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CERTIFICATION OF ACTIVITIES

July 15, 2009

The undersigned hereby certifies as required by Stipulation V.B of the Programmatic Agreement, that all work subject to the Programmatic Agreement was carried out in compliance with the terms of the Programmatic Agreement, including any undertakings subject to Appendix A of the Programmatic Agreement.

BY: _____
Eugene T. Flannery
Environmental Compliance Manager
Mayor's Office of Housing
City and County of San Francisco

I Introduction

On January 19, 2007 a Programmatic Agreement (“PA”) was executed by the City and County of San Francisco (“City”), the California State Historic Preservation Officer (“SHPO”), and the Advisory Council on Historic Preservation (“Advisory Council”) regarding properties affected by the City’s use of funds subject to Part 58 of Title 24 of the Code of Federal Regulations (“Undertakings”). The PA contains stipulations that ensure the City’s responsibilities under Section 106 of the National Historic Preservation Act are carried out in accordance with the appropriate regulations for all undertakings that may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (“Historic Properties”). The Mayor’s Offices of Housing administers Part 58 activities in the City and County of San Francisco. These activities are funded through a variety of Federal Programs that are subject to the regulations contained in 24 C.F.R. Part 58. These programs are listed in Appendix 1. The PA requires the City to document in writing all actions taken pursuant to the PA and to report these activities to the SHPO and the Advisory Council in a Programmatic Agreement Compliance Report (PACR) every six months. This report covers the activities for which the Federal Environmental Review Records required by the National Environmental Policy Act (NEPA) were completed between December 1, 2008 and May 31, 2009.

The regulations in 24 CFR Part 58 apply to “responsible entities” (RE) as defined in 24 C.F.R. §58.2¹. Responsible entities are recipients of funds who assume the environmental responsibilities imposed upon the United States Department of Housing and Urban Development (HUD) by the National Environmental Policy Act². As the Responsible Entity, the City and

¹ Environmental Review Procedures For Entities Assuming HUD Environmental Responsibilities

² Pub. L. 91-190, §2, Jan. 1, 1970, 83 Stat. 852, 20 U.S.C. 5501.

County of San Francisco assumes HUD's responsibilities for compliance with NEPA as well as those provisions of law identified 24 CFR §§58.5 and 58.6³. The RE certifies to HUD that it has complied with all requirements that would, in the absence of its assumption of authority, have applied to HUD.

In accordance with the Housing and Community Development Act of 1974⁴, HUD delegated its responsibilities for decision-making under NEPA to the City and County of San Francisco for Undertakings as defined at 36 C.F.R. §800.16⁵ which are subject to 24 C.F.R. Part 58 and which are administered by the City and County of San Francisco.

As the chief executive of the responsible entity, The City and County of San Francisco, the Mayor of San Francisco assumes the status of a Federal official under the National Environmental Policy Act of 1969 and the laws listed in 24 CFR §§58.5 and 58.6 insofar as these laws apply to Housing and Urban Development's responsibilities for environmental review, decision-making and action. Included in the list of these NEPA related authorities is the National Historic Preservation Act and its implementing regulations at 36 C.F.R. Part 800. The Mayor has appointed the Director of his Office of Housing as the certifying official for these Undertakings.

II STATEMENT OF PURPOSE

The purposes of this fourth reporting period PACR are to:

- Describe the Methodology used by the City to carry out its responsibilities under the Programmatic Agreement.

³ See Appendix 2 for a list of these laws.

⁴ Pub. L. 93-383; Aug. 22, 1974, 88 Stat. 633; 42 U.S.C. 5301 et seq.

⁵ Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval. 36 CFR §800.16(y).

- Summarize for the SHPO and the Advisory Council the Activities carried out under the Programmatic Agreement from December 1, 2008 through May 31, 2009;
- Document all decisions made with respect to Identification and Evaluation of Historic Properties; Treatment of Historic Properties; Resolution of Adverse Effects; and Consideration and Treatment of Archeological Resources; and Exempt Projects;
- Provide copies of all Standard Mitigation Measures Agreements (SMMA);
- Present the views of the City regarding the usefulness of the PA in promoting the efficiency and effectiveness of both the Programs and the consideration of Historic Properties;
- Inform the public of the activities carried out under the terms of the PA by making the PACR available for public inspection and comment.

III METHODOLOGY

This section summarizes the methodology used by the City and County of San Francisco to carry out its duties under the PA. As the evaluation of undertakings required by the National Historic Preservation Act is incorporated into the preparation of Environmental Review Records mandated by the National Environmental Policy Act, some discussion of the NEPA review process is necessary in order to describe the City's Section 106 compliance procedures for Part 58 projects. Copies of the appropriate forms and other documentation used in complying with the terms of the PA are available upon request from the City.

The City's review of Undertakings begins with the preparation of a REQUEST FOR PREPARATION OF ENVIRONMENTAL REVIEW RECORD (REQUEST) by the Project Manager. The Request is reviewed by the Environmental Compliance Manager (Manager) to determine the appropriate level of environmental review necessary to inform the decision whether to proceed with the project. This review includes a determination whether the project is subject to the laws listed at 24 C.F.R. §58.5. If the project is subject to §58.5, the first level of review for all projects is an evaluation under the criteria, standards, policies and regulations affecting properties included in or eligible for inclusion in the National Register of Historic

Places.⁶ Here the first determination is whether the project qualifies for review under the terms of the PA. The PA covers all undertakings that are assisted in whole or in part by revenues from HUD programs subject to 24 CFR Part 58 and that can result in changes in the character or use of any resource that is fifty (50) years of age or older or that are otherwise eligible for listing in the National Register of Historic Places. If subject to the Programmatic Agreement, an Undertaking is evaluated to determine if it is exempt from review and determinations of eligibility by Stipulation IV of the Programmatic Agreement. Stipulation IV of the PA exempts from review and determinations of eligibility all undertakings:

- Affecting resources that are less than 50 years old;
- Limited exclusively to the interior portions of single family residences where the proposed work is not visible from the property's exterior;
- And those listed in Appendix A of the PA. Properties exempt from review per Appendix A are required to conform to the greatest extent feasible with the California State Historic Building Code and the Secretary of the Interior's Standards.

Accordingly, the age of each affected resource is determined by consulting public records on file at the Office of the Assessor-Recorder or the Planning Department. Projects less than 50 years old are then evaluated to determine if they meet the criteria for listing on a basis regardless of age. If the project is older than 50 years old and does not involve the interior of a single family dwelling it is evaluated to determine if it is exempted by Appendix A. All undertakings determined to be exempt are documented. Documentation of determinations of exemption includes property identifying information, description of the undertaking, basis for the exemption and date of the determination. The Mayor's Office of Housing maintains this documentation. Those projects exempted by Appendix A are then evaluated to determine if they comply with the

⁶ See The National Historic Preservation Act of 1966, (16 U.S.C. 470 *et seq.*); Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp., p. 559; 36 CFR part 800; 36 CFR part 801; The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*).

California State Historic Building Code, as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building, 1995. This evaluation is made by either the Planning Department of the City and County of San Francisco or by a qualified consultant under contract with the City and County of San Francisco, the San Francisco Housing Authority or the San Francisco Redevelopment Agency. Consultants are listed in Appendix 3. Undertakings not qualifying for review under the terms of the PA are reviewed in accordance with 36 CFR Part 800, regardless of age. These reviews are conducted by the Planning Department of the City and County of San Francisco.

Identification And Evaluation Of Historic Properties. Stipulation VII of the PA requires the City to review existing information on any property within an Undertaking's Area of Potential Effects (APE) to determine if it may be a Historic Property unless the Undertaking is exempted by Stipulation IV. The determination of eligibility is made by the Planning Department based upon information provided to it by the Certifying Officer. The procedure used in making the determination of eligibility follows.

For each Undertaking affecting a resource which has not been reviewed by the San Francisco Planning Department within five years for eligibility for inclusion in the National Register of Historic Places the Certifying Officer submits a Request for Determination of Eligibility on "Form A, Section 106 Research Form" to the San Francisco Planning Department. Form A contains information necessary for the Planning Department to make a determination regarding the resource's eligibility for inclusion in the National Register. Form A is accompanied by the following information, if appropriate:

- Sanborn Maps, Metroscan Maps, Coastal Survey Maps;
- Photographs; both current and, if available, historic;
- Plans and drawings for the proposed Undertaking;
- Description of the Area of Potential Effects;
- Results of a literature search of the following sources to determine if the Resource has been identified, mentioned or listed therein:
 1. National Register;
 2. State Office of Historic Preservation Historic Resources Inventory;
 3. City and County of San Francisco Landmark Listings per Article 10 of the San Francisco Planning Code;
 4. City and County of San Francisco Historic District Listing per Article 10 of the San Francisco Planning Code;
 5. Conservation Building or Districts Listing per Article 11 of the San Francisco Planning Code;
 6. General Area Plan;
 7. Here Today Survey;
 8. 1976 Architectural Survey;
 9. Unreinforced Masonry Building Survey;
 10. San Francisco Heritage Survey;
 11. Historical Files maintained by the City and County of San Francisco Planning Department.

The Planning Department documents its determination of eligibility for listing in the National Register of Historic Places on a State of California Historic Resources Inventory Form – DPR 523. Unless exempted by Stipulations IV or VII of the PA, the City reviews all existing information on any property within an Undertakings APE as required by 36 CFR §800.4 to determine if such properties may be Historic Properties.

The Planning Department reviews the proposed undertaking using the Criteria for Eligibility on the National Register of Historic Places. Planning determines the nature of the resource, assesses the integrity of the resource's location, design, setting, materials, workmanship, and feelings and association. Planning also determines whether the resource has significance by virtue of association with events contributing to the broad patterns of our history; with the lives of significant persons, or if it embodies distinctive characteristics of a type, period

or method of construction which represents the work of a master, possesses high artistic value, represents a significant and distinguishable entity whose components may lack individual distinction. Additionally, the Planning Department determines whether the resource has yielded or is likely to yield, information important in prehistory or history.

The Planning Department documents its review of the undertaking on Form B, Section 106 Review Form. If the State Office of Historic Preservation has not made a previous determination of eligibility for the resource, the Planning Department proceeds to do so. Additionally, Form B documents the effect of the Undertaking on the resource, regardless of the resource's eligibility for inclusion in the National Register. The effect is classified as not adverse, not adverse with mitigations, or adverse. Depending upon the Planning Department's assessment of the effect of the Undertaking, MOH implements, modifies, or abandons the Undertaking. The Mayor's Office of Housing maintains requests for Determinations of Eligibility and Section 106 Review Forms.

Treatment of Historic Properties. Stipulation VIII of the Programmatic Agreement sets forth the standards the City is required to use to determine compliance of Undertakings affecting Historic properties not exempted from review by the PA with the Secretary of the Interior's Standards and the California State Historic Building Code (SHBC). If the undertaking conforms to the Standards and the SHBC, the City is required to document the actions taken and may authorize the Undertaking to proceed without further review. The City is required to document recommended changes or Standard Mitigation Measures for Undertakings not conforming to the SHBC or to the Standards.

Resolution of Adverse Effects. Stipulation IX of the PA requires the City and SHPO to consult for period of 30 days to determine if Historic Properties affected by an Undertaking should be treated in accordance with Standard Mitigation Measures set forth in Appendix B of the PA or if the consultation process set forth in 36 CFR Section 800.6 should be initiated. All actions under this Stipulation are to be documented.

Emergency Undertakings. When the City determines that Emergency Conditions require the immediate demolition of a Historic Property in connection with an activity subject to the PA, the City is required to notify, in writing, the ACHP, SHPO, the Historic Preservation Commission, formerly the Landmarks Preservation Advisory Board, and any interested Indian Tribes. The notified parties are to be given seven days to comment on the proposed demolition. If the City determines that circumstances do not permit a seven-day comment period, the City must notify the parties mentioned above and invite comment in the allowable time. All actions under Stipulation X are to be documented.

Consideration and Treatment of Archeological Resources. When an Undertaking has the potential to affect archeological resources as identified in Stipulation XI of the PA and the Undertaking does not qualify as an exemption under Stipulation XI.B, the City is required to request a records search of the Undertaking's APE by the Northwest Information Center of the California Historical Resources Information System at Sonoma State University (IC). Unless the City is informed by the IC that an archeological property is located within the Undertaking's APE, no further consideration of archeological resources by the City is required. The City is required to document all actions taken in relation to this Stipulation.

Review of Changes to Approved Undertakings. The City is required to notify the SHPO promptly if previously approved scopes of work are changed in such a manner that they are no longer exempt from review under the terms of the PA. The City is also required to notify the SHPO of proposed changes to executed SMMAAs.

Discoveries and Unanticipated Effects. The City is required to notify the SHPO as soon as possible if it is apparent that an Undertaking will affect previously unidentified historic resources.

Public Involvement. The City is required to notify any public person or organization interested in the Undertakings subject to the PA by informing the public about Historic Properties when complying with the public notice requirements of 24 CFR Part 58. Interested parties are invited to participate in the development of SMMAAs. The City is to notify the SHPO of any objections lodged by the public. Stipulation XIV contains the standards and procedures for addressing public objections to undertakings.

IV. SUMMARY OF ACTIVITIES

The table in this section summarizes all activities carried out under the PA between December 1, 2008 and May 31, 2009.

| Street Address | Street | Year Built | Project Description |
|----------------|-------------------------|------------|---|
| 1656 | 15 th Street | 1918 | Supplemental assistance for a project previously reviewed on August 5, 2008 which involved installation of new wall anchors and out of sight plane wall bracing at the top floor. |

| Street Address | Street | Year Built | Project Description |
|-----------------------|-------------------------|-------------------|---|
| 3048 | 16 th Street | 1912 | Supplemental assistance for a project previously reviewed. Project involves replacing carpeting, wooden furniture and soft costs for structural engineering study. |
| 172 | 6 th Street | 1913 | Leasing and operational funding for project based rental assistance. Not an undertaking. |
| 150 | Britton Court | 1998 | Repair in Kind of existing guard rails, handrails, stairs and decks at six locations in three housing courtyards. Not an undertaking. |
| 2263 | Bryant Street | 1910 | Residential transitional housing & operations assistance for women & children. Not an undertaking. |
| 216 | Eddy Street | 1928 | Elevator upgrade. |
| 168 – 186 | Eddy Street | 2009 | Construction of affordable housing on vacant parking lot. |
| 330 | Ellis Street | 1930 | Rebuilding of gates to Sanctuary. Review of work still pending at Planning Department. |
| 121 | Golden Gate Avenue | 1912 | Demolition of the existing building and construction of a new 100-foot-high, ten-story building for a philanthropic kitchen/dining hall, 16 respite care units, and 90 affordable senior housing units. |
| 220 | Golden Gate Avenue | 1909 | Rehabilitation of structure for use as low-income housing. |
| 196 | Jerrold Street | 1989 | Rental Assistance, Leasing and Operations. Not an undertaking. |
| 2401 | Keith Street | 1978 | Painting of and landscaping around modular building used as medical clinic. Not an undertaking. |
| 4466 | Mission Street | 1913 | Acquisition of property for which no change in use, expansion of services or physical improvements are planned. |
| 150 | Otis Street | 1914 | Request for determination of eligibility for listing in National Register of Historic Places. |
| 1500 | Page Street | 1903 | Infrastructure improvements to low-income housing. |

| Street Address | Street | Year Built | Project Description |
|---|-------------------|------------|--|
| 920 | Sacramento Street | 1907 | Repair of damaged concrete at southeast corner of second deck of playground and loose concrete on steps leading from the building to the yard. Repairs are to play ground structure which is not part of historic landmark on lot. |
| 2451 | Sacramento Street | N/A | Sale of parking lot. |
| 2565 | San Bruno Avenue | 1913 | Renovate garage to increase program space for literacy services, community education and community events |
| 1210 | Scott Street | 1975 | Disposal of property by San Francisco Redevelopment Agency. |
| 133 | Shipley Street | 1973 | Project based Section 8 Rental Assistance. Not an undertaking. |
| Alice Griffith Housing Development | | 1962 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. Not an undertaking. |
| Potrero Terrace Housing Development | | 1941 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. |
| Hunter's Point East Housing Development | | 1953 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. |
| Woodside Gardens Housing Development | | 1961 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. |
| Hunter's Point West Housing Development | | 1953 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. |
| Potrero Annex Housing Development | | 1955 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. |

IV. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES.

Unless exempt pursuant to Stipulation IV or to Sections B. and C. of Stipulation VII, the City is required to evaluate all properties that may be affected by an Undertaking using the National Register Criteria set forth in 36 CFR § 60.4. All evaluations are to be documented by the City on a State of California Historic Resources Inventory Form – DPR 523. The following

projects were evaluated by the San Francisco Planning Department for eligibility for listing in the National Register.

| Address | Street | Determination | Notes |
|-----------|--------------------|----------------------|-----------------------|
| 150 | Otis Street | Pending | |
| 168 – 186 | Eddy Street | Not eligible | |
| 220 | Golden Gate Avenue | Eligible | National Park Service |
| 101 – 121 | Golden Gate Avenue | Eligible | SHPO concurred |
| 1500 | Page Street | Potentially Eligible | SHPO concurred |
| 2565 | San Bruno Avenue | Not Eligible | |

150 Otis Street. Section 106 Case Number is 2008.1398F. Planning Department concurred with the Carey & Company report finding that the subject property is eligible for listing in the National Register under Criterion A (events) and Criterion C (architecture and work of a master). Concurrence with the SHPO has not yet been sought, but will be sought once Planning has completed documenting the determination. The Area of Potential Effects of the Undertaking has not yet been submitted by the project sponsor.

168- 186 Eddy Street. Section 106 Case Number is 2007.1342E. The subject property, a vacant lot, was determined to be ineligible for listing in the National Register of Historic Places. The parcel is located at the northeast corner of Eddy and Taylor Streets, within the National Register eligible Uptown Tenderloin Historic District. The undertaking was found to not have an adverse effect on off site historical resources, including adjacent historical properties identified in the

Area of Potential Effects. The proposed project would reflect the traditional pattern of the district in which it will be located consisting of medium-scaled buildings. The proportions of street-facing facades, while contemporary in form, would have a two-part composition of a base and shaft through the use of modulation and change in materials. A base element at the street level would include storefronts and residential entrances to maintain the character and pedestrian scale of the District. Overall, the proposed project was found not have an adverse effect on the Uptown Tenderloin Historic District.

220 Golden Gate Avenue. The project is located within the Upper Tenderloin Historic District. The project used tax credit funds and was reviewed by the National Park Service. The resource was determined to be eligible for listing in the National Register. The project scope was determined to have no adverse effect on the historic resource because it meets the Secretary of the Interior's Standards. These evaluations were approved by the State Historic Preservation Officer and the National Park Service which approved the scope without conditions.

101- 121 Golden Gate Avenue. The building at 101-121 Golden Gate Avenue has been determined to be eligible for listing on both the California Register of Historical Resources and National Register of Historic Places. Its demolition represents a significant adverse effect which requires mitigation. A Standard Mitigation Measures Agreement was concluded as is required by the Programmatic Agreement. There are historic properties within the APE, including the St. Boniface Church and Rectory (135-175 Golden Gate Avenue, San Francisco Landmark No. 172) adjacent to the project site to the west; the seven-story Boyd Hotel adjacent to the project site to

the south (39 Jones Street); and the Hibernia Bank building to the south of the project site on the west side of Jones Street (1 Jones Street, San Francisco Landmark No. 130).

1500 Page Street. The San Francisco Planning Department determined the property is eligible for inclusion on the National Register. This determination was mailed to the California State Historic Preservation Office (SHPO) for concurrence on eligibility for listing in the National Register. Additionally, the undertaking was found not to affect historic properties within the APE.

2565 San Bruno Avenue. Determined to be ineligible for listing in the National Register as it lacks integrity as to any of the necessary elements for listing. The APE is the footprint of the building itself. The undertaking will not have any affect on historic properties.

V. TREATMENT OF HISTORIC PROPERTIES

150 Otis Street The project is to rehabilitate the interior of the building to provide housing and supportive services for homeless veterans. The building was constructed in 1914 and appears eligible for the National Register of Historic Places, the California Register, and the City of San Francisco's local landmark listings under Criteria A/1 and C/3 for its association with the development of the City's juvenile justice system during the early 20th Century. As of March 29, 2009 the San Francisco Planning Department has not completed its Section 106 Review and no treatments have been submitted or approved as of the date of this report.

220 Golden Gate Avenue. The resource has been determined eligible for listing on the National Register of Historic Places. The project activities were determined by the National

Park Service on September 18, 2008 to be consistent with the historic character of the property and that the project meets the Secretary of the Interior's "Standards for Rehabilitation". As the project activities are consistent with the applicable standard there will be no adverse effect on the historic resource.

1500 Page Street. The project was reviewed by the San Francisco Planning Department under the Programmatic Agreement. The Planning Department concluded that the project is potentially eligible for the National Register of Historic Places but that the project will have no adverse effects on historic resources. The reason is the nature of the project is the rehabilitation of an existing building and all of the architectural components comply with the Secretary of Interior's Standards.

VI. CONSIDERATIONS AND TREATMENT OF ARCHEOLOGICAL RESOURCES

During this the 4th Reporting Period, two projects involving ground disturbing activities were initiated that could affect archeological resource: 121 Golden Gate Avenue and 201 Eddy Street. In the course of project planning and design, mitigation measures were identified that would reduce or eliminate potential environmental impacts of the project on Archeological Resources. The Project sponsors for both projects have adopted the following standard measures.

The Project Sponsor is required to retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant is to undertake an archeological testing program as specified in the Environmental Review Record. The consultant must be available to conduct an archeological monitoring and/or data recovery program if required. The archeological consultant's work is to be conducted in

accordance with the requirements of the project archeological research design and treatment plan at the direction of the Environmental Review Officer (ERO).

All plans and reports prepared by the consultant are to 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.

Required archeological monitoring and/or data recovery programs can suspend construction of the proposed 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 significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological Testing Program. The archeological consultant is required to prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program is to be conducted in accordance with the approved ATP. The ATP should identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing.

At the completion of the archeological testing program, the archeological consultant is required to submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be

present, the ERO in consultation with the archeological consultant is to determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO 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) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program is to be implemented the archeological monitoring program must include the following provisions:

- The archeological 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 archeological consultant 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 risk these activities pose to potential archeological 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 archeological 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 project 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 activities and 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 make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program is to be conducted in accordance with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. 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 and 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. This shall include 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).⁷ 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.⁸ The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, 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 final report.

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 in or the high interpretive value of the

⁷ California Pub. Res. Code §5097.98.

⁸ CEQA Guidelines §15064.5(d).

resource, the ERO may require a different final report content, format, and distribution than that presented above.

VII. EXEMPT PROJECTS

| Street Address | Street | Year Built | Project Description | Appendix A Exemption |
|-----------------------|-------------------------|-------------------|--|---|
| 1656 | 15 th Street | 1918 | Supplemental assistance for a project previously reviewed on August 5, 2008 which involved installation of new wall anchors and out of sight plane wall bracing at the top floor. Exempt per Appendix A, 11. | 11. Repainting and refinishing of exterior or interior surfaces, including but not limited to walls, floors, and ceilings, provided that harmful surface preparation treatments including but not limited to water blasting, sandblasting, and chemical removal are not used and that work is done in-kind to match existing material and form; |
| 3048 | 16 th Street | 1912 | Supplemental assistance for a project previously reviewed. Project involves replacing carpeting, wooden furniture and soft costs for structural engineering study. | 11. Repainting and refinishing of exterior or interior surfaces, including but not limited to walls, floors, and ceilings, provided that harmful surface preparation treatments including but not limited to water blasting, sandblasting, and chemical removal are not used and that work is done in-kind to match existing material and form; |
| 216 | Eddy Street | 1928 | Elevator upgrade. | 2(g) Repair, replacement and installation of interior elevator system provided that such work does not affect the exterior of a property or require new duct installation throughout the interior. |
| 330 | Ellis Street | 1930 | Rebuilding of gates to Sanctuary. Review of work still pending at Planning Department. | 3. Repair or partial replacement of porches, decks, cornices, exterior siding, doors, thresholds, balustrades, stairs, or other trim when the repair or replacement is done in-kind to closely match existing material and form |
| 4466 | Mission Street | 1913 | Acquisition of property for which no change in use, expansion of services or physical improvements are planned. | 22. Acquisition of properties which is limited to the legal transfer of ownership with no physical improvements proposed; |
| 920 | Sacramento Street | 1907 | Repair of damaged concrete at southeast corner of second deck of playground and loose concrete on steps leading from the building to the yard. Repairs are to play ground structure which is not part of historic landmark on lot. Exempt per. | 3. Repair or partial replacement of porches, decks, cornices, exterior siding, doors, thresholds, balustrades, stairs, or other trim when the repair or replacement is done in-kind to closely match existing material and form |
| 2565 | San Bruno Avenue | 1913 | Renovate garage to increase program space for literacy services, community education and community events. Exempt per Appendix A, 1. | 1. Demolition and rehabilitation of facilities that are not Historic Properties, except when a proposed addition of such facilities may affect a surrounding or adjacent historic district; |

| Street Address | Street | Year Built | Project Description | Appendix A Exemption |
|---|--------|------------|---|---|
| Potrero Terrace Housing Development | | 1941 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. | 11. Repainting and refinishing of exterior or interior surfaces, including but not limited to walls, floors, and ceilings, provided that harmful surface preparation treatments including but not limited to water blasting, sandblasting, and chemical removal are not used and that work is done in-kind to match existing material and form; |
| Hunter's Point East Housing Development | | 1953 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. | |
| Woodside Gardens Housing Development | | 1961 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. | |
| Hunter's Point West Housing Development | | 1953 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. | |
| Potrero Annex Housing Development | | 1955 | Weatherization, lead based paint stabilization and miscellaneous exterior improvements. | |

IX. COPIES OF ALL SMMA's

Nothing to report.

VIII. The Views Of The City Regarding The Usefulness Of The PA In Promoting The Efficiency And Effectiveness Of Both The Programs And The Consideration Of Historic Properties.

This is the 4th period in which the City has had the opportunity to implement its responsibilities under Section 106 using the subject Programmatic Agreement.

As reported in previous periods, our expectation that review times for individual projects would decrease was realized.

Issues that arose during this reporting period include:

Some consultants hired by subrecipients to prepare Environmental Review Records did not have adequate knowledge of the terms, policies and procedures in the Programmatic Agreement. Accordingly, consulting firms with noticeable problems have been called into this office for

review of procedures and policies. Additionally, firms that persist in making the same errors will not be permitted to submit Environmental Review Records.

Regarding the identification process the question has come up of when to report on Identification and Evaluation activities: At the time the identification and evaluation are made or when the EA or EIS is published.

Overall the City is pleased with the advantages afforded by the PA.

APPENDIX ONE

Programs and activities subject to 24 CFR Part 58 include:

1. Community Development Block Grant programs authorized by Title I of the Housing and Community Development Act of 1974, in accordance with section 104(g) (42 U.S.C. 5304(g));
2. Grants to states and units of general local government under the Emergency Shelter Grant Program, Supportive Housing Program (and its predecessors, the Supportive Housing Demonstration Program (both Transitional Housing and Permanent Housing for Homeless Persons with Disabilities) and Supplemental Assistance for Facilities to Assist the Homeless), Shelter Plus Care Program, Safe Havens for Homeless Individuals Demonstration Program, and Rural Homeless Housing Assistance, authorized by Title IV of the McKinney-Vento Homeless Assistance Act, in accordance with section 443 (42 U.S.C. 11402);
3. Grants beginning with Fiscal Year 2001 to private non-profit organizations and housing agencies under the Supportive Housing Program and Shelter Plus Care Program authorized by Title IV of the McKinney-Vento Homeless Assistance Act, in accordance with section 443 (42 U.S.C. 11402);
4. The HOME Investment Partnerships Program authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA), in accordance with section 288 (42 U.S.C. 12838);
5. Grants to States and units of general local government for abatement of lead-based paint and lead dust hazards pursuant to Title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1992, and grants for lead-based paint hazard reduction under section 1011 of the Housing and Community Development Act of 1992, in accordance with section 1011(o) (42 U.S.C. 4852(o));
6. Public Housing Programs under Title I of the United States Housing Act of 1937, including HOPE VI grants authorized under section 24 of the Act for Fiscal Year 2000 and later, in accordance with section 26 (42 U.S.C. 1437x);
7. Grants for the revitalization of severely distressed public housing (HOPE VI) for Fiscal Year 1999 and prior years, in accordance with Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105-276, approved October 21, 1998); and
8. Assistance administered by a public housing agency under section 8 of the United States Housing Act of 1937, except for assistance provided under part 886 of this title, in accordance with section 26 (42 U.S.C. 1437x);
9. Special Projects appropriated under an appropriation act for HUD, such as special projects under the heading "Annual Contributions for Assisted Housing" in Title II of various Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts, in accordance with section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547);
10. The FHA Multifamily Housing Finance Agency Pilot Program under section 542(c) of the Housing and Community Development Act of 1992, in accordance with section 542(c)(9)(12 U.S.C. 1707 note);

11. The Self-Help Homeownership Opportunity Program under section 11 of the Housing Opportunity Program Extension Act of 1996 (Pub. L. 104-120, 110 Stat. 834), in accordance with section 11(m));
12. Assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), in accordance with Section 105 for Indian Housing Block Grants and Federal Guarantees or Financing for Tribal Housing Authorities (25 U.S.C. 4115 and 4226); and Section 806 for Native Hawaiian Housing Block Grants (25 U.S.C. 4226);
13. Indian Housing Loan Guarantees authorized by section 184 of the Housing and Community Development Act of 1992, in accordance with section 184(k) (12 U.S.C. 1715z-13a(k)); and
14. Grants for Housing Opportunities for Persons with AIDS (HOPWA) under the AIDS Housing Opportunity Act, as follows: competitive grants beginning with Fiscal Year 2001 and all formula grants, in accordance with section 856(h) (42 U.S.C. 12905(h)); all grants for Fiscal Year 1999 and prior years, in accordance with section 207(c) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105-276, approved October 21, 1998).
15. When HUD assistance is used to help fund a revolving loan fund that is administered by a recipient or another party, the activities initially receiving assistance from the fund are subject to the requirements in Part 58. Future activities receiving assistance from the revolving loan fund, after the fund has received loan repayments, are subject to the environmental review requirements if the rules of the HUD program that initially provided assistance to the fund continue to treat the activities as subject to the Federal requirements. If the HUD program treats the activities as not being subject to any Federal requirements, then the activities cease to become Federally-funded activities and the provisions of Part 58 do not apply.

APPENDIX TWO
Historic Preservation Authorities

1. The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 *et seq.*), particularly sections 106 and 110 (16 U.S.C. 470 and 470h-2), except as provided in § 58.17 for Section 17 projects.
2. Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971–1975 Comp., p. 559, particularly section 2(c).
3. Federal historic preservation regulations as follows:
 - (i) 36 CFR part 800 with respect to HUD programs other than Urban Development Action Grants (UDAG); and
 - (ii) 36 CFR part 801 with respect to UDAG.
4. The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*), particularly section 3 (16 U.S.C. 469a-1).

Floodplain Management And Wetland Protection.

1. Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 CFR part 55, particularly section 2(a) of the order (For an explanation of the relationship between the decision-making process in 24 CFR part 55 and this part, see § 55.10 of subtitle A.)
2. Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., p. 121, particularly sections 2 and 5.

Coastal Zone Management

1. The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended, particularly section 307(c) and (d) (16 U.S.C. 1456(c) and (d)).

Sole source aquifers.

1. The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq.*, and 21 U.S.C. 349) as amended; particularly section 1424(e)(42 U.S.C. 300h-3(e)).
2. Sole Source Aquifers (Environmental Protection Agency—40 CFR part 149).

Endangered Species.

1. The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) as amended, particularly section 7 (16 U.S.C. 1536).

Wild And Scenic Rivers.

1. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended, particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c)).

Air Quality.

1. The Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended; particularly section 176(c) and (d) (42 U.S.C. 7506(c) and (d)).
2. Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency— 40 CFR parts 6, 51, and 93).

Farmlands Protection

1. Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202).
2. Farmland Protection Policy (Department of Agriculture—7 CFR part 658).

HUD Environmental Standards.

1. Applicable criteria and standards specified in HUD environmental regulations (24 CFR part 51) (other than the runway clear zone and clear zone notification requirement in 24 CFR 51.303(a)(3)) and HUD Notice 79–33, Policy
2. Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, September 10, 1979).

Environmental justice.

1. Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. p. 859.
- 2.

Other Requirements.

1. Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4128).
2. National Flood Insurance Program
3. Coastal Barrier Resources Act, as amended by the
4. Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)
5. 24 CFR 51, Subpart D—Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields

APPENDIX THREE - Consultants

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San Francisco, California 94111.