



PLANNING DEPARTMENT

MAJOR ENVIRONMENTAL ANALYSIS DIVISION



Consultant Guidelines for the Preparation of Environmental Review Documents

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1. INTRODUCTION

1.1 Purpose

This document contains guidelines for the preparation of environmental review documents by consultants for the City and County of San Francisco Planning Department (the Department) pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines (hereafter collectively referred to as “CEQA”). Specifically, these guidelines explain procedural and content requirements for preparation of initial studies (ISs), negative declarations (NDs), mitigated negative declarations (MNDs), and environmental impact reports (EIRs) for the Department. The goal of the guidelines is to assist in the preparation of useful, organized, consistent, and legally adequate documents in a timely and cost-effective manner.

The intended users of this document are professional environmental consultants who are well versed in CEQA. Project sponsors, decision-makers, and members of the public also may find these guidelines to be informative. This document focuses on the procedural and content requirements that are unique to the Department; it does not reflect all of the requirements of CEQA. Similarly, it is not intended to explain all of the provisions of Chapter 31 of the San Francisco Administrative Code, which establishes requirements for environmental review in San Francisco above and beyond those set forth in CEQA.

1.2 Applicability

1.2.1 APPLICATIONS FILED PRIOR TO AUGUST 1, 2008

For projects for which an *Environmental Evaluation Application* (EE application) was filed with the Department prior to August 1, 2008 but for which the environmental review process is not yet complete, the procedural requirements of these guidelines shall apply to any environmental review actions not yet taken. For such projects, the document content requirements of these guidelines shall apply to any first administrative draft document produced and all subsequent revisions of that first administrative draft document, as well as to future document submittals.

For any administrative draft documents already produced but not yet finalized prior to August 1, 2008, the document content requirements of these guidelines shall apply to the maximum extent practicable, especially to any substantive new text added or otherwise substantial revisions to the document.

1.2.2 APPLICATIONS FILED ON OR AFTER AUGUST 1, 2008

These guidelines shall apply in their entirety to all projects for which an EE application is filed with the Department on or after August 1, 2008.

1.2.3 EXCEPTIONS AND OTHER CONSIDERATIONS

For all projects, the Department staff person assigned to the project (the “environmental coordinator”) and the consultant shall establish a *Consultant Guidelines Agreement* indicating the extent to which the project will comply with the guidelines. The agreement shall specify any exceptions to the guidelines and the extenuating circumstances that warrant such exceptions. Deviations from the guidelines shall only occur with prior written authorization from the environmental coordinator.

These guidelines are not intended to apply to environmental review documents for the San Francisco Public Utilities Commission’s Water System Improvement Program. The Department has established a separate set of requirements for that program.

The procedural and content requirements for preparation of recirculated EIRs, supplemental EIRs, subsequent EIRs, MND addenda, EIR addenda, joint CEQA/National Environmental Policy Act (NEPA) documents, and any other consultant-prepared environmental review documents will be determined by the Department on a case-by-case basis, with adherence to these guidelines to the maximum extent practicable.

These guidelines specify procedural and content requirements for primary CEQA documents, including MNDs and EIRs. They are not intended to apply to background reports and technical studies that may be prepared separately from and in support of the primary CEQA document, although portions of the guidelines may be useful for preparers of such documents. It is most important for technical report preparers to be aware of Department guidelines and instructions for preparation of certain technical studies. These include the *Transportation Impact Analysis Guidelines for Environmental Review* for transportation studies and the *CEQA Review Procedures for Historic Resources* for historic resource evaluations. (These and other documents referenced in these guidelines can be found on the Consultant Resources page of the Planning Department website. See “1.4, Consultant Resources,” below, for information on how to access this web page.)

The discussion of document contents generally assumes that the proposed project involves construction of a structure or structures. For projects that do not involve construction, such as proposed legislation or a General Plan Element update, the contents of the environmental document shall be determined in consultation with the environmental coordinator. In addition, these guidelines assume that the project site is within the city and county boundaries; for projects that are outside this area, the environmental coordinator and consultant shall agree upon appropriate modifications to the procedural and content requirements.

1.3 Organization

Chapter 1, Introduction, explains the purpose, applicability, and organization of these guidelines and identifies where documents referenced throughout these guidelines can be obtained. Chapter 2, Consultant Management, provides an overview of the consultant selection process, performance standards and conflicts of interest, and describes city and consultant fees associated with the environmental review process. Chapter 3, General Procedures and Requirements, presents procedures and requirements for production, review, and management that generally apply to all types of consultant-prepared environmental documents. Chapter 4, Initial Studies, presents the procedural and

substantive requirements for preparation of ISs. Chapter 5, Negative Declarations, explains the procedural and content requirements for preparation of NDs and MNDs. Finally, Chapter 6, Environmental Impact Reports, presents the procedural and content requirements for preparation of EIRs.

1.4 Consultant Resources

Document preparation guidelines, forms, and templates referenced throughout these guidelines, including the guidelines themselves, can be viewed on the **Consultant Resources** page of the Planning Department website. To access these documents, go to <www.sfplanning.org/mea> and click on **Consultant Resources** under **MEA Links**. The documents are organized by category. Due to frequent changes in policies, procedures, methodologies, technologies, and other matters affecting environmental review, these documents will be revised periodically. Therefore, consultants working on CEQA documents for the Planning Department shall visit the Consultant Resources page regularly to ensure they have the most recent version of the referenced documents.

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2. CONSULTANT MANAGEMENT

Environmental review under CEQA is administered for all departments and agencies of the City and County of San Francisco by the Major Environmental Analysis (MEA) Division of the Planning Department. For projects not exempt from environmental evaluation, the project sponsor (private applicant or government agency) must file an EE application with the assigned MEA application intake planner along with an EE fee based on the construction cost of the proposed project. EE Applications may be filed prior to or concurrently with building permit applications. Project sponsors may rely upon MEA staff to prepare ISs for NDs and MNDs (hereafter collectively referred to as “MNDs”), or they may hire a consultant to prepare these documents. If an EIR is required, the project sponsor must hire a consultant.

2.1 Consultant Selection

The Department has established pools of qualified consultants (pools) with expertise in the preparation of environmental impact and transportation impact documents. All environmental review and transportation impact analyses for projects for which EE applications were filed on or after establishment of the pools on August 1, 2008 shall be prepared by a consultant who is included in the pools.

The list of consultants included in the pools and procedures for administering the pools can be found on the **Consultant Resources** page of the Planning Department website.

2.2 Performance Standards

Consultants working on privately sponsored projects or on projects sponsored by a public agency or city department, including the San Francisco Planning Department, shall include the following specific performance criteria in their contracts:

- The consultant shall fully comply with and be bound by the provisions of these *Consultant Guidelines for Preparation of Environmental Review Documents*, unless exceptions are granted in writing by the environmental coordinator.
- Preliminary drafts of deliverables, with the exception of preliminary project descriptions, sponsors’ objectives, and descriptions of approvals needed, shall not be distributed to project sponsors in advance of submittals to MEA; drafts may be provided to project sponsor simultaneously with submittal to MEA.
- Along with submission of any document or deliverable, the consultant shall provide a signed *Consultant’s Checklist for MNDs* or *Consultant’s Checklist for EIRs*, as applicable, with draft submittals, attesting to completeness of review of their own work, required content, and verification that requested changes have been incorporated.
- The consultant shall obtain the environmental coordinator’s approval of the scope of work for consultant services and any scope of work amendments, in writing, prior to finalization of the contract by the consultant and project sponsor.
- Initial administrative draft environmental and transportation documents shall be submitted within six months after work scopes are finalized and subsequent revisions shall be submitted within six

months after receipt of MEA review comments, subject to exceptions by 1) prior mutual agreement between the environmental coordinator and the consultant for unusually complex projects, or 2) delays caused due to project redesign or other factors beyond the control of the consultant, for which advance written notification by the consultant is provided.

- Subject to exceptions in unusual circumstances and by prior written mutual agreement between the environmental coordinator and the consultant, the consultant shall require no more than two complete submittals of administrative draft environmental and transportation documents prior to finalization of environmental documents (not including screencheck version). Any circumstance requiring more than two complete administrative drafts shall be described in writing by the consultant and will be included in the Planning Department's project case file.

Failure of a consultant to include these performance standards in their contracts, as specified above, may be grounds for removal from the pools and/or reassignment of a new contractor to the project.

These performance standards are reflected in later sections of these guidelines, as applicable.

2.3 Conflict of Interest

2.3.1 GENERAL

The consultant shall remain neutral and provide only objective, unbiased material and services. It is not appropriate for a consultant to be involved in both environmental analysis and project planning, as it is difficult to avoid the appearance (or reality) of bias. The consultant shall not represent the sponsor at public hearings and meetings, shall not prepare non-environmental review applications, and shall not be presented as part of the "project team." If the sponsor would like the consultant to attend a community meeting in association with the project, the sponsor shall receive advance written approval from the environmental coordinator.

The consultant may communicate with the project sponsor as necessary for purposes of contract management, preparing the project description, discussing project impacts and mitigation measures, and, for EIRs, discussing alternatives. The consultant shall not, however, engage in discussions with the project sponsor regarding material changes to the analysis or conclusions of the environmental document without the participation or consent of the environmental coordinator.

2.3.2 PUBLIC PROJECTS

For publicly sponsored projects, the consultant shall agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the city's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The consultant shall acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the city if it becomes aware of any such fact while under contract.

For publicly sponsored projects, the consultant shall agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the city's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section

87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The consultant shall acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the city if it becomes aware of any such fact while under contract.

Individuals who will perform work for the city on behalf of the consultant might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the city within ten calendar days of the city notifying the qualified consultant that the city has selected the proposer.

Prior to entering into a contract with the Department to prepare a specific environmental document and during the life of that contract, the consultant must affirm that it is not in a contractual relationship with the project sponsor (including subsidiary, parent or related company, spouse or dependent child) and that it does not have a financial interest in the proposed project or any other property or development of interest to the project sponsor. The consultant shall affirm that any subconsultants meet these same requirements.

2.4 Financial Aspects of Environmental Review Process

2.4.1 FEES PAID TO DEPARTMENT

Project sponsors must pay an the appropriate Department fee(s) upon submittal of an EE application, in accordance with the Department's *Schedule of Application Fees*. The Initial Study/Environmental Evaluation fee covers preparation of an IS leading up to either a MND or an EIR. For projects requiring an EIR, project sponsors must pay an additional EIR fee, which is due to MEA upon submittal of the first administrative draft EIR. The environmental coordinator will not review the administrative draft EIR until this fee is paid. Both the Initial Study/Environmental Evaluation and the EIR fees are based on a percentage of construction costs as specified in the *Schedule of Application Fees*. The Department may also charge additional fees where Department time and materials costs exceed the collected fees.

For projects requiring a transportation study, project sponsors must also pay a transportation study fee. This flat fee is payable upon MEA's determination that a transportation study is required. (As noted below, project sponsors also must pay a fee for Municipal Transportation Agency review of transportation studies.)

2.4.2 FEES PAID TO OTHER DEPARTMENTS AND OFFICES

Project sponsors may be subject to fees charged by other Departments whose expertise may be required during the environmental review process. Examples include the Department of Public Health for review of environmental site assessments and related reports and the Municipal Transportation Agency for review of transportation studies. In addition, fees may be required for legal notices, such as notices of determination, filed at the San Francisco County Clerk's Office.

2.4.3 PAYMENT OF CONSULTANT

Although MEA staff manages the work of the consultants, project sponsors shall pay consultants directly for their services and administer consultant contracts. An exception is for projects for which the Department is both the project sponsor and the lead agency, in which case MEA staff may be involved in or manage the payment of invoices.

3. GENERAL PROCEDURES AND REQUIREMENTS

Later chapters of this document specify the procedural requirements for ISs, MNDs, and EIRs. This chapter describes procedures that generally apply to all types of CEQA documents.

3.1 Consultant Quality Assurance/Quality Control

Prior to submitting a deliverable, the consultant shall ensure that the document satisfies all of the requirements of CEQA, the CEQA Guidelines, Chapter 31 of the Administrative Code, the Department's *Initial Study Guidelines and Standard Language*, the Department's *Transportation Impact Analysis Guidelines for Environmental Review*, the Department's *CEQA Review Procedures for Historic Resources*, these guidelines, and any other applicable guidance documents. Prior to submittal, the consultant shall also ensure that the deliverable is accurate, complete, and objective; that it is well organized, logical, concise, and comprehensible to the lay reader; and that it is free from errors and omissions. In addition, the consultant shall ensure that the document satisfies the requirements indicated in the *Consultant's Checklist for MNDs* and the *Consultant's Checklist for EIRs*, as applicable. The consultant shall submit a completed copy of the appropriate checklist with each deliverable submitted. Any draft document that does not meet these requirements will be deemed unacceptable and will be returned to the consultant without review for revision.

The consultant shall include the date and the Planning Department case number on all correspondence and submissions for the project.

3.2 Administrative Draft Document Submittal and Review Procedures

All pages of administrative draft documents, including figures, tables, and appendices, shall be marked "Administrative Draft - Subject to Change" and shall include the date of the document submittal.

The consultant shall submit all draft deliverables, analytical prose, technical memoranda, background reports, or other narrative that is to become a part of the Department's environmental document or the basis for the document to the environmental coordinator without prior review by the project sponsor. Draft deliverables may be provided to the project sponsor concurrently with submittal to MEA. The consultant shall not accept comments directly from the project sponsor or other parties on any such items or on the scope and content of the environmental document; the consultant shall refer such comments to the environmental coordinator.

The consultant shall submit a hard copy and an electronic copy of each administrative draft deliverable to the environmental coordinator, who will specify the number of hard copies required. The number of hard copies required will include a number sufficient for all reviewers and for the project file. The consultant

shall submit copies to other reviewers only as instructed by the environmental coordinator, and in such cases the consultant shall include a transmittal letter instructing reviewers to transmit comments to the environmental coordinator. The consultant shall send the environmental coordinator a copy of all transmittal letters.

The environmental coordinator will collect comments on each administrative draft submittal from all reviewers, including the project sponsor, if applicable; review them for accuracy, consistency, and readability; and return a consolidated set of comments to the consultant.

The consultant shall revise the first draft in response to reviewers' comments on the deliverable. The consultant shall not make changes to the document that are not directed by the environmental coordinator unless such changes are minor editorial revisions, the changes are necessary to correct inaccuracies or omissions, or the consultant advises the environmental coordinator in advance of making the changes. The consultant shall track all changes to the document, showing additions in underline and deletions in strikethrough. For the pre-final, or screencheck, draft, the consultant shall also provide one "clean" version of the document without the changes shown in this manner.

The consultant shall annotate the original commented copies of the deliverable and any separate written comments to indicate that each comment has been addressed (e.g., to place a check mark by the comment) or write a response to a simple question. If the consultant is unable to understand a comment, is unable to address a comment, disagrees with a comment, or finds conflicting comments, the consultant shall resolve these matters with the environmental coordinator in advance of submitting the revised deliverable. The consultant shall submit a cover letter with each subsequent deliverable that explains the reasons for any changes that were not in response to a comment and highlighting issues requiring particular attention. The original, annotated comments shall be returned with the submittal of the subsequent draft.

Two drafts and a screencheck are usually required before a document is considered final. On occasion a third or fourth draft will be required due to changes in the project description, a poor-quality submittal (see "3.3, Rejection of Inadequate Submittals," below), or other reasons. Any circumstance requiring more than two complete administrative drafts and a screencheck version shall be described in writing by the consultant and/or the environmental coordinator and shall be included in the Department's project case file.

When the environmental coordinator determines that the document is acceptable for publication or issuance, the Department becomes the legal author.

All submittals shall be double-sided hard copies, with an electronic copy for the file. Administrative draft documents shall be bound with easily removable bindings or fasteners. The environmental coordinator will determine the number of hard copies to be submitted.

The consultant shall ensure that all background reports and other sources of information cited in the environmental document or which form the basis of the analysis or conclusions of the document are finalized prior to submittal of the administrative draft document. All sections of the administrative draft must be complete at the time of submittal; the consultant shall not submit incomplete or partial draft documents.

3.3 Rejection of Inadequate Submittals

If the consultant does not adhere to these guidelines, the environmental coordinator reserves the right to reject a deliverable. The environmental coordinator will return the deliverable unreviewed, or partially reviewed, with a cover letter explaining the basis for the rejection. A copy of the letter will be sent to the project sponsor and a copy will be retained in the Department file. The consultant shall attend a meeting with the environmental coordinator, project sponsor, and others, if requested, to discuss the document rejection and explain how the consultant will ensure meeting minimum performance standards moving forward.

The consultant shall number the subsequent draft deliverable the same as the rejected submittal (in other words, if the first administrative draft EIR, or DEIR-1, is rejected, the revised document is also DEIR-1). The consultant shall adjust the project schedule to account for the additional review cycle.

3.4 Sequencing, Time Limits, and Scheduling

Project sponsors may file an EE application in advance of or concurrently with filing applications for required entitlements (e.g., conditional use authorization, variance, or building permit). In order for environmental review to proceed, however, the project description must be sufficiently accurate and detailed to permit a thorough and complete assessment of the project's potential impacts, and it should be stable enough that project changes affecting the analysis and conclusions of the environmental review do not occur. The Department therefore strongly recommends that project sponsors wishing to initiate environmental review in advance of filing for project entitlements file a *Project Review Meeting Application*. At a project review meeting, a project sponsor meets with Department staff to discuss *San Francisco Planning Code* requirements, planning processes, and Departmental policies related to the proposed project. By resolving basic project design elements in advance of filing for environmental review, project sponsors can avoid delays caused when project changes are required after environmental review is well under way.

Should the project sponsor revise the project subsequent to filing an EE application, the consultant shall ensure that revisions to the project are reflected in a revised EE application submitted promptly to the environmental coordinator. The revised application shall include a modified Project Summary Table showing the change between the original and revised project.

Once a project sponsor files an EE application, the project, or "case," is assigned to an MEA planner who becomes the environmental coordinator for the project. Depending on the Department backlog of cases and the priority of the project, case assignment may take several days, weeks, or months. The environmental coordinator will conduct a thorough review of the project file and then schedule a meeting with the project sponsor and consultant to "kick off" the project.

The amount of time required for the consultant to produce the first deliverable after the kick-off meeting will depend on a variety of factors, including the type of deliverable to be produced, the amount and type of background data collection and report preparation required, and the time required for Department staff to review any technical background reports that must be completed prior to submittal of the first deliverable. An accurate, advance schedule of deliverable due dates will facilitate a more timely review by the environmental coordinator.

At a minimum, the consultant shall submit the first administrative draft document no later than six months after the consultant SOW is finalized. The second administrative draft document shall be submitted no later than six months after the receipt of comments. Exceptions may be permitted for unusually complex projects, with prior mutual agreement between the consultant and environmental coordinator, or delays due to project redesign or other factors beyond the control of the consultant, for which advance written notification by the consultant is provided.

The time required for the environmental coordinator and other reviewers to comment on a consultant-prepared document depends on a variety of factors including the document type, length, complexity, and quality; the number of reviewers; and the workload and competing priorities of the environmental coordinator.

3.5 City Staff Reviewers and Technical Advisors

For any given project undergoing environmental review, a variety of staff from the Planning Department and other departments and agencies within the City and County of San Francisco may be involved in the review and preparation of the required environmental review documents and background studies. These staff members include, but are not necessarily limited to, those described below. Reviewers from regional, state, and federal agencies and organizations, if any, will be determined by the environmental coordinator in consultation with the consultant.

3.5.1 PLANNING DEPARTMENT

Reviewers and advisors from the Department may include:

- An environmental coordinator from the MEA Division, who will be assigned to manage each project
- A senior planner from the MEA Division, who will be assigned to supervise the environmental coordinator and review all administrative draft documents
- The environmental review officer (ERO), the chief of the MEA Division, who supervises all staff members in the MEA Division
- A staff archeologist from the MEA Division, who will screen each project for potential impacts to archeological resources, manage any required archeology studies, and review related portions of environmental documents
- A transportation planner from the MEA Division, who will manage the transportation study, if one is required, and review related portions of environmental review documents
- A preservation technical specialist from the Neighborhood Planning Division, who will assess potential impacts to historic architectural resources, as required, and review related portions of environmental documents
- A shadow specialist from the Neighborhood Planning Division, who will conduct a shadow study, if one is required, and review related portions of environmental review documents
- A planner from the Neighborhood Planning Division, who will process the building permit application and any other approvals required for the project, if already filed for, and who will review related portions of environmental review documents

A single Department staff member may act in more than one of the above roles.

3.5.2 DEPARTMENT OF PUBLIC HEALTH

A representative from the Department of Public Health's Environmental Health Section may review hazardous materials and wastes studies, if required, and review related portions of environmental review documents. A DPH representative may also perform a toxic air contaminants screening analysis, if required, and review related portions of environmental review documents.

3.5.3 DEPARTMENT OF PUBLIC WORKS

A representative from the Department of Public Works may review the transportation study, if one is required, and related portions of environmental review documents.

3.5.4 MUNICIPAL TRANSPORTATION AGENCY

Representatives from the Municipal Transportation Agency's Municipal Railway (Muni) and Department of Parking and Traffic will review the transportation study, if one is required, and related portions of environmental review documents.

3.5.5 OFFICE OF THE CITY ATTORNEY

A deputy city attorney from the Office of the City Attorney may be assigned to advise the environmental coordinator and review environmental review documents.

3.6 Reference and Background Materials

Written materials may not be cited in published documents unless they are reasonably available for reference in the project file, at public libraries, or on the Internet. Data or methodologies used in support of the environmental analysis but not included in published reports or background materials shall be documented in technical memoranda that shall be cited in the environmental document. Unpublished reports generally shall not be cited except for those reports specifically prepared for the project that have been deemed final by the environmental coordinator. The consultant shall receive authorization from the environmental coordinator prior to citing unpublished material.

The consultant shall submit reference and background materials, including hard copies of information cited on the Internet, with the associated deliverable, unless previously submitted. The consultant shall organize such materials by topic and, if voluminous, place them in separate folders or tabbed binders for transmittal to the environmental coordinator.

3.7 Administrative Record

The consultant shall maintain the administrative record for the project in accordance with CEQA guidelines and recommendations and Planning Department guidance. The administrative record shall consist of the elements of the project files and library including: project application materials; the publicly issued environmental review documents, including appendices, reference materials and relevant communications; public hearing transcripts; public notices; written comments received on the project from the public and public agencies; and records of decision on the project. The consultant shall assemble

and catalogue the administrative record throughout the environmental review process and provide the Environmental Coordinator with a hard copy and electronic version of the administrative record.

The consultant shall retain the administrative record for five years, during which time the Department reserves the right to request copies of, or access to, these materials.

3.8 Recycled Content and Waste Minimization

To the maximum extent possible, environmental review documents produced by consultants shall be printed double-sided on recycled paper.

3.9 Electronic Format

The consultant shall submit an electronic copy of all final documents in two formats. One shall be an electronic file of the document in the native format in which it was produced (e.g., Microsoft Word or Microsoft Excel). The second shall be an electronic file of the document in a PDF format. All final ISs, NDs, MNDs, NOPs, DEIRs, Comments and Responses documents, and FEIRs and related NOAs shall be provided in a searchable PDF format. The PDF files shall include all portions of the document, including cover pages, title pages, and appendices. Electronic files of documents to be posted on the Department's website shall be formatted with consideration to ease of downloading and accessibility. Larger documents shall be separated into smaller segments, as needed.

4. INITIAL STUDIES

For projects that are not exempt from CEQA, preparation of an IS can help determine whether the project would result in any unavoidable significant impacts and thus require preparation of an EIR. In some cases, it is clear from the start that the project requires an EIR due to a significant unavoidable impact (e.g., demolition of a historic resource). In these instances, MEA generally may require preparation of an IS, which may be distributed together with the notice of preparation (NOP) of an EIR or published separately, subsequent to preparation of the NOP. In these cases, the IS will contain a thorough discussion of some IS checklist topics, with the remainder noted for full discussion in the EIR. In some circumstances, MEA may instruct that an IS not be prepared and that all topics be addressed in the EIR.¹

For other projects, MEA may have enough information from the outset to determine that an MND is appropriate. In these situations, an IS that addresses all checklist topics is distributed together with a preliminary MND cover page. In still other cases, MEA may be unable to determine the level of environmental review immediately and the IS assists in this assessment.

MEA has developed an *Initial Study Checklist* (IS checklist) that is a modified version of the standard checklist found in Appendix G of the CEQA Guidelines. It includes all questions within Appendix G, plus additional questions specific to the City and County of San Francisco. In addition, MEA has developed an *Initial Study Guidelines and Standard Language* document, which specifies the content requirements for ISs and contains language that is often used within certain topic areas of the IS checklist. This latter guidance document has been issued as a stand-alone document because the standard language is subject to frequent revision. The consultant shall ensure that the content and format of ISs are consistent with the IS checklist and *Initial Study Guidelines and Standard Language*.

Because an IS is generally prepared as an attachment to a MND or NOP, the procedural requirements for preparation of an IS are covered in Chapter 5, Negative Declarations, and Chapter 6, Environmental Impact Reports.

¹ In such an instance, the DEIR shall contain a separate chapter for each IS topic in the same sequence as the IS checklist. The level of detail of the discussion of existing conditions and impacts, however, can be greater for those topics for which a significant impact is identified than for topics where no significant impact is found.

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5. NEGATIVE DECLARATIONS

This chapter explains the procedural and content requirements for preparation of NDs and MNDs, hereafter collectively referred to as MNDs. An IS is routinely published as an attachment to the MND. For ease of reference, these guidelines may use the term “PMND,” “FMND,” and “MND” to refer to both the MND document and the IS.

5.1 MND Procedures

5.1.1 CONSULTANT MEETING

The environmental coordinator will schedule a meeting with the consultant to determine the scope and content of the MND, including potential significant impacts, possible mitigation measures, projects to include within the cumulative impacts analysis, and special studies required. If special studies (e.g., transportation, historic resources, archeological resources) are required, any subconsultants preparing those reports shall attend the consultant meeting, or separate meetings as directed by the environmental coordinator. Department staff with special expertise relevant to the project may also attend this meeting.

A minimum of five business days prior to the consultant meeting, the consultant shall submit a preliminary scope of work (SOW) describing the tasks to be performed, deliverables, analytical approach to each IS checklist topic, potential responsible and trustee agencies to be consulted during the preparation of the environmental document, and data needs and sources. The consultant shall also provide a draft schedule identifying the primary tasks to be performed and all deliverables in the SOW. The SOW and schedule shall be consistent with these guidelines, as applicable.

Following the meeting, the consultant shall submit to the environmental coordinator a revised SOW and schedule for review and comment. The consultant shall revise the SOW and schedule based on any comments received and submit a final copy to the environmental coordinator. The consultant shall promptly update the schedule and scope as needed throughout the duration of the project, and provide the updated information to the environmental coordinator.

5.1.2 NEIGHBORHOOD NOTICE

Following the consultant meeting, the consultant shall submit two sets of mailing labels as described on the MEA website. One set of labels will be used for mailing the *Notification of Project Receiving Environmental Review*, or neighborhood notice. Generally, the environmental coordinator will prepare the draft neighborhood notice and the consultant shall act in a supporting role, providing additional project description information as requested. In the event that the consultant is requested to prepare the neighborhood notice, as soon as possible after the consultant meeting, the consultant shall submit to the environmental coordinator a draft neighborhood notice for the project. This notice contains a brief project description and is mailed to residents and property owners in the project vicinity, interested parties, and others at the outset of the environmental review process to invite comment on the potential environmental impacts of the project. The environmental coordinator will review the draft notice and provide comments to ensure completeness, accuracy, and clarity. One or two rounds of review will

generally be required. The consultant shall mail the final notice to a distribution list to be provided by the environmental coordinator and shall provide an *Affidavit of Mailing* within five business days.

The environmental coordinator will provide the consultant copies of any written comments and summaries of any verbal comments received. The consultant shall review the comments and discuss with the environmental coordinator the approach to addressing the issues raised.

5.1.3 PMND

The consultant shall prepare an administrative draft preliminary MND (PMND), which shall consist of a *PMND Cover Page* and an *Initial Study Checklist*. The first administrative draft PMND shall be called PMND-1, the second draft shall be called PMND-2, and so on. Together with PMND-1 and subsequent drafts, the consultant shall submit an administrative draft *Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration* (NOA) and an administrative draft *PMND Distribution Letter*. If the PMND is to be distributed to the State Clearinghouse, the consultant shall prepare a draft *Notice of Completion* (NOC). In addition, the consultant shall submit a completed copy of the *Consultant's Checklist for MNDs* with each PMND submitted.

The consultant shall prepare an administrative draft *Agreement to Implement Mitigation Measures* to be submitted to the project sponsor for signature and to the environmental coordinator concurrently with PMND-2.

When the environmental coordinator determines that the PMND, NOA, cover page, and NOC (if applicable) are acceptable for publication and that the project sponsor has signed the *Agreement to Implement Mitigation Measures* the environmental coordinator will request that the ERO sign the Initial Study Determination section of the IS checklist. The environmental coordinator will determine the publication date, place a legal notice in the newspaper, and provide the consultant with a distribution list for the PMND. The consultant shall advise the environmental coordinator if the project requires distribution to the State Clearinghouse. Some parties will receive the PMND, while the majority will only receive the NOA. The consultant shall distribute the PMND, NOA, and NOC (if applicable) and provide an *Affidavit of Mailing* within five business days. The consultant shall distribute the PMND distribution letter with all copies of the PMND.

The consultant shall provide an electronic file of the PMND distribution letter and PMND for posting on the Department website.

5.1.4 MITIGATION MONITORING AND REPORTING PROGRAM

The consultant shall prepare an administrative draft *Mitigation Monitoring and Reporting Program* (MMRP) or MMRP-1, that shall be submitted for review to the environmental coordinator along with submittal of PMND-2. The project sponsor shall also receive a copy of the MMRP-1 to review at this stage, to ensure agreement on implementation of proposed mitigation and improvement measures as part of the project and understanding of their role in mitigation implementation, monitoring and reporting. As directed by the environmental coordinator, the consultant shall finalize the MMRP concurrent with preparation of the MND, in order that the MMRP can be adopted along with the MND.

5.1.5 SITE POSTING

The consultant shall ensure that notice of the PMND publication is posted on the project site. The consultant shall post at least three 11-by-17-inch copies of the PMND NOA at various locations on or near the project site according to the specifications described below. The posting shall be done in a fashion that ensures that the NOA remains visible and readable for the duration of the specified period for public review of the PMND. The consultant shall take appropriate measures to protect the NOA against inclement conditions. The consultant shall conduct at least two inspections to verify continued posting, once within one week of the initial posting and a second time within one week of the end of the notice period. Failure to properly post the property will result in postponement of any public hearing associated with the project until after evidence of proper site posting is provided.

Placement of Notice

- If a window of the building is within 4 feet of the property line, one copy of the NOA must be posted inside the window if the window is large enough. The bottom of the NOA must be no lower than 4 feet above grade and the top no higher than 6 feet 6 inches above grade.
- If a window is not a suitable size and location and the building facade is within 6 feet of the front property line, the NOA must be put on the building facade with its bottom at least 5 feet above grade and its top no higher than 7 feet above grade. It must be protected against rain and other inclement weather conditions.
- If the building is more than 6 feet from the property line, the NOA must be posted at the property line with its top between 5 and 6 feet above grade. The NOA and its contents must in all cases be clearly visible from a public street, alley, or sidewalk.
- If the project site is a corner property or a through lot, the NOA must be posted on each street frontage following the above instructions.
- Secondary postings of the NOA should be within 100 feet of the project site, and the NOA must be posted with its top between 5 and 6 feet above grade. The NOA and its contents must in all cases be clearly visible from a public street, alley, or sidewalk.
- When a NOA is not put on a building, it must be mounted on a display board and protected from rain and other inclement weather conditions.
- If a NOA is removed or otherwise destroyed during the required posting period, the ERO may require that the NOA be reposted for the required duration.

Documentation of Posting

After posting the NOA, the consultant shall submit a *PMND Declaration of Posting* signed under penalty of perjury within five calendar days of the end of the notice period. The declaration must certify that the NOA was posted for the required period. The consultant shall provide two photographs of each NOA after posting: one photograph from close enough so that the entire NOA can be clearly read, and the other photograph from farther away to demonstrative that the NOA was posted at the correct property.

5.1.6 PMND PUBLIC REVIEW

The public review period for a PMND shall be 20 days, unless the PMND is sent to the State Clearinghouse, in which case the review period shall be 30 days. PMNDs shall be sent to the State

Clearinghouse when a state agency is a responsible agency or a trustee agency's involvement is required, or where the project is of statewide, regional, or areawide importance. The PMND appeal period shall be the same as the public review period.

The environmental coordinator will forward to the consultant copies of substantive written public comments received during the public review period, as well as notes on any substantive verbal comments received by telephone. If a member of the public appeals the PMND, the consultant shall follow the procedures under "PMND Appeal," below. If no appeal is filed, the consultant shall prepare a Final MND as discussed under "Final MND (No Appeal)," below.

5.1.7 FINAL MND (NO APPEAL)

The consultant shall review the comments received during the public review period and advise the environmental coordinator of any comments that may trigger recirculation of the PMND. If none of the comments trigger recirculation but the comments do merit changes to the IS, the consultant shall modify "Section G, Public Notice and Comment" to include a brief discussion of the comments received during the PMND public review period and how they are addressed in the IS. The consultant shall modify the text of the IS as necessary to address the comments received, showing additions in underline and deletions in strikethrough. For any comments from responsible or trustee agencies, the consultant shall prepare draft response letters for signature by the environmental coordinator that shall be sent to the commenting agency and attached to the final MND (FMND).

The consultant shall prepare an administrative draft FMND, which shall consist of a *FMND Cover Page* and the *Initial Study Checklist*, with any amendments to address comments received. The first administrative draft FMND shall be called FMND-1, the second draft shall be called FMND-2, and so on.

When the environmental coordinator determines that the FMND is acceptable for distribution, the ERO will sign the cover page. The environmental coordinator will provide the consultant with a distribution list for the FMND and the consultant shall distribute the FMND by mail and provide an *Affidavit of Mailing* to the environmental coordinator within five business days. Copies for responsible agencies, if any, shall be sent by certified mail. The consultant shall provide the environmental coordinator an electronic file of the FMND for the file.

5.1.8 PMND APPEAL

If the PMND is appealed to the Planning Commission, the environmental coordinator will send the consultant a copy of the appeal letter(s), schedule the appeal hearing date for the Planning Commission, place a newspaper ad regarding the appeal, and notify appropriate parties of the appeal hearing. The consultant shall prepare an administrative draft *PMND Appeal Response Packet*.

When the environmental coordinator determines that the packet is acceptable for distribution, the consultant shall distribute the packet to the distribution list provided by the environmental coordinator. Copies for responsible agencies shall be sent by certified mail. The number of copies of the packet required for distribution and for the project file will be determined by the environmental coordinator. The consultant shall provide the environmental coordinator an electronic file of the packet.

The environmental coordinator (and/or other Department staff) will make the presentation to the Planning Commission at the PMND appeal hearing. The consultant shall attend the appeal hearing and be available to answer questions. Members of the consultant team with expertise in areas that are the subject of the appeal shall attend, if requested by the environmental coordinator.

If the Planning Commission upholds the PMND, the consultant shall prepare a FMND (see “Final MND [After PMND Appeal]”) below. If the Planning Commission overturns the PMND, the consultant scope of work will be determined in consultation with the environmental coordinator.

5.1.9 FINAL MND (AFTER PMND APPEAL)

If the Planning Commission upholds the PMND, the consultant shall prepare an administrative draft FMND, which shall consist of a *FMND Cover Page* and the *Initial Study Checklist*, with any amendments to address comments received. The first administrative draft FMND shall be called FMND-1, the second draft shall be called FMND-2, and so on. The date of the FMND shall be the date of the Planning Commission appeal hearing. For any comments from responsible or trustee agencies, the consultant shall prepare draft response letters for signature by the environmental coordinator that shall be sent to the commenting agency and attached to the FMND.

When the environmental coordinator determines that the FMND is acceptable for distribution, the ERO will sign the cover page. The environmental coordinator will provide the consultant with a distribution list for the FMND and the consultant shall distribute the FMND by mail and provide an *Affidavit of Mailing* to the environmental coordinator within five business days. Copies for responsible agencies, if any, shall be sent by certified mail. The consultant shall provide the environmental coordinator an electronic file of the FMND for the file.

5.1.10 FINAL MND APPEAL

If the FMND is appealed to the Board of Supervisors (BOS), the environmental coordinator will send the consultant a copy of the appeal letter(s), the BOS appeal hearing date, and notify appropriate parties of the appeal hearing. The consultant shall prepare an administrative draft *FMND Appeal Response Packet*.

When the environmental coordinator determines that the packet is acceptable for distribution, the consultant shall distribute the packet to the distribution list provided by the environmental coordinator. The consultant shall provide the environmental coordinator an electronic file of the packet.

The environmental coordinator (and/or other Department staff) will make the presentation to the BOS at the FMND appeal hearing. The consultant shall attend the appeal hearing and be available to answer questions. Members of the consultant team with expertise in areas that are the subject of the appeal shall attend if requested by the environmental coordinator.

If the BOS upholds the FMND, no further action shall be required by the consultant, unless directed by the environmental coordinator. If the BOS requests additional analysis or overturns the FMND, the scope of work for the additional effort by the consultant will be determined by the environmental coordinator in consultation with the consultant.

5.2 MND Contents

5.2.1 PMND

The first page of the PMND shall be the *PMND Cover Page*. The date of publication shall be the date on which the legal notice placed by the environmental coordinator appears in the local newspaper. The project description shall briefly summarize the project and shall not repeat the project address and assessor's block and lot number(s) identified elsewhere on the same page. If mitigation measures are identified in the IS, the starting and ending page numbers on which the mitigation measures are found shall be listed. The environmental coordinator will determine the final distribution list.

The IS shall be attached to the *PMND Cover Page*. Please refer to Chapter 4, Initial Study Preparation, for guidelines on preparation of an IS.

The *PMND Distribution Letter* to be distributed with all PMNDs shall identify the applicable PMND appeal period and specify procedures for filing an appeal.

5.2.2 MITIGATION MONITORING AND REPORTING PROGRAM

The *MMRP* shall be presented in tabular form. All of the mitigation and improvement measures from the IS shall be presented in the MMRP in their entirety. The mitigation and improvement measures shall be organized and grouped as follows, using the same environmental topic order as appears in the IS checklist for each group of measures: (A-1) Mitigation Measures Agreed to be Implemented by Project Sponsor; (B-1) Improvement Measures Agreed to be Implemented by Project Sponsor; and (B-2) Improvement Measures Not Agreed to be Implemented by Project Sponsor.

The MMRP shall include the following information for each mitigation and improvement measure identified in the IS:

- The text of the measure in its entirety
- The entity responsible for implementation of the measure
- The schedule or timing for implementation of the measure
- The specific mitigation action required
- The monitoring responsibilities, including the appointed monitor, city department, or other public agency responsible for monitoring and compliance verification
- The verification or monitoring schedule, including the frequency of monitoring or reporting to the decision-making body to ensure that mitigation implementation has been adequately completed to the satisfaction of the appointed monitor or responsible city department

5.2.3 FMND

The first page of the FMND shall be the *FMND Cover Page*, which is a slightly modified version of the PMND Cover Page. The date of publication of the Preliminary Mitigated Negative Declaration shall be the date the PMND was published. If changes were made to the IS based on public comment and/or an appeal, the PMND publication date shall be the original publication date, "as amended on" the date the

changes were made. If the PMND was appealed and amended, the “amended” date shall be the date of the public hearing.

The IS shall be attached to the FMND. If no changes were made to the IS based on public comment and/or an appeal, the IS attached to the FMND shall be the same as the one distributed with the FMND. If changes were made to the IS based on public comment and/or an appeal, the amended IS (without the changes shown in underline and strikethrough) shall be the one attached to the FMND. Copies of the amended IS, with changes shown in underline and strikethrough, shall be retained in the project file and may be distributed to PMND commentors, if instructed by the environmental coordinator.

5.2.4 PMND APPEAL RESPONSE

A *PMND Appeal Response Packet* for the Planning Commission shall consist of the following:

- A PMND Appeal Packet Transmittal Memorandum,
- A PMND Appeal Executive Summary
- A draft Planning Commission *PMND Appeal Motion* upholding the decision to issue the MND (assuming the Department has determined that the PMND was appropriately issued)
- *PMND Appeal Exhibit A* to the draft Planning Commission motion, containing responses to the concerns raised in the appeal letter(s)
- The appeal letter(s)
- The PMND and IS (amended, if required, with additions shown in underline and deletions shown in strikethrough)

Exhibit A shall contain responses to all substantive comments in the appeal letter(s). It shall be organized by topic in the order of topics presented in the IS. The comments shall be direct quotes from the appeal letter(s). If more than one appellant raised a similar comment, those comments shall be grouped together as a single comment. Long passages shall be separated into distinct comments if more than one concern is raised.

Each comment shall be assigned a comment number based on the order of presentation in the IS, and each response shall be assigned a corresponding number. For example, the first comment addressed shall be “Comment 1” and the response to that comment shall be “Response 1.” The second comment and response shall be “Comment 2” and “Response 2,” respectively, and so on.

Wherever the response clarifies or corrects information in the IS, text and graphic changes to the IS shall be included as part of the responses. Text in underline shall be used to represent language added or modified in the IS; text with strikethrough shall be used to represent language deleted from the IS. Revised graphics shall be indicated by a substitute graphic with the word “Revised” next to the figure number.

5.2.5 FMND APPEAL RESPONSE

The *FMND Appeal Response Packet* for the BOS shall contain a *FMND Appeal Response Memorandum*. The memorandum shall begin with an Introduction section describing the background on the FMND publication, the FMND appeal filing, and the PMND appeal. The next section shall be Concerns Raised

and Planning Department Responses, which shall present the appellant's concerns and responses to the concerns. It shall be organized by topic in the order of topics presented in the IS. The comments shall be direct quotes from the appeal letter(s). If more than one appellant raised a similar comment, those comments shall be grouped together as a single comment. Long passages shall be separated into distinct comments if more than one concern is raised.

Each comment shall be assigned a comment number based on the order of presentation in the IS, and each response shall be assigned a corresponding number. For example, the first comment addressed shall be "Comment 1" and the response to that comment shall be "Response 1." The second comment and response shall be "Comment 2" and "Response 2," respectively, and so on.

Wherever the response clarifies or corrects information in the IS, text and graphic changes to the IS shall be included as part of the responses. Text in underline shall be used to represent language added or modified in the IS; text with strikethrough shall be used to represent language deleted from the IS. Revised graphics shall be indicated by a substitute graphic with the word "Revised" next to the figure number.

The final section of the appeal response memorandum shall be a Conclusion section stating whether or not the issues raised in the appeal alter the Department's determination that a FMND was appropriately issued for the project. It shall also include the Department's recommendation to the BOS of whether or not they should uphold the FMND and deny the appeal. Attachments to the appeal shall include the appeal letter(s) and the *PMND Appeal Response Packet*.

6. ENVIRONMENTAL IMPACT REPORTS

This chapter explains the procedural and content requirements for preparation of documents associated with preparation of EIRs, including draft EIRs (DEIRs), comments and responses (C&R) documents, final EIRs (FEIRs), and FEIR appeal response packets.

6.1 EIR Procedures

6.1.1 CONSULTANT MEETING

The environmental coordinator will schedule a meeting with the consultant to determine the scope and content of the EIR, including potential significant impacts, possible mitigation measures, projects to include within the cumulative impacts analysis, alternatives, and special studies required. Other topics will include whether a public scoping meeting is required; whether an IS should be prepared and, if so, the timing of issuance relative to the notice of preparation and the public scoping meeting, if applicable; and potential topics to be included in the draft EIR. If special studies (e.g., transportation, historic resources, archeological resources) are necessary, any subconsultants preparing those reports shall attend the consultant meeting, or separate meetings as directed by the environmental coordinator. Department staff with special expertise relevant to the project may also attend this meeting.

A minimum of five business days prior to the consultant meeting, the consultant shall submit a preliminary scope of work (SOW) describing the tasks to be performed, deliverables, analytical approach to each IS checklist topic, potential responsible and trustee agencies to be consulted during the preparation of the environmental document, and data needs and sources. The consultant shall also provide a draft schedule identifying the primary tasks to be performed and all deliverables in the scope of work. The SOW and schedule shall be consistent with these guidelines, as applicable.

Following the meeting, the consultant shall submit to the environmental coordinator a revised SOW and schedule for review and comment. The consultant shall revise the SOW and schedule based on any comments received and submit a final copy to the environmental coordinator. The consultant shall update the schedule as needed throughout the duration of the project and provide the updated information to the environmental coordinator.

6.1.2 NOTICE OF PREPARATION

The consultant shall prepare an administrative draft *Notice of Preparation of an Environmental Impact Report* (NOP). In most cases, the NOP shall include an IS. Alternatively, the environmental coordinator may direct that no IS be prepared and the EIR include a full discussion of all IS topics, or that the IS be published separately, subsequent to issuance of the NOP but prior to publication of the DEIR.

The first administrative draft NOP shall be called NOP-1, the second draft shall be called NOP-2, and so on. If an IS is attached, the naming convention shall be NOP/IS-1, NOP/IS-2, and so on. The consultant shall submit a completed copy of the *Consultant's Checklist for EIRs* with each NOP or NOP/IS submitted. The consultant shall also prepare an administrative draft *Notice of Completion* (NOC) for distribution of

the NOP to the State Clearinghouse and an administrative draft *Notice of Availability of a Draft Environmental Impact Report* (NOA) and finalize the NOC and NOA based on comments received.

If an IS is to be prepared for distribution with the NOP, the consultant shall prepare an administrative draft *Agreement to Implement Mitigation Measures* to be submitted to the project sponsor and the environmental coordinator concurrently with NOP/IS-2. When the environmental coordinator determines that the NOP/IS is acceptable for publication, the consultant shall forward to the project sponsor for signature a final *Agreement to Implement Mitigation Measures*, which shall contain the final mitigation measures in the IS. The sponsor shall forward the signed copy to the environmental coordinator. Once the environmental coordinator receives the signed agreement, the ERO will sign the Initial Study Determination section of the IS checklist.

When the environmental coordinator determines that the NOP, NOA and NOC are acceptable for distribution, the environmental coordinator will determine the publication date, place a legal notice in the newspaper, and provide the consultant with a distribution list for the NOP and NOA. The consultant shall distribute the NOP and NOA by mail and provide an *Affidavit of Mailing* within five business days. The consultant shall provide an electronic file of the NOP for posting on the Department website.

6.1.3 PUBLIC SCOPING

The public review period for the NOP shall be 30 days.

If a public scoping meeting is required, the consultant or the project sponsor shall select a handicapped-accessible location for the meeting in consultation with the environmental coordinator. The consultant shall arrange for a stenographer to prepare a legal transcript of the meeting and shall provide materials for the meeting including a *Sign-In Sheet*, *Written Comment Form*, *Agenda*, *Speaker Cards*, directional signs, and extra copies of the NOP/IS. The consultant shall attend the meeting. The environmental coordinator and/or other Department staff will facilitate the meeting.

The consultant shall submit a draft scoping meeting transcript, which the environmental coordinator will review for accuracy. The consultant shall provide an original plus two copies of the final transcript.

The environmental coordinator will provide the consultant copies of written comments received during the scoping period, as well as notes on any substantive verbal comments received by telephone. The consultant shall prepare a brief summary of the comments received in bullet point or matrix format, sorted by topic, and recommend how the comments should be addressed in the IS and/or draft EIR, as applicable.

6.1.4 DRAFT EIR

The consultant shall prepare an administrative DEIR. Prior to preparing the document, the consultant shall consult with the environmental coordinator to decide which alternatives to include in the document. The first administrative DEIR shall be called ADEIR-1, the second draft shall be called ADEIR-2, and so on. The consultant shall ensure that the project sponsor has paid the EIR fee prior to submittal of PDEIR-1. The environmental coordinator will not review the document unless this fee is paid. The consultant shall also submit an administrative draft NOA and an administrative draft NOC with ADEIR-1. The

consultant shall submit a completed copy of the *Consultant's Checklist for EIRs* with each ADEIR submitted.

The consultant shall prepare an administrative draft *Agreement to Implement Mitigation Measures* to be submitted to the project sponsor and the environmental coordinator currently with ADEIR-2. The document shall include all mitigation measures identified in both the IS, if applicable, and the DEIR. When the environmental coordinator determines that the DEIR is acceptable for publication, the consultant shall forward to the project sponsor for signature a final *Agreement to Implement Mitigation Measures*, which shall contain the final mitigation measures in the IS, if applicable, and the DEIR. The sponsor shall forward the signed copy to the environmental coordinator.

When the environmental coordinator determines that the DEIR, NOA, and NOC are acceptable for distribution and that the project sponsor has signed the *Agreement to Implement Mitigation Measures*, the environmental coordinator will determine the publication date, the DEIR Planning Commission hearing date, and the Landmarks Preservation Advisory Board hearing date (if applicable); place a legal notice in the newspaper; and provide the consultant with a distribution list for the DEIR and NOA. The consultant shall distribute the DEIR and NOA by mail and provide an *Affidavit of Mailing* within five business days. The consultant shall provide an electronic file of the DEIR for posting on the Department website.

Mitigation Monitoring and Reporting Program

The consultant shall prepare an administrative draft *Mitigation Monitoring and Reporting Program* or MMRP-1 that shall be submitted for review to the environmental coordinator along with submittal of PDEIR-2. MMRP-1 shall include all mitigation and improvement measures described in the IS and EIR. The project sponsor shall also receive a copy of the MMRP-1 to review at this stage, to ensure agreement on implementation of proposed mitigation and improvement measures as part of the project and understanding of their role in mitigation implementation, monitoring and reporting. Refer to "Document Submittal and Review" above for general procedures that apply to submittal and revision of the administrative draft documents. As directed by the environmental coordinator, the consultant shall finalize the MMRP concurrent with preparation of the FEIR, EIR findings, and statement of overriding considerations, as required, in order that this MMRP can be adopted with certification of the FEIR, adoption of the EIR findings and statement of overriding considerations, as required.

DEIR Publication

For EIRs requiring State Clearinghouse review, the public review period shall be a minimum of 45 days but shall end no less than 5 days after the Planning Commission DEIR public hearing. In unusual and special circumstances, the environmental coordinator may request a shortened review period from the State Clearinghouse. Under no circumstances shall the consultant or project sponsor request a shorter review period from the State Clearinghouse.

For EIRs not requiring State Clearinghouse review, the DEIR public review period generally shall be a minimum of 45 days but shall end no less than 5 days after the Planning Commission DEIR public hearing. In unusual and special circumstances, the environmental coordinator may authorize a shortened review period.

The DEIR public review period shall start on the date of the newspaper notice.

Site Posting

The consultant shall ensure that notice of the DEIR publication is posted on the project site. The consultant shall post at least three 11-by-17-inch copies of the EIR NOA at various locations on or near the project site. Please refer to Section 5.1.4, Site Posting, Placement of the Notice, for specifications on placement of the NOA. The posting shall be done in a fashion that ensures that the NOA remains visible and readable for the duration of the specified period for public review of the DEIR. The consultant shall take appropriate measures to protect the NOA against inclement conditions. The consultant shall conduct at least two inspections to verify continued posting, once within one week of the initial posting and a second time within one week of the end of the notice period. Failure to properly post the property will result in postponement of the DEIR public hearing until after evidence of proper site posting is provided.

After posting the NOA, the consultant shall submit a *DEIR Declaration of Posting* signed under penalty of perjury within five calendar days of the end of the notice period. Please refer to Chapter 5, Negative Declarations, 5.1.4, Site Posting, Placement of Notice, and Documentation of Posting for placement and documentation requirements.

DEIR Hearing

A public hearing shall be held before the Planning Commission to receive comments on the DEIR. The hearing shall be held at least 30 days after publication of the DEIR, but no later than five days before the close of the review period. The consultant shall attend the hearing and arrange for a stenographer to prepare a legal transcript of the hearing. The environmental coordinator and/or other Department staff will make the presentation to the Planning Commission. The environmental coordinator may request the presence of a specialist such as a geologist or traffic engineer, if those issues are controversial. Although DEIR hearings are not question and answer sessions, the consultant shall respond to questions from the Planning Commission as necessary.

The consultant shall submit a DEIR hearing transcript, which the environmental coordinator will review for accuracy. The consultant shall provide an original plus two copies of the final transcript.

For DEIRs that discuss historical architectural resources, a public hearing also will be held before the Landmarks Preservation Advisory Board (LPAB) to assist the board in formulating comments on the DEIR. The LPAB hearing shall be scheduled in advance of the Planning Commission hearing. The environmental coordinator and/or other Department staff will make the presentation to the LPAB. The consultant and the historic architectural resource specialist subconsultant, if any, shall attend the hearing. The oral comments of the LPAB and members of the public at the LPAB hearing are not considered official comments on the DEIR. If the LPAB subsequently sends a written comment letter on the DEIR, however, such comments shall be treated as official comments on the DEIR.

The environmental coordinator will provide the consultant copies of written comments received during the DEIR public review period, as well as notes on any substantive verbal comments received by telephone.

6.1.5 COMMENTS AND RESPONSES

The consultant shall prepare an administrative draft C&R document. The first administrative draft C&R document shall be called C&R-1, the second draft shall be called C&R-2, and so on.

The consultant shall submit a completed copy of the *Consultant's Checklist for EIRs* with each C&R submitted.

When the environmental coordinator determines that the C&R document is acceptable for distribution, the environmental coordinator will determine the C&R publication date and the EIR certification hearing date, and provide the consultant with a distribution list for the C&R document. The consultant shall distribute the C&R document by mail and provide an *Affidavit of Mailing* within five business days. The consultant shall provide an electronic file of the C&R document for posting on the Department website.

The environmental coordinator will provide the consultant copies of written comments received after distribution of the C&R document and before the EIR certification hearing, as well as notes on any substantive verbal comments received by telephone.

6.1.6 FINAL EIR

EIR Findings and Statement of Overriding Considerations

If the proposed project requires approval by the Planning Commission, the project approval hearing shall be a separate agenda item, usually immediately following the EIR certification hearing. The Department staff person processing the project approval, or Neighborhood Planner, will prepare the findings and, as required, a statement of overriding considerations, in consultation with the city attorney and the project sponsor and/or project sponsor's attorney. The final documents will be incorporated into motions for adoption by the Planning Commission and, if required, for later hearing before the Board of Supervisors. The MMRP will be an exhibit to the Department's findings.

EIR Certification Hearing

A public hearing shall be held before the Planning Commission for certification of the EIR. The hearing generally shall be held about two weeks but no less than ten days after distribution of the C&R document. The environmental coordinator will prepare a draft EIR certification motion for adoption by the Planning Commission. If requested by the environmental coordinator, the consultant shall prepare errata or other documentation to address comments on the C&R, EIR, or other issues that may arise prior to the certification hearing.

The environmental coordinator and/or other Department staff will make the presentation to the Planning Commission. The consultant and any specialists, as requested by the environmental coordinator, shall attend the hearing and respond to questions as necessary.

For controversial projects where litigation is anticipated, the environmental coordinator may request a transcript of the EIR certification hearing. In such cases, the consultant shall submit an EIR certification hearing transcript, which the environmental coordinator will review for accuracy. The consultant shall provide an original plus two copies of the final transcript.

Final EIR

The final EIR technically consists of the DEIR plus the comments and responses document. Nonetheless, the Department routinely consolidates these documents into a single final EIR document. In such instances, following the EIR certification hearing, the consultant shall prepare an administrative draft FEIR. The first administrative draft FEIR document shall be called FEIR-1, the second draft shall be called FEIR-2, and so on. The consultant shall submit a completed copy of the *Consultant's Checklist for EIRs* with each FEIR submitted.

When the environmental coordinator determines that the FEIR is acceptable for distribution, the environmental coordinator will provide the consultant with a distribution list for the FEIR. At a minimum, the final EIR shall be distributed to any responsible agency (unless such agency previously received both the DEIR and comments and responses document). The consultant shall distribute the FEIR by mail and provide an *Affidavit of Mailing* within five business days.

6.1.7 FEIR APPEAL

If the FEIR is appealed to the BOS, the environmental coordinator will send the consultant a copy of the appeal letter(s), the BOS appeal hearing date, and notify appropriate parties of the appeal hearing. The consultant shall prepare an administrative draft *FEIR Appeal Response Packet*. When the environmental coordinator determines that the packet is acceptable for distribution, the consultant shall distribute the packet to the distribution list provided by the environmental coordinator. The consultant shall provide the environmental coordinator an electronic file of the packet.

The environmental coordinator (and/or other Department staff) will make the presentation to the BOS at the FEIR appeal hearing. The consultant shall attend the appeal hearing and be available to answer questions. Members of the consultant team with expertise in areas that are the subject of the appeal shall attend and answer questions if requested by the environmental coordinator.

If the BOS upholds the FEIR, no further action shall be required by the consultant, unless directed by the environmental coordinator. If the BOS requests additional analysis or overturns the FEIR, the consultant scope of work will be determined in consultation with the environmental coordinator.

6.2 EIR Contents

6.2.1 NOP

NOP Cover Page

The first page of the NOP shall be the *NOP Cover Page*. The date of the NOP publication shall be the date on which the legal notice of the NOP publication appears in the local newspaper. The project description shall briefly summarize the project and shall not repeat the project address and assessor's block and lot number(s) identified elsewhere on the same page. If a public scoping meeting will be held, the *NOP Cover Page* shall be modified to also include notice of the scoping meeting, including the date, time, and location of the scoping meeting.

*Attachments to the NOP Cover Page***Option 1: Initial Study**

If an IS is to be published with the NOP, the IS shall be attached to the *NOP Cover Page*. Please refer to the *Initial Study Guidelines and Standard Language* for a description of the IS contents. In addition to the requirements for the IS set forth therein, an IS published with a NOP shall also include a discussion of the probable environmental effects of the project.

Option 2: Project Description

If no IS is to be published with the NOP, a description of the proposed project shall be attached to the NOP. The project description shall consist of a discussion of the project location, project characteristics, and project approvals, as described below.

Project Location

The discussion of project location shall describe the precise location and boundaries of the project site, including:

- Area of the city (e.g., South of Market)
- Address
- Cross streets
- Assessor's block and lot number(s)
- Location in relation to major transportation nodes (e.g., Market Street or the Transbay Terminal) or major landmarks and land features (e.g., Coit Tower or Lake Merced)
- Lot size and shape
- Use and height and bulk districts (names only, not detailed descriptions)
- Permitted floor area ratio

This section shall also describe conditions on the project site. If the site is developed, the discussion shall include the following information, as applicable:

- Use
- Number of buildings
- Number of stories
- Height
- Gross floor area, by use
- Lot coverage
- FAR
- Number of off-street parking spaces
- Number of loading spaces
- Pedestrian, auto, and loading access, by use
- Number of dwelling units
- Whether the site is vacant, partially occupied, or fully occupied, by use

In addition, as applicable, this section shall describe any open space and vegetation, including trees, on the site.

The project location shall be illustrated in figures illustrating the regional and vicinity locations and views of the project site from a few vantage points. The boundaries of the project site and the site's assessor's block and lot numbers shall be clearly identified. If the site is developed, an existing site plan shall also be included.

Project Characteristics

The discussion of the project characteristics shall include a detailed description of all aspects and phases of project implementation. For projects involving construction, the description of the proposed use shall include the information described above under "Project Location" for existing uses, as applicable. In addition, the project characteristics shall include, as applicable:

- Building setbacks
- Type, amount, and location of proposed uses, including open space, in gross square feet
- Transfer of development rights (TDR) required and permitted
- Number of bedrooms and mix of each type
- Whether dwelling units are for sale or rental;
- Number of affordable dwelling units
- Type of construction, including foundation design
- Amount of excavation
- Duration and extent of pile-driving
- Length of construction (number of months)
- Estimated start of construction and time of occupancy (by season and year)
- Estimated construction costs

If the propose project includes demolition, the project description shall discuss features (including vegetation) to be removed and retained, as applicable.

If useful, this section shall contain a table summarizing the project characteristics, including (as applicable):

- Gross floor area by use
- Total floor area
- Number of dwelling units
- Number of parking spaces
- Number of loading spaces
- Number of buildings
- Height of buildings
- Number of stories

This section shall include figures illustrating the proposed project, including (as applicable): a ground-floor plan, floor plans of parking areas; a representative upper floor plan, and elevations of visible facades. Building sections may also be included to further illustrate the proposed uses. The boundaries of the project site shall be clearly identified in all figures. Elevations and sections should show adjacent buildings for illustrative purposes when feasible.

Project Approvals

This section shall include a brief list of all approvals for which the EIR will be used and the agencies (local, regional, state, and federal) that will utilize the document in their decision-making. The list of approvals shall be categorized by jurisdiction and by the order in which they are anticipated to occur. If the EIR type will only cover a portion of the required approvals, this section shall clearly identify which approvals the EIR is intended to cover.

6.2.2 DRAFT EIR

Front Cover

The front cover is the front exterior of the DEIR and shall include only the following information:

- The words “Draft Environmental Impact Report”
- The words “Planning Department”
- The words “City and County of San Francisco”
- Type of EIR, if applicable (e.g., supplemental or subsequent)
- Administrative draft number (for administrative drafts only)
- Project common name
- Planning Department case number
- State Clearinghouse number, if applicable
- DEIR publication date
- DEIR public hearing date
- DEIR public review period dates

The statement: “Written comments should be sent to the Environmental Review Officer, 1650 Mission Street, Suite 400, San Francisco, CA 94103.” Consultant firm names, slogans, or logos shall not appear. Images depicting the project site are permitted, subject to the approval of the environmental coordinator, but no images of the proposed project shall be used. The cover shall be printed on cardstock. Please see the Consultant Resources web page for a *Sample DEIR Cover*.

DEIR Distribution Notice

The first page on the interior of the EIR shall be the *DEIR Distribution Notice* from the ERO to the recipients of the DEIR.

Title Page

The title page is the first page on the interior of the EIR. The title page shall be a black and white version of the cover, less any images of the project site.

Table of Contents

The table of contents shall include:

- A listing of chapters and subchapters in the document, including the chapter/subchapter title and page number
- A listing of the figures in the document, including the figure name and page number
- A listing of the tables in the document, including the table name and page number
- A listing of the appendices in the document, including the appendix name and page number

Please see the Consultant Resources web page for a *Sample DEIR Table of Contents*.

List of Acronyms and Abbreviations and/or Glossary of Terms

The list of acronyms and abbreviations and glossary of terms shall contain all acronyms and abbreviations used throughout the EIR, as well as technical, legal, and industry-related terms. It shall be arranged clearly in alphabetical order.

Summary

The summary chapter shall include:

- **Project Synopsis** – An abbreviated discussion of the proposed project including project description, location, and setting.
- **Summary of Impacts and Mitigation Measures** – A matrix summarizing the significant environmental impacts of the project, mitigation measures, and the conclusion as to whether the impact would be reduced to below a significant level. Please see the Consultant Resources web page for a *Sample Summary of Significant Impacts and Mitigation Measures Table*.
- **Summary of Project Alternatives** – A brief discussion of each alternative, the significant effects associated with the alternatives, and the environmentally superior alternative. This section shall also contain a table comparing the significant impacts of the proposed project to the impacts of the project alternatives. Please see the Consultant Resources web page for a *Sample Comparison of Alternatives Table*.
- **Areas of Controversy and Issues To Be Resolved** – An abbreviated discussion of controversy associated with environmental effects, mitigation, and alternatives and the issues to be resolved by the decision-making body.

The summary shall be as concise as possible, using clear, simple language, and generally shall not exceed 15 pages. It shall be printed on colored paper to distinguish it from other sections of the document.

Introduction

The introduction chapter shall include:

- The type, purpose, and function of the EIR
- A summary description of the project (one or two sentences)
- The environmental review process, including EE application filing date, previous documents issued and hearings held, and documents and hearings to follow
- A brief discussion of public comments received since publication of the NOP and/or IS and at the scoping meeting, as applicable, and how they have been addressed
- A statement of where copies of the DEIR and documents referenced in the DEIR can be obtained
- Instructions on how to comment on the DEIR

Project Description

The Project Description chapter shall discuss project objectives, the project location, project characteristics, and the intended uses of the EIR. Each subchapter is described in further detail below.

Project Objectives

This subchapter shall identify the project sponsor, developer (if different), and architect, and discuss the overall purpose of the project. It shall list the project sponsor's objectives in numbered or bullet point format. Project objectives shall not be so narrowly defined as to preclude the analysis of a range of reasonable project alternatives.

Project Location

The discussion of project location subchapter shall describe the precise location and boundaries of the project site, including:

- Area of the city (e.g., South of Market)
- Address
- Cross streets
- Assessor's block and lot number(s)
- Location in relation to major transportation nodes (e.g., Market Street or the Transbay Terminal) or major landmarks and land features (e.g., Coit Tower or Lake Merced)
- Lot size and shape
- Use and height and bulk districts (names only, not detailed descriptions)
- Permitted floor area ratio

This subchapter shall also describe conditions on the project site. If the site is developed, the discussion shall include the following information, as applicable:

- Use
- Number of buildings

- Number of stories
- Height
- Gross floor area, by use
- Lot coverage
- FAR
- Number of off-street parking spaces
- Number of loading spaces
- Pedestrian, auto, and loading access, by use
- Number of dwelling units
- Whether the site is vacant, partially occupied, or fully occupied, by use

In addition, as applicable, this subchapter shall describe any open space and vegetation, including trees, on the site.

The project location shall be illustrated in figures illustrating the regional and vicinity locations and views of the project site from a few vantage points. The boundaries of the project site and the site's assessor's block and lot numbers shall be clearly identified. If the site is developed, an existing site plan shall also be included.

Project Characteristics

The discussion of the project characteristics shall include a detailed description of all aspects and phases of project implementation. For projects involving construction, the description of the proposed use shall include the information described above under "Project Location" for existing uses, as applicable. In addition, the project characteristics shall include, as applicable:

- Building setbacks
- Type, amount, and location of proposed uses, including open space, in gross square feet
- Transfer of development rights required and permitted
- Number of bedrooms and mix of each type
- Whether dwelling units are for sale or rental
- Number of affordable dwelling units
- Type of construction, including foundation design
- Amount of excavation
- Length of construction (number of months)
- Estimated start of construction and time of occupancy (by season and year)
- Estimated construction costs

If the proposed project includes demolition, the project description shall discuss features (including vegetation) to be removed and retained, as applicable.

If useful, this subchapter shall contain a table summarizing the project characteristics, including (as applicable):

- Gross floor area by use
- Total floor area
- Number of dwelling units
- Number of parking spaces
- Number of loading spaces
- Number of buildings
- Height of buildings
- Number of stories

This subchapter shall include figures illustrating the proposed project, including (as applicable): a ground-floor plan, floor plans of parking areas; a representative upper floor plan, and elevations of visible facades. Building sections may also be included to further illustrate the proposed uses. The boundaries of the project site and adjacent streets, as applicable, shall be clearly identified in all figures. Elevations and sections should show adjacent buildings for illustrative purposes when feasible. All project plans shall include the scale of the drawing and directional arrows, as applicable.

Intended Uses of the EIR

This subchapter shall include a brief discussion of the type of EIR (e.g., project, program, supplemental) and the rationale for the type of EIR selected. It shall also address the intended uses of the EIR, including a list of all approvals for which the EIR will be used and the agencies (local, regional, state, and federal) that will utilize the document in their decision-making. The list of approvals shall be categorized by jurisdiction and by the order in which they are anticipated to occur. If the EIR type will only cover a portion of the required approvals, this subchapter shall clearly identified which approvals the EIR is intended to cover.

Plans and Policies

This chapter shall discuss the project's inconsistencies, if any, with applicable plans and policies. It is not necessary to discuss the project's consistency with plans and policies. If no inconsistencies are found, the discussion shall list the plans that were reviewed and state that no inconsistencies were identified. If inconsistencies are identified, the effect on the subject resource shall be addressed in a comprehensive manner in the appropriate section under "Environmental Impacts."

The plans that shall be analyzed include, but are not limited to:

- The *San Francisco Planning Code*
- The *San Francisco General Plan* (including any applicable community/area plan)
- Any urban design plans relevant to the proposed project (e.g., the *Better Streets Plan*);
- The *Sustainability Plan for the City of San Francisco*
- The *Bay Area Air Quality Plan*
- The *San Francisco Regional Water Quality Control Board Basin Plan*

- The *San Francisco Congestion Management Program*
- Any San Francisco Municipal Transportation Agency plans and programs
- Any areawide waste treatment plans
- Any regional housing allocation plans
- Any habitat conservation plans and natural community conservation plans
- The *San Francisco Bay Plan*
- Any other regional land use plans for the protection of the coastal zone

Environmental Setting and Impacts

This chapter shall provide a description of the existing environmental setting and the impacts of the proposed project. It shall contain a series of subsections evaluating each of the subject areas of potential impact. The order of subject areas shall follow the order of subject areas listed in the IS checklist.

If an IS was prepared, the topics shall be those for which the IS determined the level of impact would be “Potentially Significant Impact.” Topics may be included for informational purposes, at the discretion of the environmental coordinator, and shall be identified as such. The discussion of environmental setting and impacts within each category shall be organized into the subsections described below.

If no IS was prepared, this chapter shall contain a subsection for each of the subject areas of the IS. (In other words, each IS topic shall be discussed in a subsection at an equal heading level.) The discussion of environmental setting and impacts within each category shall be organized into the subsections described below. Subject to the advance approval of the environmental coordinator, exceptions may be permitted for impact topics in which the proposed project would not result in a significant impact for reasons that can be clearly conveyed with a brief explanation.

Environmental Setting

The setting subchapter shall describe the existing baseline physical conditions of the project site and surroundings in sufficient detail and breadth to permit a general understanding of the environmental effects of the project. It shall start from the regional perspective and then focus on site-specific details.

Impacts

Significance Thresholds

This subchapter shall identify the thresholds of significance used to assess the severity of the environmental impacts of the project. Thresholds of significance shall be developed consistently with Department guidance.

Impact Evaluation

The impact evaluation shall describe the direct and indirect impacts of the project on the environment, with consideration of both short-term and long-term effects. The analysis shall cover all phases of the project, including planning, acquisition, construction, and operation. The cumulative impacts of the project shall be described in a separate subsection from the project-specific impacts. For all impacts, the focus of the analysis shall be on significant impacts, although all potential environmental effects shall be identified.

For each topic or subtopic, the analysis shall clearly identify the potential significant impacts and state the level of significance without mitigation. For all potentially significant impacts, the section shall reference the feasible mitigation measures to reduce or avoid the significant impacts which shall be presented in the "Mitigation Measures" subchapter that follows. For each identified impact, the analysis shall include a statement of the level of significance with mitigation. If more than one mitigation measure is identified for a single impact, the discussion shall specify whether all mitigation measures are required to address the impact or the measures are considered equivalent options at achieving mitigation.

Each significant impact shall be keyed to a subject area abbreviation (e.g., LU, AE, PH) and an impact number (e.g., 1, 2, 3) for a combined alpha-numeric code (e.g., Impact LU-1, Impact LU-2, Impact LU-3). Similarly, each mitigation measure shall be keyed with a combined alpha-numeric code with an "M" in front to signify it is a mitigation measure (e.g., Mitigation Measure M-LU-1 for a mitigation measure for Impact LU-1).

Although not required, improvement measures may be recommended to reduce or avoid impacts that are identified as being less than significant. The less-than-significant impacts shall not be assigned an impact number. Each improvement measure, however, shall be keyed with a combined alphabetic code with an "I" in front to signify it is an improvement measure and a letter, beginning with "A," indicating the order of improvement measure (e.g., Improvement Measure I-LU-A for the first improvement measure identified for a less-than-significant land use impact).

Table 6-1 provides the letter prefix that shall be used for impacts, mitigation measures, and improvement measures for each subject area (presented in the order of IS checklist topics).

Mitigation and Improvement Measures

Mitigation Measures

This subchapter shall contain the mitigation measures referenced in the previous Impacts subsection for each of the identified significant impacts. As described above, each mitigation measure must be keyed to an impact with an alpha-numeric code with an "M" in front to signify it is a mitigation measure.

Improvement Measures

This subchapter shall contain the improvement measures referenced in the previous Impacts subsection for less-than-significant impacts. As described above, each improvement measure must be keyed to an impact with an alphabetic code with an "I" in front to signify it is an improvement measure.

Other CEQA Issues

Growth-Inducing Impacts

This subchapter shall discuss how the project might foster economic or population growth or other activities that could impact environmental resources, including community services and facilities. If the impacts associated with growth are significant, any feasible mitigation measures and/or alternatives to the project must be identified. Each significant growth-inducing impact shall be keyed to a subject area abbreviation (i.e., "GR") and an impact number (e.g., 1, 2, 3) for a combined alpha-numeric code (e.g., Impact GR-1, Impact GR-2, Impact GR-3). Similarly, each mitigation measure shall be keyed with a

**TABLE 6-1
IMPACT AND MITIGATION AND IMPROVEMENT MEASURE LETTER PREFIXES**

Subject Area	Impact Prefix	Mitigation Measure Prefix	Improvement Measure Prefix
Land Use and Land Use Planning	LU-	M-LU-	I-LU-
Aesthetics	AE-	M-AE-	I-AE-
Population and Housing	PH-	M-PH-	I-PH-
Cultural and Paleontological Resources	CP-	M-CP-	I-CP-
Transportation and Circulation	TR-	M-TR-	I-TR-
Noise	NO-	M-NO-	I-NO-
Air Quality	AQ-	M-AQ-	I-AQ-
Wind and Shadow	WS-	M-WS-	I-WS-
Recreation	RE-	M-RE-	I-RE-
Utilities and Service Systems	UT-	M-UT-	I-UT-
Public Services	PS-	M-PS-	I-PS-
Biological Resources	BI-	M-BI-	I-BI-
Geology and Soils	GE-	M-GE-	I-GE-
Hydrology and Water Quality	HY-	M-HY-	I-HY-
Hazards and Hazardous Materials	HZ-	M-HZ-	I-HZ-
Mineral and Energy Resources	ME-	M-ME-	I-ME-
Agricultural Resources	AG-	M-AG-	I-AG-

combined alpha-numeric code with an “M” in front to signify it is a mitigation measure (e.g., Mitigation Measure M-GR-1 for a mitigation measure for Impact GR-1).

Significant Unavoidable Impacts

This subchapter shall identify the significant impacts of the project that cannot be reduced to a less-than-significant level with implementation of feasible mitigation measures.

Significant Irreversible Impacts

A discussion of irreversible impacts is required only for EIRs for the adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency, the adoption of a Local Agency Formation Commission resolution, or a project requiring preparation of an environmental impact statement pursuant to the NEPA. For projects meeting these criteria, this subchapter shall describe significant irreversible environmental changes impacts associated with uses of nonrenewable resources, considering all phases of project implementation. If the irreversible impacts are significant, any feasible mitigation measures and/or alternatives to the project must be identified. For projects not meeting the above criteria, this subchapter shall explain why the discussion of irreversible impacts is not required.

Areas of Known Controversy and Issues to Be Resolved

This subchapter shall discuss any controversy associated with environmental effects, mitigation, and alternatives and the issues to be resolved or decided by the decision-making body.

Alternatives

The alternatives chapter shall present a reasonable range of alternatives to the proposed project, including the required “No Project” Alternative. The description of the alternative shall include all required approvals. For each alternative, the environmental impacts of the alternative in each of the major topics analyzed in the impacts chapter of the EIR shall be addressed, along with a brief assessment of the impacts in the other impact areas (e.g., those topics that were screened out in an IS). The feasibility of each alternative shall be addressed, along with the reasons why the alternative was rejected by the sponsor in favor of the project. The analysis shall address whether the alternative would eliminate or reduce significant impacts, require mitigation measures, and meet the basic objectives of the project. The chapter shall identify the environmentally superior alternative. If this alternative is the “No Project” Alternative, the chapter shall also identify another environmentally superior alternative among the other alternatives.

If the project form would change in any way from that of the proposed project, a graphic representation of the alternative shall be included.

If the project requires rezoning, conditional use authorization, variances, or exceptions, an alternative that would comply fully with the Planning Code shall be analyzed.

If the project includes demolition or alteration of a historic structure, an alternative that would fully preserve the structure shall be analyzed, along with a partial preservation alternative.

If the project requires rezoning, an alternative that includes the maximum permitted development and ranges of uses that could be allowed under the rezoning shall be included, if different from the project.

Alternatives Considered but Rejected

This subchapter shall identify alternatives seriously considered but rejected as infeasible, and state the rationale for rejection. If an off-site alternative is not carried forward for analysis, the reason for its rejection shall be addressed here.

No Project Alternative

The “No Project Alternative” must be included to provide a comparison of the environmental impacts that would result if the project is approved with what would occur if the project is not approved.

Environmentally Superior Alternative

The subchapter shall briefly compare the impacts of the alternatives to the proposed project and to one another, and shall include a *Comparison of Impacts of Alternatives to Significant Impacts of Proposed Project Table*. In addition, the environmentally superior alternative shall be identified. If this alternative is the No Project Alternative, the section shall also identify another environmentally superior alternative among the other alternatives.

EIR Preparers and Persons and Organizations Contacted

This chapter shall identify all staff, agencies, and, consultants who prepared the EIR, the project sponsor team, and all federal, state, or local agencies, organization, and individuals who were consulted during preparation of the EIR (if not otherwise cited as a footnote in the EIR). The lists shall indicate the name, title, affiliation, and a very brief explanation of each individual's role in the preparation of the EIR or on the sponsor's team, as applicable. The ERO, environmental coordinator, and EIR supervisor shall be included as EIR authors. In addition, if the DEIR includes a discussion of transportation, historic architectural resources, and/or archeological resources, the Planning Department staff transportation planner, preservation planner, and/or archeology planner, respectively, shall be identified as authors. The consultants shall include all consultants and subconsultants that prepared or contributed materials or were consulted in preparing materials for the EIR. The project sponsor's team shall include the project sponsor, project attorney, and project architect, as applicable.

Appendices

Technical appendices shall include information that substantiates material in the EIR that is fundamental to evaluation of the proposed project. Appendices to the DEIR must include, at a minimum, the NOP, any Department written responses to comments on the NOP and, if applicable, the IS. Divider pages shall be printed on brightly colored paper and shall identify the appendix number and the title/contents of the appendix.

Interior Back Cover

The interior back cover is the inside page of the back cover of the DEIR. It shall be printed on cardstock and shall contain the front side of the *FEIR Request Postcard*, which can be cut out and mailed in to request a copy of the FEIR. It shall contain:

- A dotted line outlining the edges of the postcard
- A rectangle approximately the size of the postage stamp in the upper right corner of the postcard, with the words "Place Postage Here" inside the rectangle
- The address of the Planning Department, Major Environmental Analysis Division
- An "Attention" line to the attention of the ERO
- The words "Please Cut Along Dotted Line"
- The words "Return Request Required for Final Environmental Impact Report"

Exterior Back Cover

The exterior back cover is the outside page of the back cover of the DEIR and it shall be the backside of the *FEIR Request Postcard*. It shall be printed to align with the interior back cover and shall contain:

- A dotted line outlining the edges of the postcard
- The words "Request for Final Environmental Impact Report for"
- The Planning Department case number for the project
- The project common name
- The words "To: San Francisco Planning Department, Major Environmental Analysis"

- Boxes allowing the sender to request either: 1) a copy of the final EIR on CD, or 2) a paper copy of the final EIR
- Lines for the sender to fill in: name, street address, city, state, zip code, and signature

6.2.4 COMMENTS AND RESPONSE DOCUMENT

Front Cover

The cover is the front exterior of the document and shall include:

- The words “City and County of San Francisco Planning Department”
- Type of EIR
- The words “Comments and Responses”
- Administrative draft number (for administrative drafts only)
- Project common name
- Planning Department case number
- State Clearinghouse number, if applicable
- DEIR publication date
- DEIR public hearing date
- DEIR public review period dates
- FEIR certification hearing date

Consultant firm names, slogans, or logos shall not appear. Images depicting the project site are permitted, but no images of the proposed project shall appear. The cover shall be printed on cardstock.

Please see the Consultant Resources web page for a *Sample Comments and Responses Cover*.

Title Page

The title page is the first page on the interior of the C&R document. The cover shall be a black and white version of the cover, less any images of the project site.

Table of Contents

The table of contents shall include:

- A listing of chapters and subchapters in the document, including the chapter/subchapter title and page number
- A listing of the figures in the document, including the figure name and page number
- A listing of the tables in the document, including the table name and page number
- A listing of the appendices in the document, including the appendix name and page number

Please see the Consultant Resources web page for a *Sample Comments and Responses Table of Contents*.

Introduction

The introduction chapter shall include the subchapters described below.

Purpose of the Comments and Responses Document

This subchapter shall explain the purpose of the document, how the document relates to the DEIR and the FEIR, and the treatment of comments not pertaining to physical environmental issues.

Environmental Review Process

This subchapter shall briefly summarize the environmental review process for the project, from issuance of the NOP through the EIR certification hearing and preparation of the FEIR.

Document Organization

This subchapter shall describe the contents and organization of each of the chapters of the C&R document.

List of Persons Commenting

This chapter shall contain a list of the agencies, organizations, and individuals who submitted written comments during the public review period or spoke at the public hearing on the draft EIR. The list shall be organized into the following groups:

- State, regional, and local agencies
- Boards and commissions
- Organizations
- Individuals

The list shall identify whether the persons listed submitted comments in writing or orally at the public hearing, or both.

Comments and Responses

This chapter shall contain responses to all substantive comments received on the DEIR. It shall be organized by topic in the order of topics presented in the DEIR. If the comments also address topics from an IS published prior to the DEIR, such comments shall be addressed following the DEIR comments and shall be organized in the sequence of topics in the IS checklist. All comments shall be direct quotes from the comment letters. If more than one commentor raised a similar comment, those comments shall be grouped together as a single comment. Long passages shall be separated into distinct comments if more than one concern is raised.

Each comment shall be assigned a comment number based on the order of presentation in this chapter, and each response shall be assigned a corresponding number. For example, the first comment addressed shall be "Comment 1" and the response to that comment shall be "Response 2." The second comment and response shall be "Comment 2" and "Response 2", respectively, and so on.

Wherever the response clarifies or corrects information in the DEIR, text and graphic changes to the EIR shall be included as part of the responses in this chapter. Text in underline shall be used to represent language added or modified in the DEIR; text with strikethrough shall be used to represent language deleted from the EIR. Revised graphics shall be indicated by a substitute graphic with the word "Revised" next to the figure number.

DEIR Revisions

This chapter shall contain all of the changes to the DEIR text and graphics noted in the responses to the comments received. Staff-initiated changes to clarify information presented in the DEIR shall also be included, as applicable.

Changes in Response to Comments

This subchapter shall recite all of the changes to the DEIR text and graphics as noted in the Comments and Responses chapter. The changes shall be organized in the order of the DEIR table of contents.

Staff-Initiated Changes

This subchapter shall be included in the C&R document only if changes to the DEIR are required beyond those made in response to the comments addressed in the previous chapter. Changes to EIR text and graphics shall be included in the manner described for the Comments and Responses chapter.

Appendices

Appendix A shall be "DEIR Comment Letters." The letters shall be organized in the order in presented in the List of Persons Commenting. The individual comments within each letter shall be bracketed and the comment number shall be identified in the margin to the right of the comment.

Divider pages printed on brightly colored paper shall identify the appendix number and the title/contents of the appendix.

6.2.4 MITIGATION MONITORING AND REPORTING PROGRAM

The *MMRP* shall be presented in tabular form. All of the mitigation and improvement measures from the IS and DEIR shall be presented in the *MMRP* in their entirety. The mitigation and improvement measures shall be organized and grouped as follows, using the same environmental topic order as appears in the IS checklist for each group of measures: (A-1) Mitigation Measures Agreed to be Implemented by Project Sponsor; (A-2) Mitigation Measures Not Agreed to be Implemented by Project Sponsor or Feasibility of Mitigation Implementation Uncertain; (B-1) Improvement Measures Agreed to be Implemented by Project Sponsor; and (B-2) Improvement Measures Not Agreed to be Implemented by Project Sponsor.

The *MMRP* shall include the following information for each mitigation and improvement measure identified in the IS and DEIR:

- The text of the measure in its entirety
- The entity responsible for implementation of the measure
- The schedule or timing for implementation of the measure

- The specific mitigation action required
- The monitoring responsibilities, including the appointed monitor, city department, or other public agency responsible for monitoring and compliance verification
- The verification or monitoring schedule, including the frequency of monitoring or reporting to the decision-making body to ensure that mitigation implementation has been adequately completed to the satisfaction of the appointed monitor or responsible city department

6.2.5 FINAL EIR

The FEIR contents shall be a combination of items from both the DEIR and C&R documents, as described below. The terms “draft EIR” shall be changed to “EIR” in all DEIR portions of the document, unless specifically in reference to the document published as the DEIR. The FEIR shall contain all changes noted in the C&R document, in clean format with all strikethrough and underline removed, except for the Comments and Responses chapter.

Cover

The cover is the front exterior of the document and shall be the same as the C&R cover, except that “Comments and Responses” shall be changed to “Final Environmental Impact Report.”

Please see the Consultant Resources web page for a *Sample Comments and Responses Cover*.

Certification Motion

The final Planning Commission motion certifying the EIR shall be the first item in the FEIR.

Title Page

The title page shall be a black and white version of the cover, less any images of the project site.

Summary

This chapter shall be the Summary chapter from the DEIR.

Project Description

This chapter shall be the Project Description chapter from the DEIR.

Plans and Policies

This chapter shall be the Plans and Policies chapter from the DEIR.

Environmental Setting and Impacts

This chapter shall be the Environmental Setting and Impacts chapter from the DEIR.

Other CEQA Issues

This chapter shall be the Other CEQA Issues chapter from the DEIR.

Alternatives

This chapter shall be the Alternatives chapter from the DEIR.

Comments and Responses

This chapter shall be the Comments and Responses chapter from the C&R document.

Appendices

Appendix A shall be the IS. Appendix B shall be the DEIR Comment Letters. Appendix C shall be the DEIR Hearing Transcript. Divider pages printed on brightly colored paper shall identify the appendix number and the title/contents of the appendix.

EIR Preparers and Persons and Organizations Contacted

This chapter shall be the EIR Preparers and Persons and Organizations Contacted chapter from the DEIR, updated as necessary to reflect any changes since publication of the DEIR.

6.2.6 FINAL EIR APPEAL RESPONSE PACKET

The *FEIR Appeal Response Packet* shall contain a memorandum to the BOS with an Introduction section describing the background on the FEIR publication and the appeal filing. The next section shall be Concerns Raised and Planning Department Responses, which shall present the appellant's concerns and responses to the concerns. The first concern shall be "Concern 1" and the first response shall be "Response 1." The concerns shall be organized in the order stated in the appeal letter, or by topic, as directed by the environmental coordinator. The concerns shall be direct quotes from the appeal letter. Long passages shall be separated into distinct comments if more than one concern is raised.

The final section of the appeal response memo shall be a Conclusion section stating whether or not the issues raised in the appeal alter the Department's determination that a FEIR was appropriately issued for the project. It shall also include the Department's recommendation to the BOS of whether or not they should uphold the FEIR and deny the appeal. Attachments to the appeal shall include the FEIR and the appeal letter.

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7. ACKNOWLEDGEMENTS

San Francisco Planning Department

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Rick Cooper, Technical Reviewer
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