implemented in a timely manner and in accordance with the terms of project approval.

The 72 Townsend Street Residential Project ("Project") Mitigation Monitoring and Reporting Program ("Mitigation Monitoring Program"), pursuant to AB 3180, CEQA Section 21081.6 and CEQA Guidelines Section 15091, provides the basic framework through which adopted mitigation measures will be monitored to ensure implementation.

2. ORGANIZATION

The Mitigation Monitoring Program is organized in a table format. For each measure, the table: (1) lists the mitigation measure; (2) specifies the party responsible for implementing the measure; (3) establishes a schedule for mitigation implementation; (4) assigns mitigation monitoring responsibility; and (5) establishes monitoring actions and a schedule for mitigation monitoring.

For ease of reference each measure listed in the table has a corresponding alphabetical letter and number.

3. IMPLEMENTATION

While the Mitigation Monitoring Program generally outlines the actions, responsibilities and schedule for mitigation monitoring, it does not attempt to specify the detailed procedures to be used to verify implementation (e.g., interactions between the Project Sponsor – the Agency and City agencies and departments, use of private consultants, sign-off on plans, site inspections, etc.). Specific monitoring procedures are either contained in approval documents or will be developed at a later date, closer to the time the mitigation measures will actually be implemented.

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
AQ-1. Construction Air Quality				
The project applicant shall require the construction contractor to reduce the severity of project construction period dust impacts by complying with the following control measures: • Water all active construction areas at least twice daily. Consistent with Ordinance 175-91, only non-potable water shall be used for all dust-control purposes. The construction contractor shall obtain reclaimed water from the City's Clean Water Program for this purpose. • Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard. • Pave, apply water two times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction site. • Sweep adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.	Project Sponsor	During demolition, excavation and construction	Construction Contractor and Department of Building Inspection ("DBI"), Redevelopment Agency, Department of Public Works ("DPW")	Maintain onsite observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to DPW; Redevelopment Agency to require evidence of compliance through site permit process; DBI/DPW to monitor during construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
All construction contracts shall require construction contractors to (1) properly maintain construction equipment and vehicles in accordance with the manufacturers' recommendations, and (2) minimize idling time when equipment is not in use and when trucks are waiting in queues.				
CR-1. Historic Resources (Stucco Finish)				
Remove the non-historic stucco finish. Prior to 1999, Hooper's South End Grain Warehouse was stuccoed, and experts disagreed about whether or not it was originally exposed brick or stucco. Further testing should be conducted, but the existing stucco is clearly non-historic and damaging to the building's character. If it is possible to remove it without damaging the brick below, removing it to expose the brick, or removing it and applying a stucco finish that more closely approximates an historic finish would offer one means of mitigating the effect posed by the residential addition.	Project Sponsor, Historic Resources Consultant	During construction	Construction Contractor and DBI, Redevelopment Agency; Redevelopment Agency to require monitoring by Historic Resources Consultant during construction	Maintain onsite observations as warranted; inspect construction; prepare monthly compliance reports and submit to DBI, Redevelopment Agency; Agency to require evidence of compliance through site permit process; DBI to monitor during construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
CR-2. Historic Resources (Fenestration on Townsend Street Façade)				
Decrease the level of fenestration on the Townsend Street façade. Through incremental change and the 1999 project, the Townsend Street façade has been drastically opened, losing the sense of enclosure that is characteristic of this warehouse type. By decreasing the size of openings and rebuilding some of the former wall, the proposed project could partially mitigate the impact of the construction of the new residential structure.	Project Sponsor	During construction	Construction Contractor and DBI, Redevelopment Agency	Agency to require evidence of compliance through site permit process; DBI to monitor during construction
CR-3. Historic Resources (Chamfered Corner)				
Remove the non-historic chamfered corner and replace it with a storefront aligned with the streets.	Project Sponsor	During construction	Construction Contractor and DBI, Redevelopment Agency	Agency to require evidence of compliance through site permit process; DBI to monitor during construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
CR-4. Historic Resources (Documentation)				
Document the history and the existing exterior and interior conditions of Hooper's South End Grain Warehouse according to the <i>Historic American Buildings Survey</i> ("HABS") Level II documentation in addition to the other mitigation measures identified, and (2) install on-site displays communicating the historic significance of the building and the historical location of the shoreline. (1) According to HABS standards, Level II documentation consists of the following tasks: • <i>Drawings</i>: Existing drawings, where available, should be photographed with large format negatives or photographically reproduced on mylar. • <i>Photographs</i>: Photographs with large-format negatives should be shot of exterior and interior views or historic views where available. These should be printed on archival fiber paper. • <i>Written data</i>: A report documenting the existing conditions and history of the building should be prepared.	Project Sponsor, Historic Resources Consultant	Prior to demolition and construction activities within the project site	Historic Resources Consultant; Redevelopment Agency to require implementation prior to demolition and construction	Prepare HABS documentation; Redevelopment Agency to review documentation in consultation with the Planning Department and the Landmarks Preservation Advisory Board prior to demolition and construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
The completed documentation package would be submitted to local and regional archives, including but not limited to, the San Francisco Public Library History Room, the California Historical Society and the Northwest Information Center at Sonoma State University in Rohnert Park.				
(2)Install a plaque at the front of the building to communicate its historic significance. In addition, the sidewalk around Hooper's South End Grain Warehouse makes indications about the historic location of the shoreline, which once passed underneath the corner of the building. The existing pavement does not continue those lines to the edge of the building. When relaying concrete around the building, continue the historic lines up to the edge of the building. •	Project Sponsor	During construction, prior to completion	Construction Contractor and DBI, Redevelopment Agency,	Redevelopment Agency to require evidence of compliance through site permit process; DBI to monitor during construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
CR-5. Historic Resources (Subsurface Cultural Resources)				
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 <i>CEQA Guidelines</i> Section 15064.5(a)(c), including human or associated funerary remains. The project sponsor shall retain the services of an archaeologist. During any soils disturbing activities within the project site, the archaeologist shall carry out a pre-excavation testing program to better determine the probability of finding archaeological remains on the site. The testing program shall consist of a series of mechanical exploratory borings or trenches and/or other testing methods determined to be appropriate by the archaeologist. If, after testing, the archaeologist determines that no further investigations or precautions are necessary to safeguard potentially significant archaeological resources, the archaeologist shall submit a written report to the City's Environmental Review Officer ("ERO"), with copies to the project sponsor and the Agency. If the archaeologist determines that further investigations or	Project Sponsor, Archaeological consultant, at the direction of the ERO	Prior to undertaking any soil disturbing activities within the project site, during construction if subsurface cultural resources are present	Construction Contractor, Archaeological consultant; Redevelopment Agency, ERO to require implementation prior to excavation and, as warranted, during construction	Prepare pre-excavation testing program report; undertake archaeological monitoring program; prepare written report(s) of findings, as directed by the ERO

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
precautions are necessary, he/she shall consult with the ERO, and they shall jointly determine what additional procedures are necessary to minimize potential effects on archaeological resources. These additional mitigation measures shall be implemented by the project sponsor and might include a program on on-site monitoring of any site excavation and foundation work that may be necessary, during which the archaeologist shall record observations in a permanent log. Whether or not there are archaeological finds of significance, the archaeologist shall prepare a written report on the monitoring program that shall be submitted first and directly to the ERO with copies to the project sponsor and Agency. During the monitoring program, the project sponsor shall designate one individual on site as his/her representative. This representative shall have the authority to suspend work at the site to give the archaeologist time to investigate and evaluate archaeological resources that may be encountered. Should evidence of cultural resources of potential significance be found during the				

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
monitoring program, the archaeologist shall immediately notify the ERO, and the project sponsor shall halt any activities which the archaeologist and the ERO jointly determine could damage such cultural resources. Ground disturbing activities which might damage cultural resources would be suspended for a total maximum of four weeks over the course of construction. After notifying the ERO, the archaeologist shall prepare a written report to be submitted first and directly to the EIR, with copies to the project sponsor and Agency, which shall contain an assessment of the potential significance of the archaeological finds and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO shall recommend specific additional mitigation measures to be implemented by the project sponsor. These additional mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation and recovery of archival material.				

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
Finally, the archaeologist shall prepare a report documenting the archaeological resources that were discovered, and evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted. Copies of all draft reports prepared according to this mitigation measure shall be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report shall be sent to the President of the Landmarks Preservation Advisory Board and the Northwest Information Center. Three copies of the final report shall be submitted to the Office of Major Environmental Analysis, accompanied by copies of the transmittals documenting distribution to the President of the Landmarks Preservation Advisory Board and the Northwest Information Center.				

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
CR-6. Historic Resources (Paleontological Resources)				
If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s).	Project Sponsor, Paleontological resources consultant, in consultation with the ERO	Prior to undertaking any soil disturbing activities within the project site, during construction if paleontological resources are present	Construction Contractor, Paleontological consultant, Redevelopment Agency	Implement regulatory requirements, as applicable
HM-1. Hazards (Contaminated Soil)				
All contaminated soils designated as hazardous waste shall be excavated by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions	Project Sponsor	During construction	Construction Contractor and DBI, Redevelopment Agency, Department of Public Health ("DPH")	Maintain the H&S Plan, prepare compliance reports; DPH, Redevelopment Agency to require evidence of compliance; DBI/DPH to monitor during construction

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MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
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shall be taken in coordination with the San Francisco Department of Public Health (“DPH”).

A Site Health and Safety (“H&S”) Plan would be required by the California Division of Occupational Safety and Health prior to initiating any earth-moving activities at the site. The H&S Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in Air Quality Mitigation Measure AQ-1.
- Protocols for managing stockpiled and excavated soils.

The H&S Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
earthwork construction. The protocols shall include as a minimum: • Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier of sufficient height and structural integrity to prevent entry and based upon the degree of control required. • Posting of “no trespassing” signs. • Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures. If groundwater contamination is identified, the H&S Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering. The H&S Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried				

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking. The H&S Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures could include, but would not be limited to, investigation and removal of underground storage tanks or other hazards. HM-2. Hazards (Decontamination of Equipment) All trucks and excavation and soil handling equipment shall be decontaminated following use and prior to removal from the site. Gross contamination shall be first removed through brushing, wiping, or dry brooming. The vehicle or equipment shall then be washed clean (including tires). Prior to removal from the work site, all vehicles and equipment shall be inspected to ensure that contamination has been removed.	Project Sponsor	During construction	Construction Contractor and DBI, DPH, Redevelopment Agency	Redevelopment Agency to require evidence of compliance; DBI/DPH to monitor during construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
HM-3. Hazards (Procedures for Handling Contaminated Soils)				
The following procedures shall be observed when handling, hauling, and disposing of contaminated soils: (a) <u>Specific work practices</u>: The construction contractor shall be alert for the presence of hazardous soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, State, and federal regulations) when such soils are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.	Project Sponsor	During construction	Construction Contractor and DBI, DPH, Redevelopment Agency	Redevelopment Agency to require evidence of compliance; DBI/DPH to monitor during construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
(b)<u>Dust suppression</u>: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours. (c)<u>Air monitoring</u>: Air monitoring of ambient air and, as necessary, for worker exposure, shall be performed to ensure compliance with all federal, State, and local regulations and exposure requirements. (c)<u>Surface water runoff control</u>: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather. (d)<u>Soils replacement</u>: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. (e)<u>Hauling and disposal</u>: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a				

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
permitted hazardous waste disposal facility registered with the State of California.				
HM-4. Hazards (Closure/Certification Report for Contaminated Soils)				
After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a Closure/Certification Report to DPH for review and approval. The Closure/Certification Report shall include the mitigation measures in the Site Mitigation Plan (<i>Site Mitigation Plan, 72 Townsend Street, San Francisco, CA</i> , SCA Project No. X4256.AS, SCA Environmental, Inc., August 2000) for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.	Project Sponsor	During construction	Construction Contractor and DBI, DPH, Redevelopment Agency	Redevelopment Agency to require evidence of compliance; DBI/DPH to monitor during construction

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Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
HM-5. Hazards (Procedures for Exterior Excavation Work)				
If excavation work at the exterior of the project building is planned, such as for utility trenches, additional sampling of soils at these exterior locations shall be performed, as directed by DPH.	Project Sponsor	During construction	Construction Contractor and DBI, DPH, Redevelopment Agency	Redevelopment Agency to require evidence of compliance; DBI/DPH to monitor during construction