



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17774

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED BALBOA PARK STATION AREA PLAN. THE PLAN AREA GENERALLY INCLUDES THE AREA SURROUNDING THE BALBOA PARK STATION, AND ALONG GENEVA, OCEAN, AND SAN JOSE AVENUES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2004.1059E - Balboa Park Station Area Plan (hereinafter "Area Plan" or "Project") based upon the following findings:

- 1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - a. The Citywide Group of the Department filed for environmental evaluation on October 8, 2004, and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 29, 2006.
 - b. Notice of Preparation of an EIR was filed with the State Secretary of Resources via the State Clearinghouse on July 29, 2006.
 - c. On September 21, 2007, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
 - d. On September 21, 2007, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

- e. Notices of Availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on September 21, 2007.
- 2) The Commission held a duly advertised public hearing on the DEIR on October 25, 2007, at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on November 5, 2007.
- 3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Area Plan. This material was presented in a Comments and Responses document, published on October 30, 2008, that was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.
- 4) A Final Environmental Impact Report ("FEIR") has been prepared by the Department, consisting of the DEIR, all background studies and materials, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
- 5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
- 6) On December 4, 2008, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
- 7) The Planning Commission hereby does find that the FEIR concerning Case File 2004.1059E - Balboa Park Station Area Plan reflects the independent judgment and analysis of the City and County of San Francisco and is adequate, accurate, and objective. The Commission also finds that since publication of the DEIR there has been no significant new information or other factors that would require recirculation of the document pursuant to CEQA Guidelines Section 15088.5. Information to support this conclusion is found in the FEIR, which includes the Comments and Responses, and in Department staff analysis. In furtherance of the above findings, the Planning Commission hereby does CERTIFY THE

COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

- a. Traffic impacts at three intersections: (1) Ocean Avenue/Junipero Serra Boulevard, (2) Ocean Avenue/I-280 Northbound On-Ramp, and (3) Ocean Avenue/San Jose Avenue;
- b. Traffic and transit impacts at two project intersections: (1) Ocean Avenue/Geneva Avenue/Phelan Avenue, and (2) Geneva Avenue/I-280 Northbound and Southbound Ramps;
- c. Transit operations impacts on the Muni K-Ingleside Metro line; and
- d. Cumulative impacts to a potential historic district along Ocean Avenue.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on December 4, 2008.

Linda Avery
Planning Commission Secretary

AYES: Olague, Antonini, Borden, Lee, Miguel, Moore
NOES: None
ABSENT: None
EXCUSED: Sugaya

ACTION: Certification of the Balboa Park Station Area Plan FEIR



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17775

ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE BALBOA PARK STATION AREA PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLANS. THE PLAN AREA GENERALLY INCLUDES THE AREA SURROUNDING THE BALBOA PARK STATION, AND ALONG GENEVA, OCEAN, AND SAN JOSE AVENUES.

Whereas, the Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA") has undertaken a planning and environmental review process for the proposed Balboa Park Station Area Plan ("Area Plan" or "Project") and provided for appropriate public hearings before the Planning Commission.

Whereas, The San Francisco Planning Department is seeking to implement the Balboa Park Station Area Plan. The Plan aims to improve upon the existing land use pattern, improve transit facilities and services, create balanced parking policies, provide new housing and increase opportunities for affordable housing, enhance streets through public realm improvements, retain and reuse the area's historic properties, and create opportunities to integrate art into the community.

Whereas, the Planning Department initiated a public planning process and, with help from the community, developed a vision for the Balboa Park area as described in "The Balboa Park Station Area Plan: Draft for Public Review." The Balboa Park Area Plan formalizes this community vision through objectives, policies, and implementing actions. The Plan addresses land use, transportation, parking, housing, streets and open space, built form, historic preservation, and the arts. The Plan includes a Community Improvements Program Document, which guides the implementation of the Plan's goals.

Whereas, the Balboa Park Station Area Plan proposes two new zoning districts in the area of San Francisco generally located in south central San Francisco as described in the preamble, including the following: Ocean Avenue Neighborhood Commercial Transit District, and the Neighborhood Commercial Transit Cluster District.

Whereas, the above-mentioned use districts would eliminate the existing density cap and minimum parking requirement as described in detail in the *Balboa Park Station Area Plan Initiation Package*, dated November 6, 2008, transmitted to the City Planning

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Commission and made available to the general public on November 6, 2008. These use districts would replace existing Neighborhood Commercial Districts within the Project Area.

Whereas, the Planning Commission will consider—in conjunction with the proposed new use districts—adoption of General Plan amendments, including new and/or amended goals, objectives, and policies as part of the Balboa Park Station Area Plan. These include, but are not limited to, zoning map amendments, a community benefits fee program, and other applicable zoning changes.

Whereas, the actions listed in Attachment A hereto (“Actions”) are part of a series of considerations in connection with the adoption of the Balboa Park Station Area Plan and various implementation actions (“Project”), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report (“EIR”) was required for the proposed Balboa Park Station Area Plan, and provided public notice of that determination by publication in a newspaper of general circulation on July 29, 2006.

Whereas, the Planning Department on September 21, 2007, published the Draft Environmental Impact Report (“DEIR”). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* (“CEQA”), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, (“CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”). The Planning Commission held a public hearing on the DEIR on October 25, 2007.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on October 30, 2008, which together with the DEIR, background studies and materials, and additional information that became available, constitute the Final Environmental Impact Report (“FEIR”).

Whereas, the Planning Commission, on December 4, 2008, by Motion No. 17774, reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17774, also certified the FEIR and found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR that would have required recirculation under CEQA Guidelines Section 15088.5, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission has reviewed and considered the FEIR and the actions associated with the Balboa Park Station Area Plan Rezoning and hereby adopts the Project Findings attached hereto as Attachment A including a statement of overriding considerations, and the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of December 4, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Moore, Sugaya
NOES:
ABSENT: Commissioners Lee, Miquel, Olague
EXCUSED:

ACTION: Adoption of CEQA Findings



SAN FRANCISCO PLANNING DEPARTMENT

April 4, 2013

Rana Ahmadi
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

RE: CEQA Review
1080 Ocean Avenue – Ocean Avenue Public Plaza
Block/Lot 3180/001, Case No. 2012.0593E

Dear Ms. Ahmadi,

The purpose of this letter is to confirm that the proposed project was fully analyzed in the programmatic *Balboa Park Station Area Plan Environmental Impact Report* (Area Plan EIR) and requires no further analysis under the California Environmental Quality Act (CEQA).

The project site is a 14,950-square-foot (sf) portion of a 1,329,085 sf (30-acre) parcel at the northwest corner of Ocean Avenue and Phelan Avenue. The project site contains a portion of the existing Phelan Loop bus terminal/driveway, a parking lot, and an unpaved vacant area. Adjacent and to the west of the project site, also on the existing bus terminal site, is the site of a proposed 55-foot-tall, five-story, mixed-use building containing 71 residential units.¹ Adjacent and to the east of the project site is the proposed relocated bus terminal. Ocean Avenue is to the south and the City College campus is to the north of the project site.

The proposed public plaza, approximately 200 feet by 65 feet in area, would be covered by permeable hardscape and would include lighting, benches, and landscaping. The plaza would also function as a pedestrian passageway between the Ocean Avenue K-line LRV stop and the City College campus. The residential entrance of the proposed 1100 Ocean Avenue mixed-use building to the west of the project site would face onto the public plaza. The plaza and the light fixtures would require a maximum excavation of 5 feet. The proposed plaza would be constructed after the bus terminal is relocated.

¹ 1100 Ocean Avenue, Conditional Use Authorization, Planning Department Case No. 2009.1117C, Approved by the San Francisco Planning Commission on July 22, 2010, Motion No 18153. This project is also known as 11 Phelan Avenue and Phelan Loop Affordable Housing.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The proposed project was fully analyzed on a project level in the Area Plan EIR, which describes the “Phelan Loop Plaza” as about 0.5 acres of new public open space between the Phelan Loop housing development and the relocated bus terminal.

Archeological Resources. The Balboa Park Station Area Plan EIR included the following archeological monitoring mitigation measure that would apply to the proposed project.

AM-2: Based on the reasonable potential that archeological resources may be present within the Project Area, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce the potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c), to a less-than-significant level.

Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor of a development project under the Balboa Park Station Area Plan, 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 archeologist shall determine what project activities shall be archeologically 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 archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological 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 archeological resource;

- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological 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 on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological 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 significant information the archeological 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 archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.
- Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.
- Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.
- Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- Final Report. Description of proposed report format and distribution of results.

Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects. 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 (MLD) (Pub. Res. Code Sec. 5097.98). The archeological 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.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the

historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological 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 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 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, the ERO may require a different final report content, format, and distribution than that presented above.

Hazardous Materials. The Area Plan EIR included the following mitigation measure that would apply to the proposed project.

Mitigation Measure HM-1: For projects that include excavation, prepare a site-specific Phase I Environmental Site Assessment for sites not subject to regulatory closure prior to development. The site assessment shall include visual inspection of the property; review of historical documents; and review of environmental databases to assess the potential for contamination from sources such as underground storage tanks, current and historical site operations, and migration from off-site sources. If the Phase I Environmental Site Assessment indicates that a release of hazardous materials could have affected soil or groundwater quality at the site, conduct follow-up investigations and possibly remediation in conformance with state and local laws, regulations, and guidelines.

A soil investigation for all of the Phelan Loop site (housing, plaza, and relocated bus terminal) was conducted in June 2008. In a letter dated April 5, 2010, the Department of Public Health, Occupational Health and Safety, (DPH) noted that the June 2008 soil investigation identified an elevated level of total petroleum hydrocarbons-motor oil (TPH-m.o.) at one soil boring. This soil boring, C1, appears to be at the site of the proposed plaza. The April 5, 2010 letter further noted that the consultant recommended that the area around boring C1 have confirmatory samples taken to verify the removal of

the elevated levels of TPH-m.o., and the material be disposed at the appropriate licensed landfill.²

On July 31, 2012, a DPH representative noted:

The DPH letter of April 5, 2010 appears to cover the proposed plaza area. The site is already under the VRAP [DPH Voluntary Remedial Action Program] as SMED 790 if this is the case. The recommendations in the April 5, 2010 DPH letter should be followed. A Health and Safety plan should also be prepared. It would be helpful if a final letter report was prepared for the project following completion of earth work. The letter should include the copies of permits, manifests or bills of lading and laboratory reports for disposed soil and water. If an underground tank or other similar item is encountered, the regulations implemented by the SF Hazardous Materials and Waste Program must be followed. The final letter report will allow DPH to issue a no further action letter for the project.³

Compliance with the conditions of the VRAP, as noted above, would constitute implementation of Mitigation Measure HM-1 of the Area Plan EIR. Reports and correspondence with DPH concerning the VRAP should be copied to the San Francisco Planning Department to ensure that mitigation measure HZ-1 has been fully implemented.

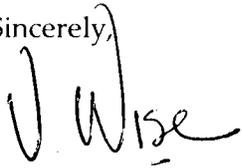
In conclusion, the proposed project does not deviate from the project components analyzed in the area plan EIR; thus, no additional environmental review is required. The mitigation measures discussed above were adopted by the Planning Commission on December 4, 2008, during Certification of the *Balboa Park Station Area Plan Environmental Impact Report* and are applicable to the proposed project. The Mitigation Monitoring and Reporting Program was adopted when the City made its findings pursuant to CEQA, and the mitigation requirements were made conditions of project approval.

² San Francisco Department of Public Health, Occupational and Environmental Health, *Phelan Loop Supportive Housing*, April 5, 2010. This letter is available for review as part of Case No. 2012.0593E.

³ Elyse Heilshorn, Department of Public Health, email to Jeanie Poling, July 31, 2012.

Ms. Rana Ahmadi
1080 Ocean Avenue
Page 7

Sincerely,

A handwritten signature in black ink, appearing to read "V. Wise". The signature is written in a cursive style with a large initial "V" and a distinct "Wise" at the end.

Viktoriya Wise
Deputy Environmental Review Officer

cc: Jeanie Poling

Attachment: Mitigation Monitoring and Reporting Program

**MITIGATION MONITORING AND REPORTING PROGRAM
1080 OCEAN AVENUE – OCEAN AVENUE PUBLIC PLAZA – PLANNING CASE NO. 2012.0593E**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<i>Hazardous Materials Mitigation Measure</i>				
<p>HM-1: For projects that include excavation, prepare a site-specific Phase I Environmental Site Assessment for sites not subject to regulatory closure prior to development. The site assessment shall include visual inspection of the property; review of historical documents; and review of environmental databases to assess the potential for contamination from sources such as underground storage tanks, current and historical site operations, and migration from off-site sources. If the Phase I Environmental Site Assessment indicates that a release of hazardous materials could have affected soil or groundwater quality at the site, conduct follow-up investigations and possibly remediation in conformance with state and local laws, regulations, and guidelines.</p>	Project sponsor of each future development project in the Balboa Park Station Area Plan	Prior to approval of each subsequent project, through Mitigation Plan	Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon approval of each subsequent project
<i>Archeological Mitigation Measure</i>				
<p>AM-2: AM-2 applies to any project involving any soils-disturbing activities greater than 10 feet in depth, including excavation, installation of foundations or utilities or soils remediation, and to any soils-disturbing project of any depth within the Phelan Loop and Kragen Auto Parts Sites, the east side of San Jose between Ocean and Geneva Avenues, and the Upper Yard Parcel.</p> <p>Based on the reasonable potential that archeological resources may be present within the Project Area, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried historical resources. The project sponsor of a development project under the Balboa Park Station Area Plan shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce the potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c), to a less-than-significant level.</p> <p>Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor of a development project under the Balboa Park Station Area Plan, 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 archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation 	Project sponsor of each future development project within the Phelan Loop and Kragen Auto Parts Sites, the east side of San Jose between Ocean and Geneva Avenues, and the Upper Yard Parcel in the Balboa Park Station Area Plan	Prior to and during construction	The ERO to review and approve the Final Archeological Resources Report	The project archeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archeological Resources Report by the ERO.

**MITIGATION MONITORING AND REPORTING PROGRAM
1080 OCEAN AVENUE – OCEAN AVENUE PUBLIC PLAZA – PLANNING CASE NO. 2012.0593E**

<p align="center">MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</p>	<p align="center">Responsibility for Implementation</p>	<p align="center">Mitigation Schedule</p>	<p align="center">Monitoring/Report Responsibility</p>	<p align="center">Status/Date Completed</p>
<p>removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archeological resources and to their depositional context;</p> <ul style="list-style-type: none"> • The archeological 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 archeological resource; • The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; • If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO. <p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The</p>	<p align="center">Project archeologist</p>	<p align="center">Follow requirements of an ADRP</p>	<p align="center">The ERO to review and approve the ADRP</p>	<p align="center">Considered complete after review and approval of the</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
1080 OCEAN AVENUE – OCEAN AVENUE PUBLIC PLAZA – PLANNING CASE NO. 2012.0593E**

<p align="center">MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</p>	<p align="center">Responsibility for Implementation</p>	<p align="center">Mitigation Schedule</p>	<p align="center">Monitoring/Report Responsibility</p>	<p align="center">Status/Date Completed</p>
<p>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.</p> <p>Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once 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 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, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p align="center">Project archeologist</p>	<p align="center">Completion of draft FARR</p>	<p align="center">The ERO to review and approve the FARR</p>	<p align="center">Considered complete after review and approval of the FARR by the ERO</p>