

PROGRAMMATIC AGREEMENT COMPLIANCE REPORT
NINTH REPORTING PERIOD
January 1, 2012 – June 30, 2012

Prepared for:

California State Historic Preservation Officer
and
Advisory Council on Historic Preservation

Submitted by:
City and County of San Francisco
Mayor's Office of Housing
July 2, 2012

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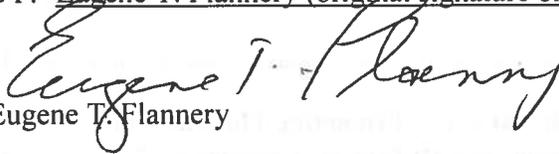
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CERTIFICATION OF ACTIVITIES

July 2, 2012

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 (original signature on file)



Eugene T. Flannery

Environmental Compliance Manager

Mayor's Office of Housing

City and County of San Francisco

INTRODUCTION

On January 19, 2007 a Programmatic Agreement (“PA”) was executed among 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 Office of Housing (MOH) 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 January 1, 2012 and June 30, 2012.

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 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.

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.

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).

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 are 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.

STATEMENT OF PURPOSE

The purposes of this ninth reporting period Programmatic Agreement Compliance Report (PACR) are to:

- Describe the Methodology used by the City to carry out its responsibilities under the Programmatic Agreement.
- Summarize for the SHPO and the Advisory Council the Activities carried out under the Programmatic Agreement from January 1, 2012 through June 30, 2012;
- 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.

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 PA, 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.

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.*).

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 on site. Those projects exempted by Appendix A are then evaluated to determine if they comply with the 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, or the San Francisco Housing Authority. 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 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 on site.

The MOH documents 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 Undertaking's APE as required by 36 CFR §800.4 to determine if such properties may be Historic Properties.

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 SMMAs.

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 SMMAs. 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.

SUMMARY OF ACTIVITIES

The table in this section summarizes all Part 58 activities carried out under the PA between January 1, 2012 and June 30, 2012

Address	Project Description
3543 18 th Street	Installation of commercial kitchen equipment
2909 24 th Street	Roof replacement, electrical upgrades, window reconstruction and replacement.
473 Ellis Street	Supplemental funding for previously reviewed project. Scope of work includes ADA improvements, façade improvement, electrical and other systems work, painting, and security upgrades consistent with scope of work identified in Statutory Worksheet of October 8, 2008.
201 Eddy Street	Rebuild and repair the areas of the building that were damaged by the fire. Deferred maintenance issues such as upgrades to building systems such as plumbing, HVAC, electrical, fire sprinkler systems and security. The elevator will be replaced in its current footprint. The building will also undergo a seismic retrofit.
1011 Garfield Street	Renovations to classrooms and restrooms at childcare facility including upgrades to the path of travel
2919 Mission Street	Installation of new HVAC system of main floor of facility.
Building 102 Fort Mason	New T-foundations at shear walls; roof diaphragm, shear wall diaphragm, t-straps at posts/beams; new shingle roof; fire sprinkler modifications; electrical upgrades; new compliant entry ramp and deck railing
345 Williams Avenue	Sale of property.
1715 Yosemite Avenue	Improvements include: replacement of the roof, ceiling lights, all door knobs with level handled door hardware, fluorescent light fixtures, windows, and siding;

Address	Project Description
	removal/replacement of damaged dry rot in the Conference Room and rotted wall framing; installation of new ramp side railing and a new low volume tankless gas-fired water heater; removal and replacement of existing stairs to the second floor; renovation of restrooms; repair of an existing gas heater; and cleaning of all existing ducts.
240 Shotwell Street	American with Disabilities Act upgrades to the restrooms and kitchen, signage upgrades and the replacement of an exterior roll up door.
167 7 th Avenue	Lead Paint Hazard Remediation
61 Capp Street	Lead Paint Hazard Remediation
25 Manor Drive	Lead Paint Hazard Remediation
104 Marietta Drive	Lead Paint Hazard Remediation
3942 Mission Street	Lead Paint Hazard Remediation
745 Niagara Avenue	Lead Paint Hazard Remediation
1486 Quesada Avenue	Lead Paint Hazard Remediation
166 Scotia Avenue	Lead Paint Hazard Remediation
1177 South Van Ness Avenue	Lead Paint Hazard remediation
800 Presidio Avenue	Demolish and replace the existing community center with a new 68,206 square-foot, mixed-use building. This new building would include 20,726 square feet for community center uses, 32,021 square feet of residential and common space uses, and 15,459 square feet of other uses, including basement parking for 21 automobiles, utilities, circulation, and storage. Demolition and construction activities have not started.

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 during the Ninth Reporting Period and found to be ineligible.

Address	Within the APE of Project Located at	National Register Status	Date of Determination
109 Buchanan Street	55 Laguna	Ineligible	03/30/2012
86 Waller Street	55 Laguna	Ineligible	03/30/2012
235 Buchanan Street	55 Laguna	Ineligible	03/30/2012
65 Hermann Street	55 Laguna	Ineligible	03/30/2012
1890 Market Street	55 Laguna	Ineligible	03/30/2012
1884 Market Street	55 Laguna	Ineligible	03/30/2012
1930 Market Street	55 Laguna	Ineligible	03/30/2012
10 Laguna Street	55 Laguna	Ineligible	03/30/2012
3 Laussat Street	55 Laguna	Ineligible	03/30/2012
1500 25 th Street	Potrero Terrace	Ineligible	06/25/2012
1998 25 th Street	Potrero Terrace	Ineligible	06/25/2012
801 Arkansas Street	Potrero Terrace	Ineligible	06/25/2012

January 1, 2012 to June 30, 2012

Address	Within the APE of Project Located at	National Register Status	Date of Determination
1920 Cesar Chavez Street	Potrero Terrace	Ineligible	06/25/2012
1111 Connecticut Street	Potrero Terrace	Ineligible	06/25/2012
1056 Mississippi Street	Potrero Terrace	Ineligible	06/25/2012
1060 Mississippi Street	Potrero Terrace	Ineligible	06/25/2012
1051 Texas Street	Potrero Terrace	Ineligible	06/25/2012
980 Wisconsin Street	Potrero Terrace	Ineligible	06/25/2012
1026 Wisconsin Street	Potrero Terrace	Ineligible	06/25/2012
1040 Wisconsin Street	Potrero Terrace	Ineligible	06/25/2012
1111 Wisconsin Street	Potrero Terrace	Ineligible	06/25/2012
1169 Wisconsin Street	Potrero Terrace	Ineligible	06/25/2012

TREATMENT OF HISTORIC PROPERTIES

Rehabilitation: All rehabilitation activities were exempt under the programmatic agreement

Relocation: None

Demolition: 800 Presidio Avenue; built in 1952. SHPO concurred in determination of eligibility for listing on National Register on October 12, 2010. Undertaking proposes to demolish and replace the existing community center with a new 68,206 square-foot, mixed-use building. This new building would include 20,726 square feet for community center uses, 32,021 square feet of residential and common space uses, and 15,459 square feet of other uses, including basement parking for 21 automobiles, utilities, circulation, and storage. Demolition and construction activities have not started.

It was determined that the Undertaking might have an effect on yet unidentified archeological properties as well as adverse effects upon the structure itself. Pursuant to Stipulation IX, Resolution of Adverse Effects, paragraph B.1, the City and SHPO did not execute a SMMA, but instead executed a Memorandum of Agreement (MOA) is attached as Appendix IV.

CONSIDERATIONS AND TREATMENT OF ARCHEOLOGICAL RESOURCES

During this the 9th Reporting Period, there was one project for which an Environmental Review was completed for which development will involve ground disturbing activities that could affect archeological resource. Construction on this project has not yet begun. It was determined that the Undertaking might have an effect on yet unidentified archeological properties as well as adverse effects upon the structure itself. Pursuant to Stipulation IX, Resolution of Adverse Effects, paragraph B.1, the City and SHPO did not execute a SMMA, but instead executed a Memorandum of Agreement (MOA) is attached as Appendix IV.

800 Presidio Avenue	1952	Demolish and replace the existing community center with a new 68,206 square-foot, mixed-use building. This new building would include 20,726 square feet for community center uses, 32,021 square feet of residential and common space uses, and 15,459 square feet of other uses, including basement parking for 21 automobiles, utilities, circulation, and storage.
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EXEMPT PROJECTS

Address	Year of Construction	Project Description
3543 18 th Street	1906	Installation of commercial kitchen equipment
2909 24 th Street	1926	Roof replacement, electrical upgrades, window reconstruction and replacement.
473 Ellis Street	1926	Supplemental funding for previously reviewed project. Scope of work includes ADA improvements, façade improvement, electrical and other systems work, painting, and security upgrades consistent with scope of work identified in Statutory Worksheet of October 8, 2008.
201 Eddy Street	1914	Rebuild and repair the areas of the building that were damaged by the fire. Deferred maintenance issues such as upgrades to building systems such as plumbing, HVAC, electrical, fire sprinkler systems and security. The elevator will be replaced in its current footprint. The building will also undergo a seismic retrofit
1011 Garfield Street	1946	Renovations to classrooms and restrooms at childcare facility including upgrades to the path of travel
2919 Mission Street	1907	Installation of new HVAC system of main floor of facility.
Building 102 Fort Mason	1940's	New T-foundations at shear walls; Roof diaphragm, shear wall diaphragm, t-straps at posts/beams; New shingle roof; Fire sprinkler modifications; Electrical upgrades; New compliant entry ramp and deck railing

Address	Year of Construction	Project Description
1715 Yosemite Avenue	1949	Improvements include: replacement of the roof, ceiling lights, all door knobs with level handled door hardware, 22 surface mounted fluorescent light fixtures, windows, and siding; removal/replacement of damaged dry rot in the Conference Room and rotted wall framing; installation of new ramp side railing and a new low volume tankless gas-fired water heater; removal and replacement of existing stairs to the Second Floor; renovation of restrooms; repair of an existing gas heater; and cleaning of all existing ducts.
240 Shotwell Street	1938	American with Disabilities Act upgrades to the restrooms and kitchen, signage upgrades and the replacement of an exterior roll up door.
167 7 th Avenue	1908	Lead Paint Hazard Remediation
61 Capp Street	1932	Lead Paint Hazard Remediation
25 Manor Drive	1934	Lead Paint Hazard Remediation
104 Marietta Drive	1943	Lead Paint Hazard Remediation
3942 Mission Street	1914	Lead Paint Hazard Remediation
745 Niagara Avenue	1907	Lead Paint Hazard Remediation
1486 Quesada Avenue	1941	Lead Paint Hazard Remediation
166 Scotia Avenue	1940	Lead Paint Hazard Remediation
1177 South Van Ness Avenue	1900	Lead Paint Hazard remediation

COPIES OF ALL SMMA'S

The Programmatic Agreement for the development of the Alice Griffith Housing Development is attached as an appendix. The PA was executed on April 3, 2012. Construction has not yet begun. Also attached is the MOA for Booker T. Washington Redevelopment Project.

**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 9th 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. Overall the City is pleased with the advantages afforded by the PA. The PA is an important and crucial element in the project planning process for Part 58 projects.

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 11888, 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.

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

Tetra Tech Inc.

555 Market Street, suite 250

San Francisco, CA

Atkins International

475 Sansome Street

Suite 2000

San Francisco, CA 94111

Rincon Consultants, Inc.

437 Figueroa Street, Suite 203

Monterey, CA 93940

APPENDIX FOUR
MEMORANDA OF AGREEMENT

Alice Griffith Housing Development

Booker T Washington Redevelopment

**PROGRAMMATIC AGREEMENT
BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING ALICE GRIFFITH HOUSING DEVELOPMENT,
1000-1069 FITZGERALD AVENUE,
SAN FRANCISCO, CALIFORNIA**

WHEREAS, the Mayor's Office of Housing of the City and County of San Francisco (City) has determined that the development of the Alice Griffith Public Housing (Undertaking), may have an effect on yet unidentified subsurface properties; and

WHEREAS, the City, through use of funds subject to regulation by 24 CFR Part 58 will assist in the undertaking; and

WHEREAS, the City is a Certified Local Government pursuant to Section 101(c)(1) of the National Historic Preservation Act; and

WHEREAS, the City has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the Programmatic Agreement by and among the City and County of San Francisco, The California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Historic Properties Affected by the Use of Revenue from the Department of Housing and Urban Development Part 58 Programs, executed January 10, 2007 (PA for Part 58); and

WHEREAS, Double Rock Ventures, Inc and CP Development Company (Developers) have been invited to concur in this Programmatic Agreement (PA); and

WHEREAS, the California Native American Heritage Council (NAHC) advised the City that a search of its Native American sacred lands file did not identify any such resources in the Undertaking's archeological area of potential effects (APE); and

WHEREAS, pursuant to the ACHP's Section 106 regulations and the PA for Part 58, the City has conducted outreach and has actively sought and requested the comments and participation of members of the Ohlone/Costanoan Indian tribe; and the members did not respond to our requests to engage in such consultation;

WHEREAS, the Northwest Information Center (NWIC) at Sonoma State University has advised the City that there is a moderate potential of identifying unrecorded Native American resources in the APE and has made certain recommendations to the City regarding the preservation of cultural resources; and

WHEREAS, NWIC has also advised the City that there is a moderate to high potential of identifying unrecorded historic period archeological resources in the APE and has made certain recommendations to the City regarding the preservation of historic period archeological resources; and

WHEREAS, the State Historic Preservation Officer (SHPO) has acknowledged that the necessary archival research and surveying of the APE cannot be accomplished until after a Request for the Release of Funds has been submitted to the Department of Housing and Urban Development by the City and has advised the City that a Programmatic Agreement between the SHPO and the City that outlines the

procedures and methodology that the City will use to further identify potential historic properties within the APE is appropriate; and

WHEREAS, the Advisory Council on Historic Preservation has declined to participate in the consultation process for the resolution of adverse effects; and

WHEREAS, the APE is expected to contain subsurface archaeological resources from the Native American, Chinese fishing village, prehistoric, and maritime development periods, and

WHEREAS, construction activities associated with the Undertaking could however disturb these archaeological resources, and result in potentially adverse effects; and

NOW, THEREFORE, the City and the California State Historic Preservation Officer (SHPO) agree that the Undertaking shall be implemented according to the following stipulations in order to take into account the effects of the Undertaking may have on historic properties.

STIPULATIONS

The City will ensure that the following measures are carried out:

- I. Addressing potentially significant effects of the Undertaking on archaeological resources
 - A. Based on a reasonable presumption that archaeological resources may be present within the APE, the following measures shall be undertaken to avoid any potentially significant adverse effect from the Undertaking on buried or submerged historical resources.
 1. The Project Applicant shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archeology. As used in this Stipulation and in the PA for Part 58, "qualified archeologist: means a person who at a minimum meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61, Appendix A) for archeology.
 - a. The archaeological consultant shall undertake an archaeological testing program as specified herein.
 - b. In addition, the archaeological consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure.
 - c. The archaeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Project Archaeological Research Design and Treatment Plan (Archeo-Tec. Archaeological Research Design and Treatment Plan for the Bayview Waterfront Project, San Francisco, California, 2009) at the direction of the City's Environmental Review Officer (ERO).
 - d. In instances of inconsistency between the requirement of the Project Archaeological Research Design and Treatment Plan and of this archaeological mitigation measure, the requirement of this archaeological mitigation measure shall prevail.

- e. 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.
 - f. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the Undertaking 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 potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5(a)(c) to a less-than-significant level
2. Archaeological Monitoring Program: If the ERO, in consultation with the archaeological consultant, determines that an Archaeological Monitoring Program (AMP) shall be implemented, the AMP shall include the following provisions, at a minimum
- a. The archaeological consultant, Project Applicant, and ERO shall meet and consult on the scope of the AMP prior to the commencement of any Project-related soils disturbing activities. The ERO, in consultation with the archaeological consultant, shall determine what Undertaking 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.), and site remediation, shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context
 - b. The archaeological consultant shall train all Project construction personnel who could reasonably be expected to encounter archaeological resources of the expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archaeological resource
 - c. The archaeological monitor(s) shall be present on the 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
 - d. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis
 - e. If an intact archaeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be authorized to temporarily halt 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 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 any encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit and present the findings of this assessment to the ERO as expeditiously as possible
- f. Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

3. Archaeological Data Recovery Program:

- a. The archaeological data recovery program shall be conducted in accord with an Archaeological Data Recovery Plan (ADRP).
- b. The archaeological consultant, Project Applicant, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP.
- c. The archaeological consultant shall submit a draft ADRP to the ERO.
- d. The ADRP shall identify how the proposed data recovery program will preserve the 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.
- e. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the Project. Destructive data recovery methods shall not be pursued if nondestructive methods are practical
- f. The scope of the ADRP shall include the following elements:
 - (1) Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations
 - (2) Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.
 - (3) Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies
 - (4) Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program
 - (5) Security Measures. Recommended security measures to protect the archaeological resource from vandalism, looting, and other potentially damaging activities
 - (6) Final Report. Description of proposed report format and distribution of results
 - (7) 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

4. Human Remains and Associated or Unassociated Funerary Objects:

- a. The treatment of human remains and associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws.
 - b. 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), which shall appoint a Most Likely Descendant (MLD) (PRC Sec. 5097.98).
 - c. The archaeological consultant, Project Applicant, and MLD shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)).
 - d. The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects
5. Final Archaeological Resources Report: 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). Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.
- a. 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.
 - b. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than presented above
- II. Should any signatory object at any time to the manner in which the terms of this PA are implemented, the City shall consult with the objecting party(ies) to resolve the objection. If the City determines within fifteen (15) calendar days of receipt that such objection's) cannot be resolved, the City will forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (ACHP) in accordance with 36 CFR § 800.2(b)(2). The City in reaching a final decision regarding the dispute shall take any ACHP comment provided into account. The City's responsibility to carry out all other actions under this MOA that are not the subjects of the disputed will remain unchanged.
- III. At any time during implementation of the measures situated in this PA, should an objection to any such measure or its manner of implementation be raised in writing by a member of the public, the City shall take the objection into account and consult, as needed, with the objecting party and the SHPO, as needed, for a period of time not to exceed fifteen (15) calendar days. If

the City is unable to resolve the conflict, the City shall forward all documentation relevant to the dispute to the ACHP, following the terms outlined in stipulation 5, above.

- IV. If any signatory believes that the terms of this PA cannot be carried out, or than an amendment to its terms should be made, that signatory shall immediately consult with the other parties to develop amendments pursuant to 36 CFR §§ 800.6(c)(7) and 800.6(c)(8). If this PA is not amended as provided for in this stipulation, any signatory may terminate it, whereupon the City shall proceed in accordance with 36 CFR 800.
- V. If either the terms of this MOA or the undertaking have not been carried out within three (3) years following the date of execution of the AMOA, the signatories shall reconsider its terms. If the signatories agree to amend the MOA, they shall proceed in accordance with the amendment process referenced in stipulation IV, above.

Execution and implementation of this MOA evidences that the City has afforded the ACHP a reasonable opportunity to comment on the undertaking and its effects on historic properties, that the City has taken into account the effects of the undertaking on historic properties, and the City has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations.

CITY AND COUNTY OF SAN FRANCISCO
MAYOR'S OFFICE OF HOUSING

By:  Date: 1/24/12
Brian Cheu, Director of Community Development Division

CALIFORNIA STATE HISTORIC PRESRVATION OFFICER

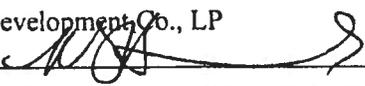
By:  Date: 4/5/12
Milford Wayne Donaldson, FAIA

CONCUR:

McCormack Baron Salazar, Inc., Member of
Double Rock Ventures, ~~Inc.~~ ^{XXXX} LLC

By:  Date: _____

CP Development Co., LP

By:  Date: 2/7/12

**PROGRAMMATIC AGREEMENT
BETWEEN
THE CITY AND COUNTY OF SAN FRANCISCO
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
BOOKER T. WASHINGTON COMMUNITY CENTER HOUSING PROJECT
800 PRESIDIO AVENUE, SAN FRANCISCO, CALIFORNIA**

WHEREAS, the City and County of San Francisco (City) will assist in the development of low income housing (Undertaking) sponsored by the Booker T. Washington Community Service Center (Project Sponsor); and

WHEREAS, the City, through the use of funds subject to regulations of the U. S. Department of Housing and Urban Development (HUD) under 24 CFR Part 58 (Part 58), will assist in the undertaking; and

WHEREAS, the Director of the Mayor's Office of Housing (MOH) has been designated the Agency Official under Section 106 of the National Historic Preservation Act (NHPA) and the Certifying Officer under Part 58; and

WHEREAS, the Project Sponsor has been invited to concur in this Programmatic Agreement (PA); and

WHEREAS, the City is a Certified Local Government pursuant to Section 101(c)(1) of the NHPA; and

WHEREAS, the City has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the *Programmatic Agreement by and among the City and County of San Francisco, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Historic Properties Affected by Use of Revenue from the Department of Housing Development Part 58 Programs*, executed January 10, 2007 (PA for Part 58); and

WHEREAS, the City has established the Area of Potential Effects for the Undertaking as defined at 36 CFR § 800.16 based on the Historic Resource Evaluation Response of January 7, 2008, prepared by the San Francisco Planning Department (Planning Department); and

WHEREAS, the City, with public participation, has identified and evaluated historic properties located within the APE; and

WHEREAS, the City has determined that the Booker T. Washington Community Service Center is eligible for inclusion in the National Register of Historic Places (Historic Property); and

WHEREAS, the City has determined that the demolition of the Booker Washington community Service Center will have an adverse effect upon the Historic Property; and

WHEREAS, this Undertaking was subject to preliminary archeological review by the City's Planning Department (Planning Department) who determined that the Undertaking site was not developed until the late 19th century and that the late 19th century occupants and uses of the site were unlikely to have the historical associations that would make any associated archeological remains eligible for inclusion in the National Register of Historic Places; and

WHEREAS, the Northwest Information Center (NWIC) at Sonoma State University has advised the City that the project site may be sensitive for prehistoric archeological deposits; and

WHEREAS, the Undertaking would result in shallow soils disturbance from overall site excavation, but it would have deep disturbances from use of deep foundations or from soils improvement techniques which could affect prehistoric deposits; and

WHEREAS, the City has determined that the necessary archeological studies cannot be completed prior to the execution of this PA; and

WHEREAS, the City has determined that the Undertaking may have an effect on yet unidentified archeological properties; and

WHEREAS, pursuant to Stipulation IX. Resolution of Adverse Effects, paragraph B.1., the City and the SHPO will not execute a Standard Mitigation Measures Agreement (SMMA) because the site of the Undertaking may be sensitive for prehistoric archeological deposits that cannot be studied prior to the execution of this MOA; and

WHEREAS, the City, pursuant to 36 CFR § 800.6(a)(1), has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding and the ACHP has determined that their participation in the consultation to resolve adverse effects is not needed; and

WHEREAS, the City, pursuant to 36 CFR § 800.13(a) Post-review Discoveries and 36 CFR § 800.14(b), will outline actions to be taken if historical or cultural deposits are discovered during the implementation of the Undertaking; and

WHEREAS, on August 4, 2010, the City's Historic Preservation Commission (HPC) held a public hearing regarding the Undertaking and the nature of the mitigation measures necessary to address the adverse effect of the Undertaking;

WHEREAS, the City has incorporated the recommendations of the HPC into the Environmental Review Records of the Undertaking and has included them in this MOA;

NOW THEREFORE, the City and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on Historic Properties.

STIPULATIONS

The City will ensure that the following measures are carried out:

- I. ADDRESSING ADVERSE EFFECTS OF THE UNDERTAKING ON THE BOOKER T. WASHINGTON COMMUNITY SERVICE CENTER BUILDING
 - A. Prior to any physical removal of the building or site features, the Project Sponsor shall prepare, or cause to be prepared, documentation of the Historic Property proposed for demolition located at 800 Presidio Avenue, San Francisco, California. This documentation shall include the precise recording of the structures through measurements, drawings, and photographs and shall meet

the Historic American Buildings Survey (HABS) standards. The HABS-level documentation package shall be submitted to the Planning Department for review and comment prior to issuance of any permit that may be required by the City for demolition of 800 Presidio Avenue. This HABS-level documentation shall include the following:

1. A HABS-level outline which shall include descriptive and historical information on the building and its architect. Information from any previous reports may be included to fulfill the requirements for descriptive and historical requirements.
 2. Photographic documentation of the exterior and any significant interior element of the building. Photographic documentation shall follow the HABS Photographic Standards for detail and quality, including use of large format photographs and negatives, archival processing, labeling and sacrificial test prints. Planning Department staff shall be consulted during the scoping process to identify exterior and interior building elements to be photographed for the documentation package. Two sets of archival prints and two set of archival negatives shall be prepared.
 3. The HABS-level documentation shall include:
 - i. Drawings: Existing drawings, where available, shall be photographed with large format negatives or photographically reproduced on Mylar.
 - ii. Photographs: Black and white photographs with large-format negatives should be shot of the exterior of the Historic Property, including shots of the building in its existing physical context. Historic photos, where available, shall be reproduced using large-format photography, and all photographs should be printed on archival fiber paper.
 - iii. Written data: A report shall be prepared that documents the existing conditions of the Historic Property as well as the overall history and importance of this African-American institution within San Francisco.
- B. Documentation of the Historic Property shall submitted to the following repositories:
1. Documentation report and one set of photographs and negatives and a copy of the original drawings, if available, shall be submitted to the History Room of the San Francisco Public Library.
 2. Documentation report and one set of photographs and negatives and a copy of the original drawings, if available, shall be submitted to the Booker T. Washington Community Service Center.

3. The HABS-level outline, documentation report and xerographic copies of the photographs shall be submitted to the Northwest Information Center of the California Historic Resources Information Center, Sonoma State University.
 4. The HABS-level outline, high quality laser copies of the archival prints, documentation report and xerographic copies of the photographs should be submitted to the Planning Department for review prior to the issuance of any permit that may be required by the City for demolition of the Historic Property.
- C. The City, in consultation with the SHPO, shall identify appropriate parties to receive salvaged architectural features. The City shall ensure that significant architectural features are salvaged before demolition or alteration and they are properly stored and protected
 - D. The Project Sponsor will prepare and implement an interpretive program within the new building that highlights information related to the history of the site, previous buildings on the site, and the surrounding historical context of the neighborhood. The proposed interpretation program shall be submitted to the Planning Department for review and comments.

II. ADDRESSING ADVERSE EFFECTS OF THE UNDERTAKING ON ARCHEOLOGICAL PROPERTIES

- A. In order to effectively focus and maximize the efforts to identify buried archeological deposits, the City will determine an area of direct impact (ADI) or project footprint that is limited to the exact locations of the proposed buildings as well as all associated features and utility placements. This ADI will have both a horizontal scope (surface coverage) and a vertical scope (depth of excavations for grading as well as footings, sub-floors, and utility installations).
- B. Prior to the initiation of project construction, and immediately after the removal of pavement, landscaping and other surface obscuring features, an archeological testing program consisting of archeological coring or geoprobing will be employed to investigate the potential for buried historic or cultural deposits or features within the ADI, or project footprint.
- C. In consultation with the SHPO, the city will determined if there are any buried archeological deposits that meet the criteria for the National Register of Historic Places based on the results and evaluation of the subsurface investigation. If there are, the City will further consult to determine whether further investigative, i.e., data recover, measures are warranted.

- D. The City shall ensure that upon discovery of any Native American human remains and of associated or unassociated funerary objects, such things shall be treated in accordance with the provisions of California Public Resources Code (PRC) Sections 5097.94, 5097.98, and 5097.99, and the California Health and Safety Code Section 7050.5 or as provided at 36 CFR § 800.13(b)(2).
- E. The signatories to this PA acknowledge that archeological resources covered by this PA are subject to the provisions of Section 304 of the NHPA, and Section 6254.10 of the California Government Code (Public Records Act) relating to the disclosure of archeological site information and having so acknowledged, will ensure that all actions and documentation prescribed by this PA are consistent with Section 304 of the NHPA and Section 6254.10 of the California Government Code.
- F. A copy of the results of any archeological investigation undertaken as a result of the Undertaking shall be submitted to the Northwest Information Center at Sonoma State University.

III. DISPUTE RESOLUTION

- A. Should any signatory object at any time to the manner in which the terms of this PA are implemented, the Advisory Council on Historic Preservation (ACHP) shall be asked to comment in accordance with 36 CFR § 800.2(b)(2).
- B. At any time during implementation of the measures outlined in this PA, should an objection to any such measure or its manner of implementation be raised in writing by a member of the public, the City shall take the objection into account and consult, as needed, with the objecting party and the SHPO, as needed, for a period of time not to exceed fifteen (15) calendar days. If the City is unable to resolve the conflict, the City shall forward all documentation relevant to the dispute to the ACHP pursuant to 36 CFR § 800.2(b)(20).

IV. AMENDMENTS, NONCOMPLIANCE, AND TERMINATION

- A. If any signatory believes that the terms of this PA cannot be carried out or that an amendment to its terms should be made, that signatory shall immediately consult with the other parties to develop amendments pursuant to 36 CFR § 800.6(c)(7). If this PA is not amended as provided for in this stipulation, any signatory may terminate it, whereupon the City shall proceed in accordance with 36 CFR § 800.6(c)(8).
- B. If either the terms of this PA or the Undertaking have not been carried out within three (3) years of the execution of this agreement, the signatories shall

reconsider its terms. If signatories agree to amend the PA, they shall proceed in accordance with the amendment process outlined in stipulation IV.A.

Execution and implementation of this PA evidences that the City has afforded the ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, that the City has taken into account the effects of the Undertaking on historic properties, and the City has satisfied its responsibilities under Section 106 of the NHPA.

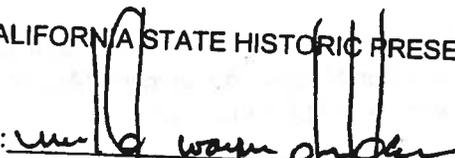
CITY AND COUNTY OF SAN FRANCISCO
MAYOR'S OFFICE OF HOUSING

By: 

Dariush Kayhan, Deputy-Director

Date: 6-29-11

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

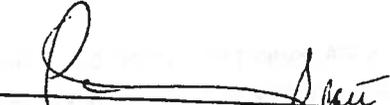
By: 

Milford Wayne Donaldson, FAIA

Date: 6 JUL 2011

CONCUR:

BOOKER T. WASHINGTON COMMUNITY SERVICE CENTER

By: 

Patricia Scott, Executive Director

Date: 6-29-11