

RESOLUTION NO. 35-2008

Adopted April 15, 2008

CONDITIONALLY APPROVING THE SCHEMATIC DESIGN FOR THE PROPOSED DEVELOPMENT OF APPROXIMATELY 32 LOW- AND MODERATE-INCOME FIRST-TIME OWNERSHIP UNITS AT 1345 TURK STREET, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; WESTERN ADDITION REDEVELOPMENT PROJECT AREA A-2; CITYWIDE TAX INCREMENT HOUSING PROGRAM

BASIS FOR RESOLUTION

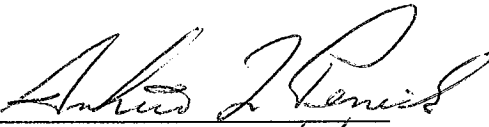
1. Michael Simmons Property Development, Inc. ("Developer") was the successful bidder and entered into an Exclusive Negotiations Agreement with the Redevelopment Agency of the City and County of San Francisco ("Agency") to develop 32 units of low- and moderate-income condominiums on April 17, 2007. Predevelopment funds in the amount of \$1,621,351 were approved by the Commission ("Commission") on December 18, 2007 to cover upfront costs associated with the development of these affordable condominiums. These units will be developed and sold to qualified first-time buyers, with priority consideration for Certificate of Preference holders.
2. The Developer retained DAVID BAKER + PARTNERS as architect ("Architect") for the project.
3. The Architect developed the schematic design ("Schematic Design") for the 32 residential units, clubhouse and garage.
4. The project provides 1, 2 and 3 bedroom condominium units for families. Amenities include a clubhouse, courtyard, and on-site parking. Total gross building area is 57,853 square feet.
5. Staff reviewed the Schematic Design for the proposed housing project located at 1345 Turk Street and finds it acceptable provided that the following conditions are resolved during the next design phase:
 - Detailed design for all the facades elements shall be submitted to the Agency for review and approval.
 - Detailed landscape design drawings for all open spaces in the development, as well as the street trees and sidewalk details, shall be submitted to the Agency for review and approval.
 - Final selection of the exterior materials and colors shall be submitted for review and approval.

6. In adopting Resolution No. 55-2004 on May 18, 2004, the Commission found that the Mitigated Negative Declaration for the 2004 Amendment of the Western Addition A-2 Redevelopment Plan, which included development of the 1345 Turk Street site, was prepared pursuant to the California Environmental Quality Act ("CEQA") by the Agency and the San Francisco Planning Department, reflected the independent judgment and analysis of the Agency and adopted the Mitigated Negative Declaration as adequate and having been prepared in accordance with CEQA.
7. Conditional approval of the Schematic Design for the proposed development of approximately 32 low- and moderate-income first-time ownership units at 1345 Turk Street is an Implementing Action of the Western Addition A-2 Redevelopment Plan Amendment. Agency staff, in making the necessary findings for the Implementing Action contemplated herein, considered and reviewed the Mitigated Negative Declaration. Documents related to the Implementing Action and the Mitigated Negative Declaration have been and continue to be available for review by the Commission and the public and are part of the record before the Commission.
8. The Mitigated Negative Declaration and Resolution No. 55-2004 were and remain adequate, accurate and objective and are incorporated herein by reference as applicable to the Implementing Action.
9. Pursuant to Resolution No. 55-2004, Agency staff has prepared the 1345 Turk Street Mitigation Monitoring and Reporting Program that contains the mitigation measures from the Mitigated Negative Declaration that applies to this project, included herein as Attachment A.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that (1) the Agency has reviewed and considered the Mitigated Negative Declaration and hereby adopts the CEQA findings set forth in Resolution No. 55-2004 incorporated herein and the Mitigation Monitoring and Reporting Program included herein as Attachment A, and (2) the Schematic Design for the proposed housing development at 1345 Turk Street is conditionally approved in the form submitted by the Developer and presented to the Commission, subject to Agency staff's approval of the proposal to be submitted by the Developer for resolution of the design conditions stated in foregoing portions of this Resolution, together with such refinements as the Executive Director may approve which do not substantially alter the Schematic Design concept.

APPROVED AS TO FORM:


for James B. Morales *9/10/08*
Agency General Counsel

ATTACHMENT A

1345 TURK STREET

**MITIGATION MONITORING AND REPORTING
PROGRAM**

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 1345 Turk Street ("Project") Mitigation Monitoring and Reporting Program ("MMRP"), 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.

ORGANIZATION

The MMRP is attached as Exhibit 1 and 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 Exhibit 1 has a corresponding number, arranged in the order in which they are discussed in the April 27, 2004 Mitigated Negative Declaration for the Western Addition A-2 Redevelopment Plan Amendments.

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 San Francisco Redevelopment Agency and City of San Francisco 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.

EXHIBIT 1
1345 TURK STREET
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
1. Construction Noise and Vibration				
The Redevelopment Agency would require the construction contractor(s) to pre-drill pile holes where soil conditions permit, and to use state-of-the-art noise shielding and muffling devices on construction equipment. The Agency would also require that contractor(s) schedule pile driving for times of the day that would be least intrusive and would minimize disturbance to neighbors.	Developer and contractor(s)	Provide documentation regarding compliance prior to pile driving	Redevelopment Agency, DBI	DBI to review documentation prior to pile driving as part of site permit process
2. Construction Air Quality				
The project sponsor shall require contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand, or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.	Developer and contractor(s)	During construction	DBI	DBI to require evidence of compliance through site permit process

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Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.				
5. Phase I Environmental Site Assessment				
Where no Phase I environmental site assessment has been prepared (i.e., Rosa Parks Annex 1 and 2 sites and Muni substation site), prior to approval of building permit(s) for an individual project, the Redevelopment Agency shall ensure that a Phase I environmental site assessment is prepared for each project site (either by the	Redevelopment Agency and Developer	Prior to construction	Redevelopment Agency, DPH	Redevelopment Agency to report and document compliance with this measure

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
Agency or by the project developer). The Agency shall ensure that, prior to occupancy of the project, all hazardous materials identified in the Phase I report are properly remediated to residential standards, in accordance with applicable federal, state, and local laws and regulations, and in consultation with the San Francisco Department of Public Health (DPH). The Agency shall further ensure that, where applicable, all required worker health and safety procedures (including preparation of a Site Health and Safety Plan, if required) are followed during site remediation, if any, and that all hazardous materials removed from the site are properly disposed of in an appropriate disposal facility. Such health and safety procedures and disposal, if required, shall be undertaken by the Agency in consultation with DPH. The Agency Project Manager shall prepare a report for submittal to the Agency Commission and DPH documenting compliance with this measure for the applicable project site.				

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6. Archaeological Resources				
Based on the reasonable potential that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an Archaeological Monitoring Program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the City's Environmental Review Officer ("ERO") for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a	Developer and Contractor(s)	During construction, ongoing implementation as required by measure	Redevelopment Agency, Planning Department, City's ERO	Agency to require prior to excavation as part of Project-level plan review; ongoing monitoring and consultation as required by measure

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
significant archaeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c). <u>Archaeological Monitoring Program.</u> The Archaeological Monitoring Program (AMP) shall minimally include the following provisions: • The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archaeologist shall determine what project activities shall be archaeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context.				

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
• The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected 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 archaeological resource. • The archaeological monitor(s) shall be present on the applicable project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits. • The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. • If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile				

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to the ERO. If the ERO in consultation with the archaeological consultant determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either: A) The proposed project shall be re-designed so as to avoid any adverse effect				

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
on the significant archaeological resource; or B) An archaeological data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <u>Archaeological Data Recovery Plan.</u> If an archaeological data recovery program is required by the ERO, the archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP) and with the requirements of the project archaeological research design and treatment plan prepared by Archeo-Tec ("Archaeological Research and Treatment Plan: The Western Addition A-2 Redevelopment Project, City and County of San Francisco, California." January 2004.). The project archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archaeological consultant 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				

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
significant information the archaeological resource is expected to contain. 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 archaeological resources if nondestructive methods are practical.				
<u>Human Remains, Associated or Unassociated Funerary Objects.</u> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant				

Mitigation Measure	Responsibility for Mitigation	Mitigation Schedule	Monitoring Responsibility	Monitoring Actions/Schedule
(MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. <u>Final Archaeological Resources Report.</u> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the draft final report. Copies of the Draft FARR shall be sent to the ERO for review and approval. Once				

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approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The San Francisco Redevelopment Agency shall receive one copy of the FARR. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				