



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Appeal of Final Mitigated Negative Declaration Alcatraz Ferry Embarkation Project PUBLISHED ON DECEMBER 6, 2017 APPROVED ON JUNE 25, 2018

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RE: Board of Supervisors File No. 180294, Planning Department Case No. 2017-000188ENV – Appeal of the Final Mitigated Negative Declaration for the Alcatraz Ferry Embarkation Project

PROJECT SPONSOR: National Park Service, Brian Aviles (415) 561-4942
Port of San Francisco, Diane Oshima (415) 274-0553

APPELLANT: Arthur J. Friedman, Sheppard, Mullin, Richter & Hampton LLP., on behalf of City of Sausalito (415) 774-2985

HEARING DATE: September 4, 2018

ATTACHMENTS: A – Exhibit A to Draft Motion, Planning Department Response to Appeal of Preliminary Mitigated Negative Declaration, Alcatraz Ferry Embarkation Project, published on December 6, 2017.
B – Planning Commission Motion #20116 adopted February 22, 2018
C – Appeal Letter and Final Mitigated Negative Declaration¹

INTRODUCTION

This memorandum and the attached documents respond to a letter of appeal to the Board of Supervisors (the “Board”) regarding the Planning Department’s (the “Department”) issuance of a Final Mitigated Negative Declaration (“FMND”) in compliance with the California Environmental Quality Act (“CEQA”) for the Alcatraz Ferry Embarkation Project (the “Project”).

¹ These documents are included in the Board of Supervisors File No. 180294. Available online at <https://sfgov.legistar.com/View.ashx?M=F&ID=6165344&GUID=A81B75B0-C8BF-4D22-9F9A-00E1136DE83F>

BACKGROUND

An environmental evaluation application (2017-000188ENV) for the proposed project (Project) was filed on behalf of the National Park Service (“Park Service”), the Golden Gate National Parks Conservancy, and the Port of San Francisco on November 16, 2016. The proposal was for the development and operation of an improved ferry embarkation site at Pier 31½ to support Alcatraz Island visitors. The Port agreement would require the Park Service’s selected concessioner to renovate the marginal wharf, the Pier 33 bulkhead buildings, and portions of the Pier 33 shed building. In addition, the Park Service’s partner, the Golden Gate National Parks Conservancy, would renovate the Pier 31 bulkhead building, additional portions of the Pier 31 shed building, and complete interior improvements to the Pier 33 bulkhead. The Project would provide a combination of indoor and outdoor spaces to welcome, orient, and provide improved basic amenities for the public. The proposed project would also include other administrative and operational spaces, such as new boarding ramps and floats to support the berthing of up to three ferry boats at a time to accommodate interpretive bay cruises and ferry service to Fort Baker (described below). The Project site at Pier 31½ is within the Light Industrial Use District, and is within a 40-X Height and Bulk District. The Project would require approval of several long-term lease agreements by the Port of San Francisco and the Board of Supervisors.

As part of the Project, the Park Service would allow a maximum of two ferry trips per day on weekends only between Pier 31½ and the existing Fort Baker pier located within the Golden Gate National Recreation Area, under Park Service jurisdiction, approximately two miles south of the City of Sausalito. The Park Service proposes to repair and upgrade the Fort Baker pier substructure, install a new gangway landing and float, and construct an approximately 1,400-foot-long pedestrian pathway from the Bay Area Discovery Museum to the pier. Ferry operations would result in 250 average daily visitors (up to 500 visitors on a peak day), or 40,000 visitors annually to Fort Baker. Ferry trips would be same day roundtrips only originating from Pier 31½ and would not accommodate bicycles.

In order to provide context for the Project and the appeal, a brief history of the Park Service’s planning efforts for Fort Baker is provided here. The Fort Baker Plan, analyzed in the Fort Baker Plan Final Environmental Impact Statement (FEIS) issued in 1999-2000, established the Park Service’s plan for preserving the former Army post and developing a conference and retreat center at Fort Baker. Following the Record of Decision, the Park Service and Sausalito came to an agreement to limit the size of the retreat center. The Cavallo Point Lodge at Golden Gate opened in 2008 and uses both historic and new buildings throughout Fort Baker. The plan also called for expanding and rehabilitating portions of the Bay Area Discovery Museum, creating potential minor additions to the U.S. Coast Guard (USCG) station, converting the marina and historic boat shop to fully serve the public, removing bulkheads and roadways along the waterfront to improve its connectivity with the Cavallo Point Lodge, and improving the historic pier by installing fish-cleaning stations, new railings, and benches. The plan also noted the potential for the historic pier to provide water-based connections to other park sites in the future, but did not complete a project-level analysis for the ferry service as details were not developed at that time.

The National Park Service separately analyzed the Project in the Alcatraz Ferry Embarkation Environmental Impact Statement (EIS). As stated in the EIS, the Park Service desires an identifiable and well-functioning facility that provides a quality welcome and support program for visitors, orients visitors to the history of Alcatraz Island, and provides a connection to other Golden Gate National Recreation Area parklands and orientation to the national park system in general. The EIS evaluated several alternative locations for the embarkation facility: Pier 31½ and Pier 41 at the Port of San Francisco; and a site at Fort Mason. The EIS also evaluated opportunities for new or enhanced linkages to the bay and other park lands. The Draft EIS was available for public review from March 20 to June 4, 2015. After exhaustive study and review, the Park Service identified the Pier 31½ Alternative, inclusive of developing a limited ferry service to Fort Baker, as the preferred alternative among those evaluated in the EIS. The Park Service completed the FEIS in January 2017.² The Record of Decision was signed on January 11, 2018.³ The Pier 31½ Alternative, as further refined, is the Project analyzed in the PMND.

A Preliminary Mitigated Negative Declaration (PMND) was published on December 6, 2017. On December 27, 2017, Arthur J. Friedman, of Sheppard, Mullin, Richter & Hampton LLP, on behalf of the City of Sausalito (Appellant or “Sausalito”) filed a letter appealing the PMND. The appeal concerns were addressed in the Planning Department’s February 15, 2018 response to appeal, attached as **Exhibit A**. A supplement to the appeal letter was submitted to the members of the Planning Commission on February 20, 2018. On February 22, 2018, the Planning Commission held a public hearing on the merits of the appeal, and adopted Motion No. 20116 affirming the decision to issue a Mitigated Negative Declaration, attached as **Exhibit B**.

The Final Mitigated Negative Declaration (FMND) was published on February 23, 2018. Mr. Friedman filed an appeal of the FMND on behalf of the City of Sausalito on March 21, 2018. The appeal letter and attached FMND are included in Board of Supervisors File No. 180294. The approval action for this project occurred on June 25, 2018, with San Francisco Port Commission approval of three transaction documents including (1) a General Agreement between the Port and the National Park Service for use of the Pier 31-1/2 site; (2) a form lease with a ferry concessioner; and (3) a lease with the Golden Gate National Parks Conservancy.

The concerns listed below are summarized from the March 21, 2018 appeal letter, which is included within the Board of Supervisors File No. 180294 for this matter.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the March 21, 2018, appeal letter are summarized below (including some brief excerpts) and are followed by the Department’s responses.

² National Park Service, *Alcatraz Ferry Embarkation Final Environmental Impact Statement*, January 2017. Available at <https://parkplanning.nps.gov/document.cfm?parkID=303&projectID=41352&documentID=77056>.

³ Ibid.

CONCERN 1: Transportation and Public Safety. The Appellant states that three additional mitigation measures are needed not only to reduce transportation impacts in Sausalito, but also to *facilitate and promote regional transportation (original emphasis)*.

The Appellant identifies the following impacts and proposes mitigation measures:

(1) Muir Woods Shuttles Traveling Through Sausalito...

Mitigation Measure: NPS shall ensure that in the event transportation services are offered to transport arriving Fort Baker ferry passengers to Muir Woods or other NPS destinations, all such transportation shall be directed from Fort Baker southward to the Alexander Avenue/Highway 101 on-ramp, and shall not be permitted to drive through Sausalito.

(2) Private Cars:...

Mitigation Measure: NPS shall ensure that roundtrip connecting shuttle bus service between Fort Baker and Sausalito is available to meet passenger demand. Each shuttle bus shall accommodate bicycles and to the extent feasible, be powered by environmentally sustainable technology.

(3) Increased Congestion:...

Mitigation Measure: NPS shall ensure that any ferries authorized by the Project returning or otherwise traveling directly or indirectly from Fort Baker to Pier 31 ½ shall accept and accommodate passengers with bicycles. In order to facilitate the transport of all potential passengers from Fort Baker to Pier 31 ½, NPS shall ensure, that passengers, including passengers with bicycles, may purchase at Fort Baker one-way tickets authorizing ferry transport from Fort Baker to Pier 31 ½.

RESPONSE TO CONCERN 1: CEQA only requires mitigation measures to reduce significant environmental impacts resulting from the project. Mitigation measures are not required for impacts that are not found to be significant or are not the result of the project.

CEQA Guidelines Section 15126.4 states that there must be an essential nexus (i.e. connection) between the mitigation measures and a legitimate governmental interest, and the mitigation measure must be “roughly proportional” to the impacts of the project. As discussed below, mitigation measures are unwarranted for (1) Muir Woods shuttles, as no shuttles are proposed as part of the project; (2) private cars, as use of for-hire vehicles by Fort Baker ferry passengers is not only speculative, but has been analyzed and shown to be a less-than-significant impact; and (3) congestion, as the project would not contribute to bicycle congestion because no bicycles would be allowed on ferries.

Muir Woods Shuttles: The project does not propose shuttle bus service to Muir Woods or any other NPS sites. Thus, there is simply no basis for a mitigation measure regarding shuttle bus routes.

Private Cars: The Appellant incorrectly states the findings of San Francisco's traffic study. The study did *not* conclude that the Project would generate in excess of 100 daily visitors to Sausalito. Passengers who select the Fort Baker ferry are likely to do so in order to visit the many attractions and activities at Fort Baker, not to travel to Sausalito. Those who wish to visit downtown Sausalito would likely select one of the approximately twelve round trip ferries that depart from San Francisco each weekend day, rather than travel to Fort Baker and continue to Sausalito. The Project would provide two ferries with an average of 250 passengers per day on the weekend. For these reasons, the Project is not anticipated to generate a substantial number of visitors to Sausalito.

Traffic congestion is not a significant impact under CEQA. However, to evaluate the Appellant's concern, the City's transportation study evaluated the potential transportation impacts that could result from the Project under the speculative assumption that half of all Fort Baker ferry passengers might travel to Sausalito. The transportation study found that up to 32 new vehicle trips could be generated associated with each of the two ferry trips, resulting in less than 30 vehicles per hour on a peak weekend (less than four percent of the existing peak weekend traffic on local Sausalito roadways), which would not result in substantial transportation impacts. The Parisi transportation study, using a different vehicle occupancy rate, estimates there would be 50 new vehicle trips. Even if there were 50 new vehicle trips, the findings would be essentially the same. The Project is not expected to exacerbate existing traffic, bicycle, and pedestrian congestion levels in Sausalito, create new hazards, or exacerbate any existing hazards. Furthermore, the Parisi transportation study's assumption that the number of ferry passengers would increase by five percent annually is incorrect; the Project does not include any expansion in the size or number of ferries, and would remain at two ferries per weekend day. The Operations Plan, which governs ferry operations and is attached to the Form of Lease for the Ferry Concessioner, states that "Fort Baker service, if implemented, will serve a maximum of 40,000 passengers annually through weekend service limited to two boats on Saturdays and Sundays each."

In sum, because the Project would have less-than-significant transportation impacts, Sausalito's proposed mitigation measure for shuttle bus service between Fort Baker and Sausalito is not warranted. The City has no authority to apply mitigation measures for impacts not found to be significant. Further, there is no basis for any requirement that shuttle buses accommodate bicycles, as bicycles would be prohibited on the Fort Baker ferry.

For additional information, please refer to the **Exhibit A**, Planning Department's Response to Appeal of PMND, Response to Concern 2, pages 6 to 8.

Increased Congestion: As discussed above, traffic congestion is not a significant environmental impact under CEQA and the Project would not exacerbate traffic congestion, or cause or exacerbate traffic, bicycle, or pedestrian hazards. While Sausalito may have existing issues regarding bicycles on local roadways, the Project would not contribute to those issues because bicycles would be prohibited on the Fort Baker Ferry. There is no basis under CEQA to require

mitigation measures on the Project to require one-way tickets or bicycles on ferries returning to San Francisco.

CONCERN 2: Project Contracts. The Appellant states that the project contracts do not contain limits on ferry operations as described in the Project Description, and that ferry service could expand in the future without further CEQA review.

The Appellant's letter states:

...[F]uture CEQA review is triggered only if ferry service to Fort Baker increases beyond that which is authorized under the Project contracts, thus requiring a discretionary approval to amend the Project contracts. However, here, because the Project contracts impose no limits on the amount of ferry service to Fort Baker, that service may increase beyond two weekend trips per day without the need for contract changes, and therefore no discretionary approval necessary to trigger further CEQA review....

RESPONSE TO CONCERN 2: The Form Ferry Concessioner Lease provides that Fort Baker service, if implemented, will serve a maximum of 40,000 passengers annually through weekend service limited to two boats on Saturdays and two boats on Sundays.

Sausalito claims that the CEQA document project description is not accurate for two reasons. First, Sausalito states the underlying project contracts between the Park Service and the Port of San Francisco do not contain limits on the frequency of ferry service to Fort Baker, whereas the CEQA document indicates that only up to two ferries per day would operate on weekends, with a maximum of 40,000 visitors annually. In its citation of the concession contract and NPS operating plan, the appellant ignores the provision of the draft Operations Plan, which is incorporated into the Port's Lease with the Ferry Concessioner and which limits service to Fort Baker to a maximum of 40,000 passengers annually in four total trips on each weekend. Sausalito speculates that additional visitors would occur but provides no substantial evidence to dispute the accuracy of the CEQA document project description. The CEQA document project description used the best available information known at this time and accurately describes the project that was submitted for review. Thus ferry service would be consistent with that described in the project description.

Second, Sausalito states the capacity of ferry service to Fort Baker would convey more passengers than indicated in the CEQA document project description. Sausalito believes that language in the draft operating plan contemplates ferry capacity of 500 and 700 passengers. However, Sausalito is ignoring the language that these size ferries would serve Alcatraz, bay cruises, Angel Island, and backup services; not Fort Baker. Again, language in the draft Port's Operations Plan explicitly caps service to Fort Baker consistent with the environmental documents. Therefore, the CEQA document project description is accurate.

Additionally, in the February 20th letter, the appellant claims that because project contracts do not impose restrictions on bicycles boarding ferries, it is entirely foreseeable that bicycles would be allowed to board ferries in the future. The appellant appears to argue that the project description should include a list of everything that the project is NOT, as well as describe the project as proposed. This is inconsistent with CEQA requirements. The project description is clear that no bicycles would be permitted. The appellant's speculation of future Park Service plans to expand service, provide shuttles to Muir Woods, and to allow bicycles are not included in the project sponsor's project description.

CONCERN 3: Consultation Requirements. The Appellant states that the Project is one of "Statewide, Regional, or Areawide Significance" and that the City failed to consult with Sausalito, as a "public agency which has transportation facilities within their jurisdiction that could be affected by the project."

RESPONSE TO CONCERN 3: The Project is not one of "Statewide, Regional, or Areawide Significance" and Sausalito is not a Responsible Agency with discretionary approval power over the Project, and no consultation was required.

The Appellant claims that it should have been considered a Responsible Agency because 1) the Project would be considered one of statewide, regional, or areawide significance, as it would "substantially affect" Horseshoe Bay (despite the FMND findings that Project impacts on biological resources and water quality in Horseshoe Bay would be less than significant), and 2) it has major local roadways and public transit within five miles of the Fort Baker Pier.

The Planning Department followed the procedural requirements in Public Resources Code section 21082.1(c)(4)(C) which requires the lead agency to submit copies of the PMND to the State Clearinghouse for review and comment by state agencies and responsible agencies. CEQA Guidelines Section 15381 defines a "responsible agency" as one which proposes to carry out or approve a project for which a Lead Agency is preparing or has prepared and EIR or Negative Declaration, including all public agencies which have discretionary approval power over the project. Sausalito does not have any discretionary approvals regarding the project.

Nevertheless, the City invited Sausalito to participate in the scoping of the environmental review for the Project by sending a Notification of Project Receiving Environmental Review to Sausalito on September 13, 2017. Sausalito did not provide any comments or request consultation at that time.

In conclusion, the Project is not a project of Statewide, Regional or Areawide significance and, even if it were, the City complied with any CEQA requirements. The City's requirement was to provide its "Notice of Intent to Adopt a Negative Declaration" to Sausalito, which the City fulfilled. Further, the City *did* invite Sausalito to provide comments on the potential

environmental effects of the Project to be considered in the environmental review and Sausalito did not participate until its appeal on December 27, 2017.

CONCERN 4: FMND Project Description. The Appellant states that the FMND's Project Description, including Project setting, is inaccurate and legally deficient

The Appellant's letter states:

The FMND fails to adequately analyze the potential impacts of the proposed Fort Baker ferry service because, among other reasons, the environmental analysis is premised on assumed enforceable "limits" on the number of future ferries and passengers, a prohibition on bicycles and the scope of authorized uses that do not exist in the Project contracts.

In addition, the FMND's description of the Project's environmental setting is legally deficient. The FMND and SF Planning concede that Fort Baker arriving ferry passengers will visit the Marin Headlands. The FMND's description of the Project setting, however, provides no information regarding the Marin Headlands, the trails, or the parking and vehicle capacities. These omissions impede the ability of the Board of Supervisors and members of the public to meaningfully assess the Project's potential traffic and circulation impacts, including the ability to devise mitigation measures and/or alternatives.

RESPONSE TO CONCERN 4: The Project Description provides sufficient level of detail upon which to evaluate the potential environmental impacts of the Project for disclosure to decision-makers and the public and does not conflict with the underlying Project contracts.

As discussed above, the draft Operations Plan, which is incorporated into the Port's Lease with the Ferry Concessioner, limits service to Fort Baker to a maximum of 40,000 passengers annually in four total trips on each weekend. The Project description states explicitly that "no shuttle service would be provided to serve ferry passengers." The Park Service indicated that the Project is designed to provide an alternate means of transportation and promote visits to Fort Baker facilities such as the Bay Area Discovery Museum, the Cavallo Point Lodge, the Travis Marina, and nearby trails in the Golden Gate National Recreation Area, not the broader region.

The Appeal Letter states the project description is deficient because it fails to consider the project "as a whole," including reasonably foreseeable expansion of the project to include transport connections to the Marin Headlands, Muir Woods and/or other NPS destinations. This is incorrect and misconstrues the Project objectives and the description submitted for analysis. "Connectivity" does not refer to direct transportation connections, but rather signage, maps, and information about the broader Golden Gate National Recreation Area parklands as a whole. As stated above, the Project would provide an alternate means of transportation to Fort Baker facilities such as the Bay Area Discovery Museum, the Cavallo Point Lodge, the Travis Marina, and nearby trails, not the broader region. The Project does not include or promote direct transportation connections

between Fort Baker and Sausalito or the surrounding area. Prior feasibility studies may contain aspirational visions for ferry service from the Alcatraz Embarkation facility to other Park Service destinations; however, that is not the subject of the Project that was selected and further defined, as described in the project description, and does not constitute a “fair argument” that the shuttle service is a reasonably foreseeable component of the Project. The project description considers the whole of the Project.

The appellant argues that the FMND’s description of the Project setting is deficient because “no information is provided regarding the Marin Headlands and pedestrian trail allegedly linking the two parks.” As described, Fort Baker is located within the Golden Gate National Recreation Area fully connected with the Marin Headlands trail network. Further, the FMND project description (pages 15-16, Figures 9 and 10) provides a site plan and a perspective sketch of the project site. Additional details mentioned are more appropriately addressed within the FMND transportation and circulation section and its supporting technical analysis.⁴

See additional information regarding this concern in Response to Concern 1, above, and Exhibit A, Response to Concerns 4 and 5, pages 13 to 17.

CONCERN 5: Traffic and Circulation. The Appellant states that the FMND’s analysis of traffic and circulation impacts is deficient, and proposes the mitigation measures described in Concern 1

The Appellant and their engineering consultant Parisi state that the Project’s proposed Fort Baker ferry service may cause significant traffic, congestion and public safety impacts from the following sources:

- New vehicle trips between Fort Baker and Sausalito from arriving passengers hiring private vehicles;
- New bicycle trips between Fort Baker and Sausalito from Fort Baker ferry passengers arriving with bicycles, or renting bicycles at Fort Baker;
- Increased congestion and related public safety impacts from added pedestrians, vehicles and bicycle traffic from Fort Baker ferry passengers traveling to and from Sausalito’s waterfront, already impacted by congestion and overcrowding, particularly on weekends and during peak tourism months;
- Increased congestion and related public safety impacts from added pedestrian, vehicle and bicycle traffic from Fort Baker ferry passengers

⁴ Fehr & Peers, *Alcatraz Embarkation Facility – Pier 31-1/2 Circulation Study*, December 4, 2017.

traveling to and from Sausalito through Sausalito's already congested South Gateway;

- Future shuttle/bus services connecting arriving Fort Baker ferry passengers to Muir Woods, traveling through Sausalito.

RESPONSE TO CONCERN 5: The Parisi transportation analysis is premised on Sausalito's assertion that the Project is not as described in the Project Description: that ferry service is not limited to two round trip ferries per day on weekends, that bicycles would be allowed on ferries, that shuttle bus services would travel through Sausalito to Muir Woods, and that substantial numbers of ferry passengers would seek to travel to Sausalito.

As discussed above under Concerns 1 and 2, Sausalito's speculation that the Project would not be consistent with the Project Description is incorrect. The Parisi transportation study did not analyze the Project as proposed, and thus its findings do not agree with the City's transportation analysis. The City's transportation consultant, Fehr & Peers, has reviewed the Parisi transportation analysis and finds that, even using a vehicle occupancy rate of 2.5 rather than 3.9 (as in the City's analysis), the Project would not result in significant transportation impacts on Alexander Avenue, its extension through the South Gateway corridor, or downtown Sausalito. Parisi's analysis does not provide a fair argument that the Project would cause significant environmental impacts. In the absence of significant transportation impacts, the City may not lawfully impose mitigation measures for transportation impacts.

With the Planning Commission's adoption of Resolution 19579 on March 3, 2016, the City no longer considers automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, to be a significant impact on the environment under CEQA. Thus, even if traffic from the ferry service were to increase congestion in Sausalito, (and our transportation analysis found that it did not) congestion, in and of itself, is not considered a significant impact.

CONCERN 6: Noise. The Appellant states that "the FMND conceals significant construction noise impacts previously identified by NPS in the FEIS."

RESPONSE TO CONCERN 6: The FMND's noise analysis is based upon Planning Department guidance and protocols that differ from the FEIS approach to analysis, and does not consider persons at recreational uses to be sensitive receptors.

The Appellant is incorrect about noise impacts in 2 ways. First, persons at recreational uses such as those at Fort Baker would not be exposed to noise for sufficient periods of time to result in health impacts, and thus are not considered sensitive receptors. Second, construction noise varies with the construction phase and activity and proposed construction work at Fort Baker would result in noise increases for a limited amount of time. While the proposed construction noise may

be an annoyance to recreational users at Fort Baker, it would not be of sufficient duration or frequency as to result in a health impact.

CONCERN 7: Recreation. The Appellant states that “the Project will cause significant recreation impacts.”

RESPONSE TO CONCERN 7: The Project would not increase the use of existing parks and recreational facilities such that substantial deterioration would result.

The Project would increase visitors to Fort Baker and the Marin Headlands. As discussed on FMND page 121, the periodic increase in visitors can be accommodated by existing facilities at Fort Baker and nearby trails of the Marin Headlands. Given the amount of open space, the variety of activities, and exemplary views from within Fort Baker and the Marin Headlands, it is unlikely that ferry passengers would travel to visit the multiple parks on Sausalito’s historic waterfront more than two miles away. Even if half or all Fort Baker ferry passengers travelled to downtown Sausalito, there are multiple parks along the waterfront to absorb these visitors without having substantial adverse effects. The potential for additional visitors to deteriorate these facilities is remote; therefore, impacts on recreational facilities would be less than significant.

CONCERN 8: Land Use and Regulatory Consistency. The Appellant states that the FMND fails to adequately analyze potential land use and regulatory consistency impacts regarding the Coastal Zone Management Act and Marine Mammal Protection Act.

RESPONSE TO CONCERN 8: The FMND is adequate because it considers and incorporates the proposed Fort Baker ferry service compliance with applicable legal requirements under the Coastal Zone Management Act (CZMA) (16 U.S.C. § 1451 *et seq.*) and the Marine Mammal Protection Act (MMPA). (16 U.S.C. §§ 1372, 1374.).

In addition to its permit authority under state law, the San Francisco Bay Conservation and Development Commission (BCDC) exercises authority under Section 307 of the CZMA. On September 15, 2017, the Park Service submitted a conceptual proposal for the Project to BCDC, requesting that BCDC concur that the proposed project is consistent with its Amended Coastal Zone Management Program for San Francisco Bay. BCDC determined that the project, in concept, is consistent with the Commission’s Amended Management Program for San Francisco Bay.⁵ The FMND pages 32 to 33 describes the BCDC consistency determination for the proposed project. Regardless, inconsistencies with plans and policies do not, in and of themselves, indicate a

⁵ San Francisco Bay Conservation and Development Commission, Consistency Determination No. C2017.005.00, October 25, 2017.

significant physical environmental effect under CEQA. As demonstrated in the FMND, the project would not result in significant physical environmental impacts.

The Appellant states that the FMND contains no mitigation measures to reduce impacts to marine mammals to less than significant and provides instead only an "Improvement Measure". On page 143 of the FMND it was determined, "similar to fish species, due to the extremely short pile driving duration, location of pile driving, low number of piles, and use of bubble curtains, the proposed project would result in less-than-significant impacts to marine mammals." Because there were no significant impacts to marine mammals, mitigation measures are not required. However, as described in the Biological Opinion⁶ prepared by NOAA's National Marine Fisheries Service (NMFS) and in the FMND, to further ensure that underwater noise effects remain consistent with the levels anticipated through bioacoustics noise modeling, the project proponent would implement improvement Measure I-BI-1c, Marine Mammal Safety Zone. Also in the Biological Opinion, NMFS determined that "the amount or extent of anticipated take, coupled with other effects of the proposed action, is not likely to result in jeopardy to the Southern DPS of American green sturgeon or destruction or adverse modification of critical habitat."

The analysis in the FMND indicates that the proposed project would not cause a significant impact to biological resources. The appellant does not provide substantial evidence that would indicate that the proposed project would have a significant impact on biological resources requiring additional mitigation measures.

CONCERN 9: Water Quality and Hazards. The Appellant states that the FMND fails to adequately analyze and mitigate potential hazards, pollutants, and water quality impacts due to reliance upon development of required plans.

RESPONSE TO CONCERN 9: Compliance with specific regulatory requirements is not "deferred mitigation."

The Project is subject to a number of enforceable permits and regulations that are required as part of project approval. Mitigation measures are not required where compliance with necessary permits and enforceable regulations is mandatory. As described on FMND page 23, Project construction would require permits from the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, San Francisco Bay Conservation and Development Commission, Bay Area Air Quality Management District, and the San Francisco Bay Regional Water Quality Control Board. Park Service contractors/concessioners would be required

⁶ National Marine Fisheries Service, Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Habitat Response for the Alcatraz Ferry Embarkation Project (NPS File No. L76 [GOGA-PL], October 3, 2017.

to adhere to the standards of these permits and underlying regulations. Those regulations and permit processes provide a consistent framework and clear standards that, when applied, reduce potential biological resources, water, and air quality impacts. For example, as discussed on FMND page 159, construction activities within and over the Bay would be subject to the requirements of permits issued by the US Army Corps of Engineers under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act that would receive water quality certification from the RWQCB under Section 401 of the Clean Water Act. The permits would specify the best management practices for the protection of water quality. Implementation of water quality control measures proposed as part of the project and enforced through compliance with permit requirements would ensure that water quality impacts related to project activities within and over the Bay would be less than significant.

The Project is subject to a number of enforceable permits and regulations that are required as part of project approval. Mitigation measures are not required where compliance with necessary permits and enforceable regulations is mandatory and will include specific measures designed to mitigate impacts adequately. As described on FMND page 159, project construction would require permits from the San Francisco Bay Conservation and Development Commission, U.S. Army Corps of Engineers, and the San Francisco Bay Regional Water Quality Control Board. Park Service contractors/concessionaires would be required to adhere to the standards of these permits and underlying regulations. Contrary to the Appellant's comment, the components of any plans that are required by law are described in the FMND hazardous material and water quality sections detailing how compliance would reduce impacts below significance. For example, as discussed in the Water Quality and Hydrology Section, the project would need a National Pollutant Discharge Elimination System (NPDES) permit, and as a requirement of the permit, the Park Service would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for operations at the Fort Baker site. The text then fully details what elements the SWPPP would include and how the implementation of the SWPPP would reduce the potential for significant impacts on water quality.

By both identifying the mechanism and analyzing the implementation, the FMND fully adheres to the requirements of CEQA. In situations where impacts for which mitigation is known to be feasible, the agency can commit itself to devising measures that satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on that regulatory process as evidence that significant impacts will in fact be mitigated.

CONCERN 10: Growth-inducing Impacts. The Appellant states that the FMND fails to adequately analyze and mitigate potential growth-inducing impacts.

RESPONSE TO CONCERN 10: The Project would not induce substantial population growth, either directly or indirectly.

As discussed in FMND pages 43-44, a project would be considered growth-inducing if its implementation would result in substantial population growth that is unplanned and results in significant physical impacts on the environment. The Project would not induce population growth directly (by proposing new homes), nor would Fort Baker ferry infrastructure improvements induce population growth to the Sausalito area, as ferry service would not support commuters. The FMND acknowledges that the Project may result in a modest workforce increase of approximately 20 employees for concessions at Pier 31½, which would not induce substantial growth as these jobs could be readily filled by the Bay Area workforce.

To the extent that the Fort Baker Plan EIS disclosed growth-inducing impacts is appropriate, as the Fort Baker Plan was a broad planning-level document that included the development of the Cavallo Point Lodge, expanding and rehabilitating portions of the Bay Area Discovery Museum, creating minor additions to the U.S. Coast Guard station, converting the marina and historic boat shop to serve the public, and improving the historic pier to install fish cleaning stations, railings, and benches. The plan also noted the potential for the historic pier to provide water-based connections to other park sites in the future. Potential growth-inducing impacts of the comprehensive Fort Baker Plan under NEPA does not constitute substantial evidence that this Project, which includes only limited infrastructure at Fort Baker, would result in significant growth-inducing impacts under CEQA.

CONCLUSION

Staff recommends that the Board of Supervisors uphold the Planning Commission's approval of the Final Mitigated Negative Declaration. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the Project has been presented that would warrant preparation of an Environmental Impact Report.

Exhibit A to Draft Motion

**Planning Department Response to
Appeal of Preliminary Mitigated Negative Declaration
Alcatraz Ferry Embarkation Project
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SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Exhibit A to Draft Motion Planning Department Response to Appeal of Preliminary Mitigated Negative Declaration

CASE NO. 2017-000188 – ALCATRAZ FERRY EMBARKATION PROJECT
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BACKGROUND

An environmental evaluation application (2017-000188ENV) for the proposed project (Project) was filed on behalf of the National Park Service ("Park Service"), the Golden Gate National Parks Conservancy, and the Port of San Francisco on November 16, 2016. The proposal was for the development and operation of an improved ferry embarkation site at Pier 31½ to support Alcatraz Island visitors. The Port agreement would require the Park Service's selected concessioner to renovate the marginal wharf, the Pier 33 bulkhead buildings, and portions of the Pier 31 shed building. In addition, the Park Service's partner, the Golden Gate National Parks Conservancy, would renovate the Pier 31 bulkhead building and additional portions of the Pier 31 shed building. The Project would provide a combination of indoor and outdoor spaces to welcome, orient, and provide improved basic amenities for the public. The proposed project would also include other administrative and operational spaces, such as new boarding ramps and floats to support the berthing of up to three ferry boats at a time to accommodate interpretive bay cruises and ferry service to Fort Baker (described below). The Project site at Pier 31½ is within the Light Industrial Use District, and is within a 40-X Height and Bulk District. The Project would require approval of a long-term lease agreement by the Port of San Francisco and the Board of Supervisors

As part of the Project, the Park Service would provide a maximum of two ferry trips per day on weekends only between Pier 31½ and the existing Fort Baker pier located within the Golden Gate National Recreation Area, under Park Service jurisdiction, approximately two miles south of the City of Sausalito. The Park Service proposes to repair and upgrade the Fort Baker pier substructure, install a new gangway landing and float, and construct an approximately 1,400-foot-long pedestrian pathway from the Bay Area Discovery Museum to the pier. Under the Project, the maximum number of ferry trips from the Pier 31½ embarkation site to Fort Baker would be two ferry trips per weekend day in the peak season. Ferry trips would be same day roundtrips only originating from Pier 31½ and would not accommodate bicycles.

In order to provide context for the Project and the appeal, a brief history of the Park Service's planning efforts for Fort Baker is provided here. The Fort Baker Plan, analyzed in the Fort Baker Plan Final Environmental Impact Statement (FEIS) issued in 1999-2000, established the Park Service's plan for preserving the former Army post and developing a conference and retreat center at Fort Baker. Following the Record of Decision, the Park Service and Sausalito came to an agreement to limit the size of the retreat center. The Cavallo Point Lodge at Golden Gate opened in 2008 and uses both historic and new buildings throughout Fort Baker. The plan also called for expanding and rehabilitating portions of the Bay Area Discovery Museum, creating potential

minor additions to the U.S. Coast Guard (USCG) station, converting the marina and historic boat shop to fully serve the public, removing bulkheads and roadways along the waterfront to improve its connectivity with the Cavallo Point Lodge, and improving the historic pier by installing fish-cleaning stations, new railings, and benches. The plan also noted the potential for the historic pier to provide water-based connections to other park sites in the future, but did not complete a project-level analysis for the ferry service as details were not developed at that time.

The National Park Service separately analyzed the Project in the Alcatraz Ferry Embarkation Environmental Impact Statement (EIS). As stated in the EIS, the Park Service desires an identifiable and well-functioning facility that provides a quality welcome and support program for visitors, orients visitors to the history of Alcatraz Island, and provides a connection to other Golden Gate National Recreation Area parklands and orientation to the national park system in general. The EIS evaluated several alternative locations for the embarkation facility: Pier 31½ and Pier 41 at the Port of San Francisco; and a site at Fort Mason. The EIS also evaluated opportunities for new or enhanced linkages to the bay and other park lands. The Draft EIS was available for public review from March 20 to June 4, 2015. After exhaustive study and review, the Park Service identified the Pier 31½ Alternative, inclusive of developing a limited ferry service to Fort Baker, as the preferred alternative among the alternatives evaluated in the EIS. The Park Service completed the FEIS in January 2017.¹ The Record of Decision was signed on January 11, 2018.² The Pier 31½ Alternative, as further refined, is the Project analyzed in the PMND.

A Preliminary Mitigated Negative Declaration (PMND) was published on December 6, 2017. On December 27, 2017, Arthur J. Friedman, of Sheppard, Mullin, Richter & Hampton LLP, on behalf of the City of Sausalito (Appellant or “Sausalito”) filed a letter appealing the PMND. The concerns listed below are summarized from the appeal letter, copies of which are included within this appeal packet. The concerns are listed in the order presented in the appeal letter. With one possible exception, the concerns address only the potential impacts caused by the Fort Baker ferry service in and around Sausalito and not in San Francisco.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the December 27, 2017 appeal letter are cited below and are followed by the Department’s responses.

CONCERN 1: Consultation Requirements. The Appellant states that the Project is one of “Statewide, Regional, or Areawide Significance” and that the City failed to consult with Sausalito, as a “public agency which has transportation facilities within their jurisdiction that could be affected by the project.”

¹ National Park Service, *Alcatraz Ferry Embarkation Final Environmental Impact Statement*, January 2017. Available at <https://parkplanning.nps.gov/document.cfm?parkID=303&projectID=41352&documentID=77056>.

² Ibid.

The Appellant's letter states:

The Project is one of "Statewide, Regional or Areawide Significance " under CEQA because it would "substantially affect sensitive wildlife habitats including but not limited to riparian lands, wet lands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species..." (CEQA Guidelines, § 15026(b)(5)[sic]). (*See e.g .*, PMND pp. 139-140 [managed fish species]; pp. 142-142 [marine mammals]; pp. 144-145 [terrestrial mammals (bats)]; and pp. 145-146 [special status bird species]; *see also*: FEIS for Fort Baker Plan, p. 4- 23 ["Provision of ferry service to Fort Baker could increase turbidity and the amount of petroleum pollutants present in Horseshoe Bay resulting in potential adverse impact to water quality...Productivity of marine organisms could decrease as a result of petroleum leakage and increased turbidity, including potential reduction in eelgrass productivity....Increased wave action within Horseshoe Bay could also increase shoreline erosion and further reduce water quality."].)

Lead agencies responsible for projects of Statewide, Regional or Areawide Significance must consult with "transportation planning agencies" and "public agencies which have transportation facilities within their jurisdiction which could be affected by the project." (Pub. Res. Code § 21092.4(a); CEQA Guidelines, § 15086(a)(5).)

The City was required to consult with Sausalito because it is a public agency with transportation facilities within its jurisdiction which could be affected by the Project. CEQA defines such "transportation facilities" to include "major local arterials and public transit within five miles of the project site...." (Pub. Res. Code§ 21092.4(b); CEQA Guidelines,§ 15086(a)(5).) Several of Sausalito's major local arterials that *could* be affected by the Project are located well within a five-mile radius of the Fort Baker pier. Accordingly, the City was required to consult with Sausalito for this Project in the same manner as for "responsible agencies." (Pub. Res. Code§ 21092.4(a).) Specifically, the City was required to consult with Sausalito before determining which CEQA document to prepare so that Sausalito may assist the City in determining the appropriate environmental document for the Project, and to explain its reasons for recommending whether the City as lead agency should prepare an EIR or negative declaration for the Project. (CEQA Guidelines, § 15096(a) and (b).) The City, however, failed to consult with Sausalito in this manner, and thus failed to comply with CEQA's mandatory notice and public agency consultation requirements." (Pages 2 and 3 of Appeal Letter)

RESPONSE TO CONCERN 1: The Project is not of “Statewide, Regional or Areawide Significance,” but the City fulfilled any obligation to consult with Sausalito, and Sausalito failed to respond timely to the City’s Notice of Project Receiving Environmental Review with its concerns.

The Appeal asserts the Project is one of “Statewide, Regional or Areawide Significance” under CEQA section 15206(b)(5) (note corrected citation) because it would substantially affect sensitive wildlife habitats and habitats for endangered, rare and threatened species. The PMND determined that the project would have less-than-significant impacts on sensitive wildlife habitats and habitats for special-status species, including water quality impacts on San Francisco Bay. The only potentially significant biological resources impacts identified were related to special-status bats at Pier 31½ and to nesting birds at both sites, which would be less than significant with incorporation of mitigation measures.

Even if the Project were of Statewide, Regional or Areawide Significance, the Appellant is incorrect that the City would be required to consult with Sausalito under CEQA section 15086(a). This section, “Consultation Concerning Draft EIRs”, does not apply to Mitigated Negative Declarations. It states “the Lead Agency shall consult with and request comments on the draft EIR from...” The City has not prepared a draft EIR and, accordingly, has not solicited draft EIR comments from Sausalito. More appropriately, the City fulfilled the requirements of CEQA section 15072 “Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration.” In compliance with this section, the City issued a *Notice of Availability of and Intent to Adopt a Negative Declaration* on December 6, 2017, which was sent to Sausalito.

Even though not required to do so, the City nevertheless invited Sausalito to participate in the scoping of the environmental review for the Project. On September 13, 2017, the City issued a *Notification of Project Receiving Environmental Review* to public agencies, community organizations, owners of property within 300 feet of the project site (Fort Baker boundary), and occupants of the project sites. The purpose of the notice was to solicit comments on the potential environmental effects of the project. Sausalito received the notice, but did not provide any comments on the scope of environmental review or request consultation at that time.

In conclusion, the Project is not a project of Statewide, Regional or Areawide significance and, even if it were, the City complied with any CEQA requirements. The City’s requirement was to provide its “Notice of Intent to Adopt a Negative Declaration” to Sausalito, which the City fulfilled. Further, the City *did* invite Sausalito to provide comments on the potential environmental effects of the Project to be considered in the environmental review and Sausalito did not participate until its appeal on December 27, 2017.

CONCERN 2: Transportation: The appellant states that PMND's analysis of traffic and circulation impacts is deficient.

The Appellant's letter states:

"The Project's proposal to provide weekend ferry service between Pier 31 ½ and Fort Baker, located adjacent to Sausalito, will substantially increase pedestrian, bicycle and vehicular traffic along Alexander Avenue (a two-lane arterial road that connects Highway 101, Fort Baker, and Sausalito) as well as in the Marin Headlands and Sausalito. These additional visitors and traffic will exacerbate what are often severe, over-crowded conditions within Sausalito's historic downtown and waterfront, particularly during weekends and peak periods spanning from March through October. The PMND, however, neither analyzes nor mitigates these potentially significant impacts.

Instead, the PMND assumes that all ferry passengers arriving in Fort Baker will remain within Fort Baker as pedestrians and not generate *any* additional traffic or bicycle trips within or outside the park. The PMND therefore imposes no mitigation measures regulating the proposed Fort Baker ferry operations or its resulting impacts. However, these assumptions underlying nearly all of the PMND's less-than-significant impact findings regarding the proposed Fort Baker ferry service are a fallacy; unsupported and unsupportable by substantial evidence." (Page 1 of Appeal Letter)

"The PMND's Traffic and Circulation impacts analysis is limited to the immediate vicinity of the Fort Baker pier and the proposed new pedestrian walkways within the park...Based on the flawed assumption that no Fort Baker passengers will leave the confines of Fort Baker, the PMND concludes that the Project will not generate any additional traffic trips... The PMND's assumptions are unsupported and unsupportable by substantial evidence. To the contrary, substantial evidence supports a fair argument that Fort Baker ferry passengers will travel outside Fort Baker throughout the region. Notably, the NPS's FEIS for the Fort Baker Plan states in relevant part:

Increased visitation at Fort Baker would increase the demand for lodging, restaurant, and other tourist-oriented services in surrounding areas, especially in Sausalito, Tiburon and San Francisco. This business growth, combined with other park improvements, would potentially increase demand for local hotels. (Sedway Group 1980.)

(Fort Baker Plan FEIS, p. 5-4.) Thus, the NPS' prior FEIS alone constitutes substantial evidence supporting a fair argument that Fort Baker ferry passengers will travel beyond Fort Baker to Sausalito and other regional destinations.

The PMND's assumption that Fort Baker ferry passengers will remain within Fort Baker is largely premised on the statements that "no shuttle service" or bike rentals are currently available in the vicinity of the Fort Baker pier and serve arriving ferry passengers. (PMND, pp. 64, 79). However, the PMND imposes no mitigation measures to ensure that either existing condition at the Fort Baker pier remains unchanged through the life of the Project.

Moreover, contrary to the PMND's apparent conclusion, the unavailability of shuttle bus services for arriving passengers is *not* evidence mitigating the Project's potential impacts, but instead by itself constitutes substantial evidence supporting a fair argument that the Project may have significant environmental impacts. In the absence of available shuttle services, arriving Fort Baker ferry passengers will resort to individual vehicles for hire (*i.e.* Uber, Lyft, taxis) to transport them within and outside the park. The PMND's apparent assumption that the unavailability of shuttle services leaves arriving ferry passengers without vehicle transport simply ignores the realities of the modern, smart-phone carrying world.³ Fatally, the PMND does not consider, much less mitigate the virtually certain significant impacts resulting from numerous vehicles queuing and circling the vicinity of the Fort Baker pier to pick up or drop off ferry passengers. Nor does the PMND consider, much less mitigate the virtually certain significant impacts resulting from this same parade of vehicles meandering throughout Fort Baker and along Alexander Avenue, transporting ferry passenger/visitors to the Marin Headlands, Sausalito and other regional destinations." (Pages 7 and 8 of Appeal Letter)

RESPONSE TO CONCERN 2: Traffic congestion is not a significant impact under CEQA. Regardless, the Project would not add substantial new vehicle trips to local roadways or create transportation hazards.

With the Planning Commission's adoption of Resolution 19579 on March 3, 2016, the City no longer considers automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, to be a significant impact on the environment under

³ Equally puzzling is the PMND's suggestion that Fort Baker ferry passengers' purchase of a roundtrip ticket will constrain visitors to the confines of Fort Baker. Here again, the PMND does not consider, much less account for the likelihood of ferry passengers arriving at Fort Baker on a Saturday ferry, but then returning on a Sunday ferry to allow time for travel to Sausalito and other regional locations. It is equally plausible that Fort Baker ferry passengers will simply forego use of their return ticket and instead purchase a separate return ticket from the Sausalito ferry, or return to San Francisco by private car or other mode of transportation.

CEQA. Thus, even if traffic from the ferry service were to increase congestion in Sausalito, congestion in and by itself is not considered a significant impact. Consistent with Resolution 19579, the PMND provides an analysis of the Project's anticipated project-specific and cumulative contribution to vehicle miles traveled and induced automobile travel. In both instances, the analysis determined that the Project would not result in a significant project-specific or cumulative impact. Further, creation of a new transit service, such as the Fort Baker Ferry, may serve to reduce vehicle miles traveled by providing an alternative means of accessing Fort Baker from San Francisco.

The Appellant's primary concern – that ferry passengers will leave Fort Baker and travel to Sausalito, adding to congestion within Sausalito's downtown and waterfront areas – ignores the fact that ferry passengers have a choice of ferry services and select the destination they wish to visit. While many tourists do seek to visit downtown Sausalito, others may not. The Golden Gate Ferry and the Blue and Gold Fleet currently operate approximately twelve round trip ferries per day on the weekend from San Francisco to Sausalito. The Project would provide transportation for those visitors who seek alternate activities: to visit Fort Baker's many uses (the Bay Area Discovery Museum, the Cavallo Point Lodge, the Travis Marina, Battery Yates and the coastal bluffs, the fishing pier), to walk to the Golden Gate Bridge Scenic Vista Point, or to explore the nearby trails in the Marin Headlands. Currently, the only other means to visit Fort Baker is by car or bicycle. Visitors accessing Fort Baker by car or bicycle are more likely to continue to downtown Sausalito than pedestrian ferry passengers, as the distance between Fort Baker and Sausalito is approximately two miles. Therefore, the Project could reduce vehicle trips to Sausalito from Fort Baker visitors.

The Appellant's reference to the Fort Baker Plan FEIS as substantial evidence that Fort Baker ferry passengers will travel beyond Fort Baker to Sausalito and other regional destinations is without merit. To the extent that the Fort Baker Plan FEIS disclosed growth-inducing impacts is appropriate, as the Fort Baker Plan was a broad planning-level document that included the development of the Cavallo Point Lodge (restaurant, spa, hotel, and conference center), expanding and rehabilitating portions of the Bay Area Discovery Museum, creating minor additions to the U.S. Coast Guard station, converting the marina and historic boat shop to serve the public, and improving the historic pier to install fish cleaning stations, railings, and benches. The Fort Baker Plan FEIS assumes that visitors staying at the lodge would travel by vehicle and likely visit restaurants and other tourist-oriented services in surrounding areas, and that some visitors to the conference center would stay in lodging outside of Fort Baker. These uses are independent of visitors travelling on a same-day, round trip ferry visit from San Francisco.

The PMND transportation analysis assumes that the Project will not generate bicycle trips outside Fort Baker because the Park Service does not intend to accommodate bicycles on the ferries and because there are no bicycle rentals available at the Fort Baker pier. The Appellant states that the PMND should impose mitigation measures to ensure that there would be no bicycle rentals available for the life of the Project, and also argues that the PMND does not address or impose constraints on bicycle rentals elsewhere within Fort Baker or just outside the park. Firstly, it is

counter to CEQA to impose mitigation measures for speculative future conditions. Simply stated, there are no bicycles services proposed as part of the Project and none that are anticipated; the CEQA analysis is based on the Project as proposed. CEQA does not require mitigation measures to prevent project changes. Any potential future changes would be subject to individual project review. In addition, bicycle rentals outside the park would be under the jurisdiction of Sausalito which could impose constraints on this activity.

Because there is no public transit to Fort Baker and no bicycle or shuttle services are available or proposed by the Park Service, the most viable way for visitors to travel between Fort Baker and Sausalito would be by a for-hire vehicle such as Uber or Lyft or taxis, as suggested by the Appellant. While, for reasons stated above, it appears unlikely that Fort Baker ferry passengers would seek to travel to downtown Sausalito, there may be a remote possibility of some vehicle trips associated with the project. Therefore supplemental transportation analysis was conducted to address Sausalito’s comments. The supplemental transportation study (included as **Exhibit C**) provides additional setting information describing transportation conditions in Sausalito, and examines transportation and circulation conditions under the very conservative assumption that as many as 50 percent of all Fort Baker ferry passengers could travel to downtown Sausalito by vehicle. Using an average vehicle occupancy (3.9 passengers per vehicle) obtained from transportation survey data and a peak day ferry occupancy of 250 passengers, a total of 32 new vehicle trips could be generated associated with each of the two ferry trips if half of the passengers travelled outside of Fort Baker.⁴ Thus, the number of net new car trips to Sausalito would likely be less than 30 vehicles per hour on a peak weekend. And, even if those trips happened to coincide with the peak hour of traffic volumes on Alexander Avenue, they would represent less than four percent of the existing peak weekend traffic on Alexander Avenue north of Bunker Road. Thus, the project is not expected to substantially increase traffic, pedestrians, or bicyclists in Sausalito and, therefore, is not expected to exacerbate existing traffic, bicycle, and pedestrian congestion levels in Sausalito or to create new hazards or exacerbate any existing hazards.

Per CEQA Guidelines Section 15063(b), an Environmental Impact Report (EIR) is prepared if there is substantial evidence that a project either individually or cumulatively may cause a significant adverse effect on the physical environment. The appellant does not provide substantial evidence that would indicate that the proposed project could have a significant impact on the environment, necessitating the preparation of an EIR. The PMND provides an accurate characterization of the proposed project as required by CEQA and provides substantial evidence that the proposed project could not result in significant impacts to the environment. Therefore, preparation of an EIR is not required.

⁴ Fehr & Peers, Alcatraz Embarkation Facility – Pier 31-1/2 Transportation Circulation Study, Response to PMND Appeal Transportation Concerns, February 3, 2018.

CONCERN 3: Mitigation Measures: The appellant states that the PMND fails to impose required mitigation measures.

Appellants claim that mitigation measures should have been developed for the Fort Baker project. The appellant's letter states:

The PMND "concludes that the Project will have no impacts, or less-than-significant impacts, based on the assumption that a certain set of conditions will remain in place throughout the life of the Project, or that the Project will comply with certain "applicable" Federal, state or local requirements or regulations. However, in each such instance, the PMND fails to ensure the existence of such conditions or compliance with applicable legal requirements through mandatory mitigation measures that are enforceable and specify clear performance standards. In fact, the PMND contains in total only 6 mitigation measures, none of which regulate the proposed Fort Baker ferry operations. {PMND, pp. 178- 182.} The PMND thus violates CEQA's substantive mandate that lead agencies "provide measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements or other measures." (Pub. Res. Code § 210816(b)) Because several of the PMND's less-than-significant impact findings are premised on the existence of conditions or future conduct that is not enforceable, all such findings are unsupported by substantial evidence.

The PMND's lack of enforceable mitigation measures is not cured by the NPS' Final Environmental Impact Statement (FEIS) for the Project, dated January 2017. As an initial matter, the City did not provide notice, and does not purport to rely on the FEIS in place of the PMND, as authorized under limited circumstances not applicable here. (CEQA Guidelines §15225(a).) In any event, the FEIS likewise imposes no mitigation measures regulating the potential land use, transportation and circulation, air quality, noise, water quality and hydrology, recreation, or hazardous material impacts resulting from the proposed Fort Baker ferry operations. (FEIS, pp. 78-86.)

Nor may the City avoid CEQA's substantive mandate to impose enforceable mitigation measures on the Project by claiming that NPS is responsible for mitigating impacts resulting from ferry service to Fort Baker." (Pages 3 and 4 of Appeal Letter)

RESPONSE TO CONCERN 3: The PMND analysis is based upon the project description as proposed, not upon speculation of what the project may be, and imposed appropriate mitigation measures, or relied on compliance with clear and enforceable regulations through required permit processes.

Mitigation measures were developed to address identified potential significant environmental impacts. CEQA does not require mitigation measures to be developed to address speculative future changes to the project.

The City analyzed the environmental impacts of the project as proposed by the project sponsors and identified mitigation measures for those effects which were found to be potentially significant. The Golden Gate National Parks Conservancy and the Park Service's selected concessioner/construction contractor would be required to comply with the PMND mitigation measures. Contrary to the comment, the PMND does not defer mitigation to the EIS; however, all mitigation measures in the FEIS would also apply. The Mitigation Monitoring and Reporting Program (MMRP) for the Project outlines who is responsible for implementation of mitigation measures, the monitoring and reporting requirements, and the monitoring agency. The Port of San Francisco and the Park Service, as appropriate, would ensure that mitigation measures are included in contract documents and monitor to ensure compliance.

Under CEQA Section 15126.4, mitigation measures are not required for effects which are not found to be significant. There must be an essential nexus (i.e., connection) between the mitigation measure and a legitimate governmental interest (i.e. protection of environmental resources). And the mitigation must be roughly proportional to the impact of the project. The Appellant has not provided substantial evidence to refute the PMND conclusions or presented substantial evidence of environmental impacts that would require additional mitigation measures. Instead, the Appellant contends that there should be mitigation measures regulating potential land use, transportation and circulation, air quality, noise, water quality and hydrology, recreation, and hazardous material impacts resulting from the proposed Fort Baker ferry operations. However the PMND analysis did not find any significant impacts related to these topics necessitating mitigation.

The Project is subject to a number of enforceable permits and regulations that are required as part of project approval. Mitigation measures are not required where compliance with necessary permits and enforceable regulations is mandatory. As described on PMND page 23, Project construction would require permits from the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, San Francisco Bay Conservation and Development Commission, Bay Area Air Quality Management District, and the San Francisco Bay Regional Water Quality Control Board. Park Service contractors/concessioners would be required to adhere to the standards of these permits and underlying regulations. Those regulations and permit processes provide a consistent framework and clear standards that, when applied, reduce potential biological resources, water, and air quality impacts. For example, as discussed on PMND page 158, construction activities within and over the Bay would be subject to the requirements of permits issued by the US Army Corps of Engineers under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act that would receive water quality certification from the RWQCB under Section 401 of the Clean Water Act. The permits would specify the best management practices for the protection of water quality. Implementation of water quality control measures proposed as part of the project and enforced through compliance with permit requirements would ensure that water quality impacts related to project activities within and over the Bay would be less than significant.

Contrary to the Appellant’s claims, the components of plans to be developed during the permitting process are detailed in the PMND to describe how compliance would reduce impacts below significance. For example, the Park Service, as lead federal agency for the proposed project, initiated formal consultation under the Endangered Species Act with the National Marine Fisheries Service during the National Environmental Policy Act process. This consultation concluded on October 3, 2017, with issuance of the Biological Opinion for the proposed project.⁵ As part of the Endangered Species Act consultation, bioacoustic noise modeling was performed to assess the potential for the proposed project to cause adverse pile driving-related noise effects on managed fish species. The results of this evaluation are documented in the Biological Opinion. The Biological Opinion provides substantial evidence that the Project would have less-than-significant impacts on biological resources. As part of the consultation, the Park Service agreed to implement additional measures to ensure the effects of pile driving remain less than significant. These are included as Improvement Measures in the PMND, and would further reduce the less-than-significant impacts on biology.

Reliance on compliance with the applicable regulatory framework is common practice in CEQA. By both identifying the mechanism and analyzing the implementation, the PMND fully adheres to the requirements of CEQA.

The Appellant contends that the PMND is required to regulate and limit the Fort Baker ferry operations and prohibit an expansion of services. However, CEQA provides that the PMND need not engage in a speculative analysis of environmental consequences for future and unspecified development. If, subsequent to this PMND, the project sponsor proposes an expansion or revision to the Fort Baker ferry operations in the future, the project ponsor would be required to comply with any applicable provisions of CEQA and NEPA at that time.

All identified potential significant impacts have been identified, and any required mitigation measures have been provided in accordance with the requirements of CEQA.

CONCERN 4: Project Description: Appellant states that the PMND’s project description is vague and incomplete.

The appellant’s letter states:

CEQA “requires that initial studies/MNDs contain, among other things: (1) a description of the project including the location of the project; and (2) an identification of the environmental setting. (CEQA Guidelines, § 15063(d).) Notably, NPS’ FEIS for the Fort Baker Plan adopted in 2000 stated that a separate planning process for ferry service to Fort Baker would provide “a detailed description of the physical facilities

⁵ National Marine Fisheries Service, Endangered Species Act Sections 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Alcatraz Ferry Embarkation Project (NPS File No. L76[GOGA-PL]), October 3, 2017.

and operational characteristics (*i.e.*, frequency of trips, size of boats, land-side facilities, etc.) of ferry service at Fort Baker..." (Fort Baker Plan FEIS, p. 4- 23.) However, as explained below, the PMND provides none of the promised (and legally required) details regarding the proposed ferry service to Fort Baker.

The PMND states that the Project would provide two roundtrip ferry trips between Pier 31 ½ to Fort Baker on weekends only. It further estimates that the ferry would serve a daily average of 250 passengers, and 40,000 annual passengers. (PMND, pp. 17-18, Table 4.) No analysis or evidence, however, is provided to support these passenger estimates. Instead, they appear to be largely based on the Project's alleged limitation of two per day trips on weekends only. However, the PMND imposes no mitigation measure to ensure that no additional ferry trips will be added throughout the life of the Project. To the contrary, the PMND states that the number of ferry trips under the Project, including those to Fort Baker, "are not expected to grow..." (PMND, p. 17, referencing Tables 3 and 4, both of which include Fort Baker). Moreover, the FEIS for the Project confirms that additional ferry trips to Fort Baker will be provided for special events, conferences and water-based programs. (FEIS, pp. 66-67.) These additional ferry trips referenced in the FEIS are neither disclosed nor analyzed in the PMND.

Additionally, the PMND provides no information regarding the frequency of proposed ferry trips to Fort Baker, the type of ferry vessel(s) or the passenger capacity of ferry vessels that will provide this expanded service. This omitted information - which the Fort Baker Plan FEIS stated would be provided with this analysis - is highly material. For example, the Golden Gate Bridge Highway & Transportation District's (District) Spaulding class vessels serving the San Francisco-Sausalito route (and therefore a likely candidate to provide the expanded ferry service to Fort Baker) can accommodate 750 passengers *per trip* - well in excess of the PMND's estimate of 250 *daily* passengers from two roundtrip segments."

The PMND's estimates regarding total Fort Baker ferry passengers are further vague and incomplete in that they are fixed, based on some unspecified time and unspecified conditions, with no consideration or analysis of the potential for growth in visitors over the life of the Project. As an illustration, the FEIS for the Project explains that future capacity for ferry service to Alcatraz Island is based on "forecasted 20% growth in visitors to the site through 2036." (FEIS, p. 11.) The PMND, however, provides no comparable analysis regarding anticipated visitor growth to Fort Baker over time, nor any analysis of resulting impacts from such growth.

Moreover, the PMND states that no "shuttle service" or bike rentals are currently available to arriving passengers at the Fort Baker pier. (PMND, p. 20.) However, no information is provided regarding the availability or potential future availability of these resources for arriving ferry passengers beyond the immediate

vicinity of the Fort Baker pier, such as elsewhere within or just outside the park. Additionally, no information is provided regarding the availability or potential future availability of additional means of transportation at the Fort Baker pier, such as private cars, cars-for-hire (*i.e.*, Uber, Lyft, taxis), charters, vans and busses, that might transport arriving passengers elsewhere within the park, to nearby parks such as the Marin Headlands and Muir Woods, or to Sausalito.

The PMND's project description is further deficient because it fails to consider the Project "as a whole;" meaning, all phases of project planning, implementation, and operation, including phases planned for future implementation. (CEQA Guidelines, § 15063(a).) Under this CEQA requirement, a lead agency may not limit environmental disclosure by ignoring the development of other activity that will ultimately result from an initial approval."

The PMND states "that the Project's infrastructure improvements, including expanded ferry service to Fort Baker, are intended to facilitate expanded multi-modal visitor access to Fort Baker and beyond. The PMND states: "[t]he proposed project would improve cross-bay connectivity and accommodate existing and future visitor demand for recreational travel to Fort Baker *and the Marin Headlands*, thereby enhancing the Golden Gate National Recreation Area's operational effectiveness." (PMND, pp. 7-8 [emphasis added].) The PMND's "cumulative scenarios" analysis similarly acknowledges that recent plan actions implemented by the NPS include "improving multimodal connections between the Marin Headlands and Fort Baker by improving roadway surfaces and configurations... directional signage and safety." (PMND, p. 25.) The PMND's project description (and the PMND's analysis of potential environmental impacts) therefore should encompass the Project's broader, existing plans to expand multi-modal transportation of visitors to nearby parks and other regional destinations.

RESPONSE TO CONCERN 4: The proposed project description characterized in the Environmental Evaluation Application and analyzed in the PMND provide a sufficient level of detail about the proposed project upon which to evaluate the potential environmental impacts of the project for disclosure to decision-makers and the public.

As stated in the Appeal Letter, CEQA Guidelines section 15063(d) requires a description of the project, including the location of the project and an identification of the project setting. The project description needs to provide a sufficient level of detail about the proposed project upon which to evaluate the potential environmental impacts of the project for disclosure to decision-makers and the public. The PMND project description meets these requirements.

The Appeal Letter states that the project description does not describe "the physical facilities and operational characteristics (*i.e.*, frequency of trips, size of boats, land-side facilities, etc) of ferry

service at Fort Baker” and that “the PMND provides no information regarding the frequency of proposed ferry vessel(s) or the passenger capacity of ferry vessels that will provide this expanded service.” This is incorrect. Based on information provided by the Park Service, the PMND, page 14, describes the Fort Baker pier infrastructure repairs and improvements and the proposed pedestrian pathway that would be constructed to connect the Bay Area Discovery Museum and Cavallo Point Lodge with the pier. PMND pages 17-18 describe the frequency of ferry trips to Fort Baker, which would be limited to two ferry trips per day on weekends only. The ferry is expected to serve typically about 250 passengers per day on Saturdays and Sundays only, with a peak day of 500 passengers, resulting in an estimated 40,000 annual visitors (PMND Table 4, page 18). Ferry characteristics were also fully disclosed in the Air Quality and Greenhouse Gas Technical Report referenced in the PMND. The analysis assumed 208 annual ferry trips to Fort Baker. The maximum frequency of service was assumed to be two calls on a weekend day. Vessel size was assumed to be large enough to accommodate passengers, therefore, a 300-passenger vessel was used for the analysis. The FMND, as amended, includes information on vessel size for clarification.

Contradicting its assertion that the project description does not describe ferry operations, the Appeal Letter references the ferry frequency described in PMND pp. 17-18 and Table 4, yet states that “no analysis or evidence, however, is provided to support these passenger estimates.” A project description does not need to describe all of the planning tools and analyses used by the sponsor to develop its project, merely to provide sufficient information upon which to analyze the project’s potential environmental impacts. The number of ferry trips is consistent with the Alcatraz Ferry Embarkation FEIS (FEIS p. 31, Table 4), regardless of whether the FEIS considered that some of those trips could serve special events. The comment letter also erroneously notes that there is no information on the anticipated growth at Fort Baker due to the limited ferry service. The future capacity at the Pier 31½ site is based on the forecasted 20% growth in visitors to the Pier 31½ site through 2036 due to increases in overall San Francisco tourism. The Fort Baker service was considered within the lens of the larger analysis, and a portion of the new visitors at Pier 31½ would travel to Fort Baker. As defined in the PMND project description, the Fort Baker ferry service would be limited to a maximum of 40,000 passengers annually. No additional growth in Fort Baker ferry service is planned or anticipated.

The Appeal Letter’s speculation that the Golden Gate Bridge Highway & Transportation District’s Spaulding class vessels that can accommodate 750 passengers per trip would be a likely candidate for the limited ferry service to Fort Baker is misguided, as the Spaulding class vessels support a regular weekday and weekend service for commuters to and from different ferry terminals in San Francisco and in Sausalito. A variety of vessels of different passenger capacities (ranging from 125 to 350 passengers) currently serve Alcatraz and it is expected that the general fleet mix would stay the same. The ferry service is limited, as indicated in the project description.

The Project description states explicitly that “no shuttle service would be provided to serve ferry passengers” yet the Appeal Letter implies that the project description is deficient in that it does not describe “the availability or potential future availability of these resources...or of additional

means of transportation at the Fort Baker pier, such as private cars, charters, vans and busses that might transport arriving passengers elsewhere within the park, to nearby parks such as the Marin Headlands and Muir Woods, or to Sausalito.” Again, the Project does not propose shuttle service and, therefore, the project description is not deficient. The Park Service indicated that the Project is designed to provide an alternate means of transportation and promote visits to Fort Baker facilities such as the Bay Area Discovery Museum, the Cavallo Point Lodge, the Travis Marina, and nearby trails in the Golden Gate National Recreation Area, not the broader region. Refer to Concern 2 for additional discussion regarding the Appeal Letter’s speculations regarding transportation of ferry passengers outside of Fort Baker.

Finally, the Appeal Letter states the project description is deficient because it fails to consider the project “as a whole,” and “should encompass the Project’s broader, existing plans to expand multi-modal transportation of visitors to nearby parks and other regional destinations.” This is incorrect and misconstrues the Project objectives and the description submitted for analysis. The Appeal Letter states “the proposed project would improve cross-bay connectivity and accommodate existing and future demand for recreational travel to Fort Baker and the Marin Headlands, thereby enhancing the Golden Gate National Recreation Area’s operational effectiveness. (PMND, pp.7-8 [emphasis added].)” The emphasis appears to indicate that multi-modal transportation is necessary for visitors, but Appellants fail to recognize that the trails of the Marin Headlands are accessible to pedestrians from Fort Baker. “Connectivity” does not refer to direct transportation connections, but rather signage, maps, and information about the broader Golden Gate National Recreation Area parklands as a whole. As stated above, the Project would provide an alternate means of transportation to Fort Baker facilities such as the Bay Area Discovery Museum, the Cavallo Point Lodge, the Travis Marina, and nearby trails, not the broader region. The Project does not include or promote direct transportation connections between Fort Baker and Sausalito or the surrounding area. (See Response 2). The project description considers the whole of the Project.

Concern 5. Project Setting: The PMND’s Description of the Project’s environmental setting is incomplete and misleading.

The Appellant states that the PMND’s description of the environmental setting is deficient in at least two respects.

“First, the PMND refers to a variety of “operational and physical constraints, including limited parking at Fort Baker.” (PMND, p. 20, *see also* Figure 9.) However, no additional information is provided to describe the environmental setting in the vicinity of the Fort Baker pier, such as photographs, maps, plans or diagrams of this Project site. Absent this basic information regarding the Fort Baker pier environmental setting (*i.e.*, the location and capacity for parking, location and capacity for vehicle and/or bus pickups and drop offs, location and capacity for queuing, and location and capacity of access routes for circling the vicinity), the public may not meaningfully assess the Project’s potential traffic and circulation

impacts adjacent to the Fort Baker pier and along Moore Road resulting from vehicles queueing and/or circling to pick up or drop off ferry passengers.

Second, based on the PMND's erroneous assumption that all Fort Baker ferry passengers would not leave the confines of Fort Baker, the PMND provides a truncated description of the environmental setting potentially affected by the Fort Baker ferry service, limited to the vicinity immediately surrounding the Fort Baker pier. The PMND's description of the Project's environmental setting therefore is incomplete and inadequate because it must include, at a minimum, Alexander Avenue, the Marin Headlands and Sausalito - each of which will be affected by the proposed Fort Baker ferry service. The PMND's truncated and incomplete description of the Project's environmental setting potentially impacted by the Fort Baker ferry service precludes meaningful public consideration of the Project's potential environmental impacts. For example, the PMND fails to inform the public of the Project's heightened potential to cause significant impacts in Sausalito in light of existing, over-crowded conditions, as described in detail in Sausalito's Second Addendum to the Golden Gate Bridge Highway & Transportation District's 2012 Initial Study/Mitigated Negative Declaration for the Sausalito Ferry Terminal, dated October 4, 2017. (enclosed as **Exhibit A**)." (Pages 6 and 7 of Appeal Letter)

Response to Concern 5. The PMND fully describes the Project Setting as Required by CEQA.

As discussed above, the Project would provide an alternate means of transportation for visitors to the Fort Baker facilities and the accessible trail network of the Marin Headlands. Noting the "operational and physical constraints, including limited parking at Fort Baker" on PMND Page 20, the proposed ferry service operations are designed primarily for pedestrians, and seek to discourage bicycle and vehicle trips within Fort Baker and the general vicinity, including Sausalito, by selling only round-trip same day tickets from Pier 31½ to Fort Baker, and not providing parking or shuttle services. The Appeal Letter states that the PMND project setting in the vicinity of Fort Baker is incomplete because it does not provide "photographs, maps, plans or diagrams of the project site" and information regarding "the location and capacity of parking, location and capacity for parking, location and capacity for vehicle and/or bus pickups and drop off, the location and capacity for queuing, and location and capacity of access routes for circling the vicinity." The PMND project description (page 15, Figures 9 and 10) provides a site plan and a perspective sketch of the project site. Additional details mentioned are more appropriately addressed within the PMND transportation and circulation section and its supporting technical analysis.⁶ The FMND, as amended, provides additional details, which do not change the conclusions of the PMND.

The Appeal Letter further states that the environmental setting should include Alexander Avenue, the Marin Headlands, and Sausalito in the event ferry passengers leave the confines of Fort Baker via vehicles, given the existing overcrowded roadway conditions in Sausalito. As discussed above

⁶ Fehr & Peers, *Alcatraz Embarkation Facility – Pier 31-1/2 Circulation Study*, December 4, 2017.

in Concern 2, the FMND, as amended, provides additional information regarding the roadways in the vicinity of Fort Baker in the transportation and circulation section, as appropriate, which do not change the conclusions of the PMND.

CONCERN 6: Various Environmental Topics: Appellant claims that significant environmental impacts could occur if ferry passengers leave Fort Baker.

Appellants contend that the PMND's analysis and findings regarding the Project's potential to cause environmental impacts is premised upon the flawed assumption that all Fort Baker ferry passengers would remain on foot within the park, and therefore generate no additional vehicle or bicycle trips. Appellants describe several specific environmental topics in the PMND that they contend are legally deficient; these are discussed individually in the subsections below.

GENERAL RESPONSE TO CONCERN 6: Even if Fort Baker ferry passengers leave Fort Baker, it would not change the conclusions about environmental impacts in the PMND.

Existing available ferry services to downtown Sausalito from San Francisco include the Golden Gate Ferry and the Blue and Gold Fleet. On weekend days, these companies provide twelve round-trip ferries to downtown Sausalito from the San Francisco's Ferry Building and Pier 41. With twelve ferries per weekend day departing from the Embarcadero, walking distance from the proposed Alcatraz Ferry embarkation site at Pier 31½, it is unlikely that individuals who wish to visit downtown Sausalito would opt to take a ferry to Fort Baker and then travel an additional two miles to downtown Sausalito. It is more likely that individuals who select to visit Fort Baker are more interested in visiting the Bay Area Discovery Museum, the Cavallo Point Lodge, the Travis Marina, the fishing pier, Battery Yates and its scenic lookout points, the Golden Gate Scenic Vista Point, or the trails of the Marin Headlands rather than the restaurants, art galleries, and souvenir shops in downtown Sausalito. However, because it cannot be known with certainty that none of the ferry passengers would leave Fort Baker and the Marin Headlands, additional analysis has been prepared to examine the potential environmental impacts suggested by the Appeal Letter.

Based on the transportation study analysis provided in the response to Concern 2, a total of 64 vehicle trips per weekend day could be generated if *half* of Fort Baker ferry passengers travelled outside of Fort Baker (a very conservative scenario). As there would be two ferry trips on a peak day, presumably the vehicle trips would be split between the two ferry visits, or 32 vehicle trips associated with each ferry visit. The FMND, as amended, reflects the possibility that ferry visitors may travel outside of Fort Baker and the Marin Headlands. As discussed below by environmental topic, this assumption would not change the findings and conclusions of the PMND.

CONCERN 6a: "Aesthetics. Because the PMND assumes that all Fort Baker arriving passengers will remain within Fort Baker as pedestrians, the PMND's aesthetic analysis is truncated, and limited in scope to potential scenic vista impacts in the immediate vicinity of the Fort Baker pier resulting from: "[operationally, intermittent ferry service

to the pier... " (PMND, pp. 39-40.) The PMND therefore provides no analysis of aesthetic impacts on scenic vistas from vehicles queuing and/or circling near Fort Baker pier to pick up and drop off ferry passengers. Nor does it analyze aesthetic impacts on scenic vistas from additional pedestrian, bicycle and vehicular traffic from Fort Baker ferry passengers traveling through Fort Baker, along Alexander Avenue, to and within nearby parks such as the Marin Headlands and Muir Woods, and to and within Sausalito's historic downtown and waterfront."

RESPONSE 6a: Project operations would not result in a substantial adverse effect on a scenic vista.

As defined in the PMND, a scenic vista is a location from which the public can experience unique and high-quality views, typically from elevated and uninterrupted vantage points that offer panoramic views of great breadth and depth. The PMND analysis was not limited to scenic vista impacts in the immediate vicinity of Fort Baker pier, as stated, but included the whole of Fort Baker and the Golden Gate Bridge Scenic Vista Point. Pedestrian, bicycle, and vehicular traffic are transitory in nature, and typically are not considered to be aesthetic impacts, but even if they were, traffic on Fort Baker roadways and Alexander Avenue would not block views from scenic vista points in the vicinity.

CONCERN 6b: "Noise. The PMND's analysis of potential noise impacts from Fort Baker ferry operations likewise is limited in scope to impacts on receptors in the immediate vicinity of the Fort Baker pier resulting from intermittent ferry service. (PMND, pp. 87-88.) The PMND thus provides no analysis of potential noise impacts from vehicles queuing and circling the Fort Baker pier vicinity to pick up and drop off ferry passengers. The PMND similarly fails to analyze potential noise impacts from Fort Baker ferry passengers traveling by various modes of transportation outside of Fort Baker, along Alexander Avenue to nearby parks, Sausalito and other regional destinations."

RESPONSE 6b: Potential noise impacts from vehicle trips would be imperceptible.

According to Caltrans traffic guidance, vehicle noise emissions increase with speed, and increased traffic volumes increase traffic noise, but it takes a doubling of traffic to increase noise levels by only 3 decibels,⁷ which is considered barely perceptible. As discussed on PMND page 81, a permanent increase of more than 5 decibels is considered a significant noise impact. Assuming the addition of 64 vehicles per day, or even 128 vehicles if *every* ferry passenger traveled to Sausalito, it would in no way double the traffic volumes within Fort Baker or along Alexander Avenue. Vehicular noise increases would not be perceptible and the Project would not result in significant noise impacts from vehicles dropping off or picking up passengers.

⁷ Caltrans, Division of Environmental Analysis, *Technical Noise Supplement*, p. 7-5, November 2009.

CONCERN 6c: “Air Quality.” The PMND's analysis of air quality impacts likewise is premised on the flawed assumption that no vehicle trips will be generated by Fort Baker operations. (PMND, p. 110.) The PMND thus provides no analysis of air quality impacts from increases in vehicular traffic from Fort Baker ferry passengers traveling within the Fort Baker and beyond along Alexander Avenue, to nearby parks, Sausalito and other regional destinations.”

RESPONSE 6c: Air quality impacts from potential vehicles serving ferry passengers at Fort Baker would not result in significant air quality impacts.

As discussed on PMND pages 106 to 109, the technical analysis presents operational emissions from Pier 31½ and Fort Baker. As shown, emissions of reactive organic gases (ROG), oxides of nitrogen (NO_x), and particulate matter (PM₁₀ and PM_{2.5}) are all well below the significance thresholds. The vehicle emissions reported for Pier 31½, which represented the emissions associated with 628 average daily vehicle trips, show that the inclusion of 64 vehicle trips per day would not alter the impact findings. Even a doubling of vehicle emissions would still result in less-than-significant impacts.

CONCERN 6d: “Greenhouse Gas Emissions.” The PMND's analysis of Greenhouse Gas Emissions likewise is premised on the flawed assumption that “[m]obile source emissions, which represent the bulk of operational greenhouse gas emissions, would, however, all originate from the Pier 31 ½ site; there would be no new ferry trips or vehicle trips originating from Fort Baker as a result of the proposed project.” (PMND, p. 117.) The PMND thus provides no analysis of greenhouse gas impacts from idling ferries docked at the Fort Baker pier while passengers load and unload, queuing and circling vehicles picking up or dropping off ferry passengers, or the additional vehicular traffic from Fort Baker ferry passengers traveling to nearby parks, Sausalito and other regional destinations.”

RESPONSE 6d: Greenhouse gas emissions from the Project are well below CEQA thresholds.

As discussed on PMND pages 114 to 118, greenhouse gas emissions for Project operations at both 31½ and Fort Baker would result in up to 232 metric tons per year of carbon dioxide equivalent (CO₂E), well below the Bay Area Air Quality Management District’s significance threshold of 1,100 metric tons per year. Inclusion of additional vehicle trips at Fort Baker would not result in any new impacts.

CONCERN 6e: “Recreation.” The PMND's analysis of Recreation impacts likewise is premised on the flawed assumption that “[v]isitors arriving by ferry from the primary embarkation site are not expected to leave Fort Baker so they would not cause an increase in the use of existing parks and recreational facilities in the area.” (PMND, p. 120.) The PMND thus provides no analysis of potential recreation impacts from Fort

Baker ferry passengers traveling to nearby parks, including the Marin Headlands, Muir Woods, and multiple parks located along Sausalito's historic waterfront - adding to existing, over-crowded conditions.”

RESPONSE 6e: The Project would not increase the use of existing parks and recreation facilities such that substantial deterioration would result.

The Project would increase visitors to Fort Baker and the Marin Headlands. As discussed on PMND page 120, the periodic increase in visitors can be accommodated by existing facilities at Fort Baker and nearby trails of the Marin Headlands. Given the amount of open space, the variety of activities, and exemplary views from within Fort Baker and the Marin Headlands, it is unlikely that ferry passengers would travel to visit the multiple parks on Sausalito's historic waterfront more than two miles away. Even if half or all Fort Baker ferry passengers travelled to downtown Sausalito, there are multiple parks along the waterfront to absorb these visitors without having substantial adverse effects. The potential for additional visitors to deteriorate these facilities is remote; therefore, impacts on recreational facilities would be less than significant.

CONCERN 6f: “Public Services. Here too, because the PMND assumes that Fort Baker ferry passengers will not leave Fort Baker, it provides no analysis of the Project's potential impacts on police and fire public services as well as emergency response times resulting from increased pedestrian, bicycle and vehicular traffic along Alexander Avenue, within the nearby parks and Sausalito. (PMND, pp. 127-128.)”

RESPONSE 6f: The concern is not based upon the criteria for a public services impact.

The analysis of public services impacts at Fort Baker is based upon the potential increase of 40,000 visitors annually, which would not result in a substantial increased demand on police and fire public services to such an extent that new governmental facilities would need to be constructed. There is no information to suggest that the impacts of the Project on police and fire services would be any more severe if some ferry passengers travelled outside of Fort Baker. As discussed in the response to Concern 2 regarding transportation and circulation, increased vehicular traffic along Alexander Avenue would be negligible and would not be expected to affect emergency response times.

CONCERN 7: Land Use and Regulatory Consistency: Appellant states the PMND fails to adequately analyze potential land use and regulatory consistency impacts regarding the Coastal Zone Management Act and Marine Mammal Protection Act.

The appellant's letter states:

“Lead agencies under CEQA must analyze a project's potential to cause significant land use and planning impacts. A project may cause significant land use impacts where, among other things, it conflicts with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project accepted for the

purpose of avoiding or mitigating an environmental effect; or conflicts with any applicable habitat conservation plan or natural communities conservation plan. (CEQA Guidelines, Appendix G.)

The PMND concludes that the Project is compliant with all "relevant" regulations under the Clean Water Act, Endangered Species Act, Bay Plan and McAteer-Peetris Act. (PMND, p. 36.) This analysis, however, is incomplete because it fails to consider whether the proposed Fort Baker ferry service complies with applicable legal requirements under the Coastal Zone Management Act (CZMA) (16 U.S.C. § 1451 *et seq.*) and the Marine Mammal Protection Act (MMPA). (16 U.S.C. §§ 1372, 1374.)...The PMND provides no analysis nor evidence of the Project's compliance with the CZMA's requirements...

The PMND acknowledges that construction activity at the Fort Baker pier could annoy marine mammals and cause them to change course to avoid the construction area. The PMND, however, contains no mitigation measures to reduce impacts to marine mammals to less than significant. It provides instead only an "Improvement Measure," which states in relevant part:

If marine mammals enter the safety zone after pile driving of a segment has begun, *pile driving will continue*. The biologist will monitor and record the species and number of individuals observed, and make note of their behavior patterns. If the animal appears distressed, *and if it is operationally safe to do so*, pile driving will cease until the animal leaves the area.

(PMND, p. 184. [emphasis added]) Thus, although the PMND acknowledges that Project construction activity will proceed in many cases, notwithstanding clearly visible annoyance and disruption of marine mammal behavior patterns, the PMND provides no analysis nor explanation regarding why such Project activity would not constitute a "take" under the MMPA." (Pages 10 and 11 of Appeal Letter)

RESPONSE TO CONCERN 7: The PMND is adequate because it considers and incorporates the proposed Fort Baker ferry service compliance with applicable legal requirements under the Coastal Zone Management Act (CZMA) (16 U.S.C. § 1451 *et seq.*) and the Marine Mammal Protection Act (MMPA). (16 U.S.C. §§ 1372, 1374.).

In addition to its permit authority under state law, the San Francisco Bay Conservation and Development Commission (BCDC) exercises authority under Section 307 of the CZMA. On September 15, 2017, the Park Service submitted a conceptual proposal for the Project to BCDC, requesting that BCDC concur that the proposed project is consistent with its Amended Coastal Zone Management Program for San Francisco Bay. BCDC determined that the project, in concept,

is consistent with the Commission's Amended Management Program for San Francisco Bay.⁸ The PMND page 32 describes the BCDC consistency determination for the proposed project. Regardless, inconsistencies with plans and policies do not, in and of themselves, indicate a significant physical environmental effect under CEQA. As demonstrated in the PMND, the project would not result in significant physical environmental impacts.

The Appellant states that the PMND contains no mitigation measures to reduce impacts to marine mammals to less than significant and provides instead only an "Improvement Measure". On page 142 of the PMND it was determined, "similar to fish species, due to the extremely short pile driving duration, location of pile driving, low number of piles, and use of bubble curtains, the proposed project would result in less-than-significant impacts to marine mammals." Because there were no significant impacts to marine mammals, mitigation measures are not required. However, as described in the Biological Opinion⁹ prepared by NOAA's National Marine Fisheries Service (NMFS) and in the PMND, to further ensure that underwater noise effects remain consistent with the levels anticipated through bioacoustics noise modeling, the project proponent would implement improvement Measure I-BI-1c, Marine Mammal Safety Zone. Also in the Biological Opinion, NMFS determined that "the amount or extent of anticipated take, coupled with other effects of the proposed action, is not likely to result in jeopardy to the Southern DPS of American green sturgeon or destruction or adverse modification of critical habitat."

The analysis in the PMND indicates that the proposed project would not cause a significant impact to biological resources. The appellant does not provide substantial evidence that would indicate that the proposed project would have a significant impact on biological resources requiring additional mitigation measures.

CONCERN 8: Water Quality Impacts: Appellant states the PMND fails to adequately analyze and mitigate pollutants and water quality impacts.

The appellant's letter states:

"The FEIS for the Fort Baker Plan previously noted that the provision of ferry service to Fort Baker could increase turbidity and the amount of petroleum pollutants present in Horseshoe Bay resulting in potential adverse impact to water quality. (Fort Baker Plan FEIS, p. 4-23.). The PMND, however, concludes that the Fort Baker ferry service will have less than significant impacts either because the Project will comply with all "applicable" Federal, state and local requirements and regulations; or

⁸ San Francisco Bay Conservation and Development Commission, Consistency Determination No. C2017.005.00, October 25, 2017.

⁹ National Marine Fisheries Service, Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Habitat Response for the Alcatraz Ferry Embarkation Project (NPS File No. L76 [GOGA-PL], October 3, 2017.

alternatively, plans will be "developed" to identify and mitigate potential impacts. Both approaches, however, violate CEQA.

The PMND repeatedly finds that the Fort Baker ferry service will have no impacts or less than significant impacts because the Project will comply with "applicable" Federal, state and local requirements and regulations. For example, while the PMND acknowledges that "[f]erry operations have the potential to impact water quality from potential pollutant discharges of hazardous materials, including chemicals and solvents used onboard, boat cleaning and maintenance materials, fuels, bilge or ballast water, sewage from toilets, and gray water, and trash from passengers and visitors," it concludes that such impacts would be less than significant because operations at Fort Baker "would adhere with plans and policies designed to address potential water quality impacts." (PMND, pp. 157-158.) The PMND further states that Project impacts would be less than significant because:

- Vessel fueling would adhere to Coast Guard regulations;
- Any spills would be "cleaned up immediately using spill response equipment as identified in the Spill Prevention Control and Countermeasure Plan;
- Discharges and quantities of ballast water would occur in compliance with "federal and state regulations, including the Vessel General Permit and Ballast Water Management for Control of Nonindigenous Species Act; and
- Sanitary sewage ferries would be subject to the requirements of the MARPOL convention and Section 312 of the Clean Water Act; and
- Due to the proximity of Pier 31 ½ and Fort Baker to the Bay, litter from visitors at the site could potentially enter the bay. The ferry operator would be responsible for implementation of a trash collection and management program, and waste management at both proposed project sites would proceed in accordance with all applicable federal, state and local regulations for waste management disposal." (PMND, pp158-159.)

The foregoing less-than-significant impact findings, however, are unsupported by substantial evidence and violate CEQA because they are premised on conditions and assumptions regarding the Project's future compliance with legal requirements that are not imposed on the Project as legally enforceable mitigation measures. (See PMND, p. 155 [no mitigation measures identified for Hydrology and Water Quality Impacts].) The PMND thus violates CEQA's substantive mandate to impose feasible and enforceable mitigation measures to *ensure* that a project's environmental impacts remain less than significant throughout the life of the project.

Adding to the foregoing legal deficiencies, the PMND's analysis of hazards and water quality impacts also relies on deferred "development" of plans to identify future mitigation measures. For example, the PMND states:

The Park Service would prepare a Stormwater Pollution Prevention Plan for operations at Fort Baker. The Stormwater Pollution Plan Prevention Plan would identify pollutant sources within the site and provide site-specific best management practices regarding control of sediments in runoff and storage and use of hazardous materials to prevent discharge of pollutants into stormwater.

(PMND, p. 158.) The PMND thus concludes that: "[w]hile the proposed project would result in a minor increase in the number of ferry trips... and would introduce limited ferry service to Fort Baker, *development of required plans* and compliance with regulations as detailed above would ensure that water quality impacts associated with long-term operations of the proposed project would be less than significant." (PMND, p. 159.)

Here, the PMND's reliance on *future* "plans" to be "developed" to mitigate the Project's potential impacts contravenes CEQA's prohibition of "deferred" mitigation. Under CEQA, "formulation of mitigation measures should not be deferred until some future time" as this frustrates review by the public." (Pages 11 and 12 of the Appeal Letter)."

RESPONSE TO CONCERN 8: Compliance with specific regulatory requirements is not "deferred mitigation."

This concern reiterates elements of Concern 3, above. The Project is subject to a number of enforceable permits and regulations that are required as part of project approval. Mitigation measures are not required where compliance with necessary permits and enforceable regulations is mandatory and will include specific measures designed to mitigate impacts adequately. As described on PMND page 156, Project construction would require permits from the San Francisco Bay Conservation and Development Commission, U.S. Army Corps of Engineers, and the San Francisco Bay Regional Water Quality Control Board. Park Service contractors/concessionaires would be required to adhere to the standards of these permits and underlying regulations. Contrary to the Appellant's comment, the components of any plans that are required by law are described in the PMND hazardous material and water quality sections detailing how compliance would reduce impacts below significance. For example, as discussed in the Water Quality and Hydrology Section, the project would need a National Pollutant Discharge Elimination System (NPDES) permit, and as a requirement of the permit, the Park Service would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for operations at the Fort Baker site. The text then fully details what elements the SWPPP would include and how the implementation of the SWPPP would reduce the potential for significant impacts on water quality.

By both identifying the mechanism and analyzing the implementation, the PMND fully adheres to the requirements of CEQA. In situations where impacts for which mitigation is known to be feasible, the agency can commit itself to devising measures that satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on that regulatory process as evidence that significant impacts will in fact be mitigated.

CONCERN 9: Growth-Inducing Impacts: Appellant states the PMND fails to adequately analyze and mitigate growth-inducing quality impacts.

The appellant's letter states:

“CEQA requires that lead agencies describe any growth-inducing impacts of the proposed project. (Pub. Res. Code § 21100(b)(5); CEQA Guidelines, § 15126(d).) Lead agencies must discuss the ways in which the project could directly or indirectly foster economic or population growth or the construction of new housing in the surrounding environment. (CEQA Guidelines, § 15126.2(d).) The discussion should also include characteristics of the project that may encourage and facilitate other activities that could have a significant effect on the environment, either individually or cumulatively. The CEQA Guidelines explain that projects, like the Fort Baker ferry service aspect of the Project, that make improvements to infrastructure, are more likely to be growth-inducing. (CEQA Guidelines, §15126.2(d).)

As noted above, the NPS' FEIS for the Fort Baker Plan concluded that the increase of visitors to Fort Baker would cause growth-inducing impacts in the surrounding area, including Sausalito. (Fort Baker Plan FEIS, p. 5-4.) This evidence alone constitutes substantial evidence supporting a fair argument that the Fort Baker ferry service may cause significant growth-inducing impacts. Yet despite the NPS's previous acknowledgment of potential significant impacts, the PMND provides no analysis whatsoever of the Fort Baker ferry service's potential to cause growth-inducing impacts in Sausalito or elsewhere within the region. (PMND, p. 44.)” (Pages 12 and 13 of Appeal Letter)

RESPONSE TO CONCERN 9: The Project would not induce substantial population growth, either directly or indirectly.

As discussed in PMND pages 43-44, a project would be considered growth-inducing if its implementation would result in substantial population growth that is unplanned and results in significant physical impacts on the environment. The Project would not induce population growth directly (by proposing new homes), nor would Fort Baker ferry infrastructure improvements induce population growth to the Sausalito area, as ferry service would not support commuters. The PMND acknowledges that the Project may result in a modest workforce increase of

approximately 20 employees for concessions at Pier 31½, which would not induce substantial growth as these jobs could be readily filled by the Bay Area workforce.

To the extent that the Fort Baker Plan EIS disclosed growth-inducing impacts is appropriate, as the Fort Baker Plan was a broad planning-level document that included the development of the Cavallo Point Lodge, expanding and rehabilitating portions of the Bay Area Discovery Museum, creating minor additions to the U.S. Coast Guard station, converting the marina and historic boat shop to serve the public, and improving the historic pier to install fish cleaning stations, railings, and benches. The plan also noted the potential for the historic pier to provide water-based connections to other park sites in the future. Potential growth-inducing impacts of the comprehensive Fort Baker Plan under NEPA does not constitute substantial evidence that this Project, which includes only limited infrastructure at Fort Baker, would result in significant growth-inducing impacts under CEQA.

CONCLUSION

Staff recommends that the Planning Commission adopt the motion to uphold the Preliminary Mitigated Negative Declaration, as amended. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. By upholding the PMND, the Planning Commission would not prejudice or restrict its ability to consider whether the proposed project's uses or design are appropriate for the neighborhood.

Exhibit B

**San Francisco Planning Commission Motion #20116
adopted February 22, 2018**



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20116

HEARING DATE: FEBRUARY 22, 2018

Case No.: 2017-000188ENV
Project Title: Alcatraz Ferry Embarkation Project
Zoning: Light Industrial District
40-X Height and Bulk District
Block/Lot: 9900/031, 031H, 033 (Pier 31½), and 200-150-07 (Fort Baker)
Project Area: 73,800 square feet (Pier 31½) and 39,200 square feet (Fort Baker)
Project Sponsor: National Park Service
Brian Aviles – (415) 624-9685
Golden Gate National Parks Conservancy
Catherine Barner – (415) 561-3000
Port of San Francisco
Diane Oshima – (415) 274-0553
Lead Agency: San Francisco Planning Department
Staff Contact: Julie Moore – (415) 575-8733
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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2017-000188ENV FOR THE PROPOSED ALCATRAZ FERRY EMBARKATION PROJECT

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On November 16, 2016, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On December 6, 2017, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On December 6, 2017, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.

4. On December 27, 2017, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Arthur J. Friedman of Sheppard, Mullin, Richter & Hampton LLP on behalf of the City of Sausalito.
5. A staff memorandum, dated February 15, 2018, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.
6. On February 15, 2018, amendments were made to the Preliminary Mitigated Negative Declaration, adding text for information and clarification. Such amendments do not include new, undisclosed environmental impacts and do not change the conclusions reached in the Preliminary Mitigated Negative Declaration. The changes do not require "substantial revision" of the Preliminary Mitigated Negative Declaration, and therefore recirculation of the Preliminary Mitigated Negative Declaration would not be required.
7. On February 22, 2018, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the February 22, 2018 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
9. After consideration of the points raised by appellant, both in writing and at the February 22, 2018 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
11. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on February 22, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Hillis, Moore, Fong, Koppel, Melgar

NOES: Richards

ABSENT: None

ADOPTED: February 22, 2018

Exhibit C

Appeal of Final Mitigated Negative Declaration for Alcatraz Ferry Embarkation Project (2017-000188ENV) submitted by Arthur J. Mullin of Sheppard, Mullin, Richter & Hampton LLP on behalf of the City of Sausalito, March 21, 2018.

San Francisco Planning Department, Final Mitigated Negative Declaration, Alcatraz Ferry Embarkation Project, February 23, 2018.

These documents and all other related documents are available in the Board of Supervisors File No. 180294.

Available:

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=3464130&GUID=B6B45434-BB29-4ACD-A7D8-84C00691F66D>