

File No. 180844

Committee Item No. _____

Board Item No. 46

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____
Board of Supervisors Meeting

Date: _____
Date: September 25, 2018

Cmte Board

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- Public Correspondence

OTHER

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Prepared by: Lisa Lew
Prepared by: _____

Date: September 20, 2018
Date: _____

1 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification -
2 India Basin Mixed-Use Project]

3 **Motion directing the Clerk of the Board to prepare findings related to reversing the**
4 **Planning Commission's certification of the Final Environmental Impact Report**
5 **prepared for the proposed India Basin Mixed-Use Project.**

6
7 WHEREAS, The proposed India Basin Mixed Use Project ("Project") is a mixed-use
8 development containing an integrated network of new public parks, wetland habitat, and a
9 mixed-use urban village, and includes a significant amount of public open space, shoreline
10 improvements, market-rate and affordable residential uses, commercial use, parking,
11 environmental cleanup and infrastructure development and street improvements; and

12 WHEREAS, The Project site includes approximately 39 acres along the India Basin
13 shoreline on San Francisco Bay, generally bounded by Hunters Point Boulevard on the
14 northwest, Innes Avenue on the southwest, Earl Street on the southeast, and the San
15 Francisco Bay on the northeast; and

16 WHEREAS, The Recreation and Park Department ("RPD") and the privately owned
17 real estate development company BUILD, are project sponsors for the Project; and

18 WHEREAS, The mixed-use urban village would be developed by BUILD and includes
19 two options: (1) a residentially-oriented project with up to 1,575 dwelling units, approximately
20 209,000 square feet of nonresidential space, and 1,800 parking spaces; or (2) a
21 commercially-oriented project with approximately 500 dwelling units, 1,000,000 square feet of
22 commercial space, 50,000 square feet of institutional space, and 1,932 parking spaces; and

23 WHEREAS, The Planning Department determined that an Environmental Impact
24 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of
25 that determination by publication in a newspaper of general circulation on June 1, 2016; and

1 WHEREAS, The Draft EIR was published on September 13, 2017, and circulated to
2 governmental agencies and to interested organizations and individuals for a 47-day review
3 period that started on September 14, 2017, and ended on October 30, 2017; and

4 WHEREAS, The Planning Commission held a public hearing on the Draft EIR on
5 October 19, 2017, and planning commissioners, organizational representatives, and
6 individuals made oral comments at that hearing; and

7 WHEREAS, The Department prepared a Responses to Comments (“RTC”) document,
8 which included responses to comments on environmental issues received at the Draft EIR
9 public hearing that was held on October 19, 2017, and in writing during the 47-day public
10 review period for the Draft EIR, as well as text changes or revisions that were proposed to the
11 Project, in response to comments received or based on additional information that became
12 available during the public review period and that represent a refinement or clarification to the
13 text of the EIR; and

14 WHEREAS, The RTC also discussed revisions made to the Project after the
15 publication of the Draft EIR, specifically, an increase of 335 dwelling units from an original
16 figure of 1,240 units analyzed in the Draft EIR, a decrease of approximately 66,225 gross
17 square feet of commercial space, and the elimination of the proposed school; and

18 WHEREAS, The comments and revisions addressed in the RTC did not identify new
19 significant impacts or a substantial increase in the severity of previously identified impacts, nor
20 did they identify feasible project alternatives or mitigation measures that are considerably
21 different from those analyzed in the Draft EIR and that the Project sponsor has not agreed to
22 implement, and no significant new information that would require recirculation of the Draft EIR
23 under Section 21092.1 of CEQA, California Public Resources Code, Sections 21000 et seq.
24 (“CEQA”) and CEQA Guidelines, Section 15088.5 was identified; and
25

1 WHEREAS, The RTC document was published on July 11, 2018, distributed to the
2 Planning Commission and all parties who commented on the Draft EIR, and made available to
3 others upon request at the Department offices; and

4 WHEREAS, On July 26, 2018, the Planning Commission, by Motion No. 20247,
5 certified a Final Environmental Impact Report (“Final EIR”) for the proposed Project under
6 CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding
7 that the Final EIR reflects the independent judgment and analysis of the City and County of
8 San Francisco, that it is adequate, accurate and objective, and contains no significant
9 revisions to the Draft EIR; and

10 WHEREAS, By letters to the Clerk of the Board, received by the Clerk's Office on
11 August 23, 2018, in the case of Mikhail Brodsky on behalf of Archimedes Banya SF and 748
12 Innes Ave. HOA (“Banya”), and on August 27, 2018, in the case of Bradley Angel on behalf of
13 Greenaction for Health & Environmental Justice (“Greenaction”) (collectively, “Appellants”),
14 Appellants appealed the Final EIR certification; and

15 WHEREAS, The Planning Department’s Deputy Environmental Review Officer, by
16 memorandum to the Clerk of the Board dated August 29, 2018, determined that the appeals
17 had been timely filed; and

18 WHEREAS, On September 25, 2018, this Board held a duly noticed public hearing to
19 consider the appeals of the Final EIR certification filed by Appellants and, following the public
20 hearing, the Board of Supervisors affirmed the Planning Commission’s certification of the
21 Final EIR based on the written record before the Board of Supervisors as well as all of the
22 testimony at the public hearing in support of and opposed to the appeals; and

23 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
24 conditionally reversed the Final EIR certification, subject to the adoption of written findings of
25 the Board in support of such determination, based on the written record before the Board of

1 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
2 the appeals; and

3 WHEREAS, The written record and oral testimony in support of and opposed to the
4 appeals and deliberation of the oral and written testimony at the public hearing before the
5 Board of Supervisors by all parties and the public in support of and opposed to the appeals of
6 the Final EIR certification is in the Clerk of the Board of Supervisors File No. 180841 and is
7 incorporated in this motion as though set forth in its entirety; now, therefore, be it

8 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the
9 findings specifying the basis for its decision on the appeals of the Planning Commission's
10 certification of the Final EIR for the Project.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Preparation of Findings to Reverse the Final Environmental Impact Report Certification - India Basin Mixed-Use Project

The text is listed:

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed India Basin Mixed-Use Project.

Signature of Sponsoring Supervisor: []

Aliza Gomez

For Clerk's Use Only

180844