



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20248 CEQA Findings HEARING DATE: July 26, 2018

Case No.: 2014-002541ENV
Project Address: India Basin Mixed Use Project
Existing Zoning: M-1 (Light Industrial)
M-2 (Heavy Industrial)
NC-2 (Small Scale Neighborhood Commercial)
P (Public)
40-X and OS (Open Space) Height and Bulk Districts
Block/Lot: Various Lots on Blocks 4596, 4597, 4605, 4606, 4607, 4620, 4621,
4622, 4629A, 4630, 4631, 4644, 4645, and 4646
Project Sponsor: Recreation and Park Department and BUILD Inc.
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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”), AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE INDIA BASIN MIXED-USE PROJECT, AT 700 INNES AVENUE, 900 INNES AVENUE, INDIA BASIN OPEN SPACE, AND INDIA BASIN SHORELINE PARK, THE AREA GENERALLY BOUNDED BY INNES AVENUE ON THE WEST, HUNTERS POINT BLVD. ON THE NORTH, THE SAN FRANCISCO BAY ON THE EAST AND THE EARL STREET RIGHT-OF-WAY ON THE SOUTH, TOTALING ABOUT 38.24 ACRES.

PREAMBLE

The India Basin Mixed-Use Project (“Project”) comprises a project site of approximately 38.24-acres along the India Basin shoreline of San Francisco Bay (“Bay”). The combined Project site encompasses publicly and privately owned dry land parcels, including existing unaccepted rights-of-way (“ROW”) (including some ROW owned by the Port of San Francisco [“SF Port”]), (collectively, the “Project Site”). The Project consists of a public private partnership between the Recreation and Park Department (“RPD”) and BUILD, who are project sponsors for the Project

(“Project Sponsors”). The Project is a mixed-use development containing an integrated network of new public parks, wetland habitat, and a mixed-use urban village. As envisioned, the Project would include a significant amount of public open space, shoreline improvements, market-rate and affordable residential uses, commercial use, parking, environmental cleanup and infrastructure development and street improvements.

The RPD would redevelop approximately 8.98 acres of publicly owned parcels along the shoreline to create a new publicly accessible network of improved parkland and open space. The RPD development area comprises the existing 5.6-acre India Basin Shoreline Park, the 1.8-acre 900 Innes/Historic Boatyard site (“900 Innes”), and 1.58 acres of unimproved ROW. This new shoreline park network would provide space for active and passive recreation, picnicking, and water access; extend the Blue Greenway (a portion of the San Francisco Bay Trail [“Bay Trail”]); rehabilitate and celebrate the historic India Basin Scow Schooner Boatyard; and provide pedestrian and bicycle connections to and along the shoreline, fronting the Bay. The RPD development represents approximately 23.5 percent of the project area (RPD developed properties are collectively referred to as the “RPD Properties”).

BUILD would redevelop approximately 29.26 acres of privately and publicly owned parcels along the shoreline to create a new publicly accessible network of improved parkland and open space and a mixed-use urban village consisting 1,575 residential units, 209,000 of commercial use, 1,800 off-street parking spaces, and 1,575 bicycle parking spaces. The BUILD development area comprises 17.12 acres of privately owned parcels (collectively, “700 Innes”), the existing 6.2-acre of RPD property located along the shoreline (the “India Basin Open Space”), and 5.94 acres of partially unimproved and unaccepted ROW. Approximately 14 acres of the BUILD development area would be developed in a series of phases into privately owned buildings as part of a mixed-use urban village. The remainder of the BUILD development, approximately 15.26 acres, would be developed in a series of phases into a mix of improved ROW, significant new public parkland and open space, new public plazas, new private gardens and open space, and restored and enhanced wetland habitat (BUILD developed properties are collectively referred to as the “BUILD Properties”).

Two options for the BUILD mixed-use urban village are analyzed in the Draft Environmental Impact Report (hereinafter, the “DEIR”): a residentially-focused version with approximately 1,240 dwelling units, 275,330 square feet of commercial space, 50,000 square feet of institutional space, and 1,800 parking spaces, referred to in the EIR as the “proposed project,” and a more commercially intensive variant with approximately 500 dwelling units, 1,000,000 square feet of commercial space, 50,000 square feet of institutional space, and 1,932 parking spaces, referred to in the EIR as the “variant.” In both versions (the proposed project and the variant), the urban village would contain a mix of residential, retail, commercial, office, research and development (“R&D”), institutional, flex space, and recreational and art uses. As part of the BUILD development, BUILD would also redesign the existing India Basin Open Space into enhanced wetlands, a boardwalk, a beach and beach deck, and a kayak launch among other features. The BUILD development represents approximately 76.5 percent of the Project area. The RPD component of the Project would remain the same under both the proposed project and the project variant. The Project in its entirety is more particularly described in Attachment A (See Below).

The Project Site is currently zoned Public (P), Small-Scale Neighborhood Commercial (NC-2), Light Industrial (M-1), and Heavy Industrial (M-2). Portions of the project-related RPD and ROW properties are currently zoned M-1, NC-2, M-2, and P, and are within the 40-X and OS height and bulk districts. Those properties located within the future public park network would be rezoned to P; some portions of existing unaccepted ROW would be incorporated into the future mixed-use urban village and would require rezoning into the India Basin Special Use District (“SUD”) with specific height, bulk, and use designations appropriate for the proposed development, through amendments to the *San Francisco General Plan* (“General Plan”), San Francisco Planning Code (“Planning Code”) text, and the San Francisco Zoning Map (“Zoning Map”). The BUILD Properties would require rezoning into the India Basin SUD with specific height, bulk, and use designations appropriate for the proposed development, through amendments to the General Plan, Planning Code text, and Zoning Map, and incorporation of design standards and guidelines in a proposed India Basin Design Standards and Guidelines document.

The Project Sponsors filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department (“Department”) on December 12, 2014.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation (“NOP”) on June 1, 2016, which notice solicited comments regarding the scope of the EIR for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on June 19, 2016, starting at 5 p.m. at the Alex L. Pitcher, Jr. Community Room, 1800 Oakdale Avenue in San Francisco.

During the 30-day public scoping period that ended on July 1, 2016, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in the preparation of the DEIR.

The Department prepared the DEIR, which describes the proposed project and variant and the environmental setting, analyzes potential impacts, identifies mitigation measures for impacts found to be significant or potentially significant, and evaluates alternatives to the proposed project and variant. The DEIR assesses the potential construction and operational impacts of the proposed project and variant on the environment, and the potential cumulative impacts associated with the proposed project and variant in combination with other past, present, and future actions with potential for impacts on the same resources. The analysis of potential environmental impacts in the DEIR utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The Environmental Planning Division’s guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Department published a DEIR for the project on September 13, 2017, and circulated the DEIR to local, state, and federal agencies and to interested organizations and individuals for public review. On September 13, 2017, the Department also distributed notices of availability of the DEIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the Project area. The Planning Commission ("Commission") held a public hearing on October 19, 2017, to solicit testimony on the DEIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the DEIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the DEIR until October 30, 2017.

The San Francisco Planning Department then prepared the Comments and Responses to Comments on DEIR document ("RTC"). The RTC document was published on July 11, 2018, and includes copies of all of the comments received on the DEIR and written responses to each comment.

During the period between publication of the DEIR and the RTC document, the Project Sponsors initiated revisions to the proposed project that increase the number of residential units and reduce the commercial square footage within the 700 Innes property. The revised proposed project would add 335 residential units to the 1,240 residential units analyzed in the DEIR, increasing the total number of proposed residential units to 1,575 units. The increase in residential square footage would replace 66,224 gross square feet (gsf) of commercial use, as well as the 50,000-gsf proposed school. In addition to these use changes, 150,000 gsf would be added to the residential square footage through interior changes within the building envelopes previously analyzed in the DEIR (e.g., smaller units and common areas, lower floor-to-floor heights, improved interior building efficiencies). This change in the development program would fit within the previously analyzed building envelopes, and there would be no changes to the height, width, or length of any buildings. As a result, the revised proposed project would include a total of 3,462,550 gsf, an increase of 150,000 gsf over the proposed project (3,312,550 gsf) analyzed in the DEIR. Changes were made only to the proposed project and not the variant, which would remain the same as described in the DEIR. The revised proposed project was fully studied in the DEIR and RTC document. The "Project" as analyzed under the FEIR and these CEQA Findings includes the proposed project, the revised proposed project and the variant.

In addition to describing and analyzing the physical and environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification and modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the DEIR. The Final EIR (FEIR), which includes the DEIR, the RTC document, the Appendices to the DEIR and RTC document, and all of the supporting information, has been reviewed and considered. The RTC documents and appendices and all supporting information do not add significant new information to the DEIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the FEIR (or any portion thereof) under CEQA. The RTC documents and appendices and all supporting information contain no information revealing (1) any new significant environmental impact that

would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project sponsor, or (4) that the DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Commission reviewed and considered the FEIR for the Project and found the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the California Environmental Quality Act (Public Resources Code section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code.

The Commission found the FEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the DEIR, and certified the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by its Motion No. 20247.

The Commission, in certifying the FEIR, found that the Project and/or the variant described in the FEIR will have the following significant and unavoidable environmental impacts:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code.
- Combine with past, present, and reasonably foreseeable future projects in the vicinity of the project site, to substantially contribute to significant cumulative impacts related to cultural resources.
- Combine with past, present, and reasonably foreseeable future projects in the vicinity of the project site, to substantially contribute to significant cumulative impacts related to transportation and circulation for transit delay.
- Noise from surface transportation sources associated with operation of the Project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Combine with past, present, and reasonably foreseeable future projects in the vicinity of the project site, to substantially contribute to significant cumulative impacts related to noise.
- Generate emissions of criteria pollutants and precursors during construction, operations, and overlapping construction and operational activities that could violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria pollutants.
- Generate emissions that could expose sensitive receptors to substantial pollutant concentrations.
- Combine with past, present, and reasonably foreseeable future development in the project area, to contribute to significant cumulative regional air quality impacts.

- Combine with past, present, and reasonably foreseeable future development in the project area, to contribute to significant cumulative health risk impacts on sensitive receptors.
- Alter wind in a manner that substantially affects public areas or outdoor recreation facilities.

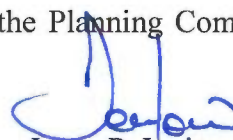
The Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2014-002541ENV DVAGPAMAPPCASHD, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On July 26, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2014-002541ENV DVAGPAMAPPCASHD to consider the approval of the Project. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants and other interested parties.

The Commission has reviewed the entire record of this proceeding, the Environmental Findings, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the alternatives, mitigation measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed Mitigation Monitoring and Reporting Program (“MMRP”) attached as Attachment B and incorporated fully by this reference, which material was made available to the public.

MOVED, that the Commission hereby adopts these findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in Attachment A hereto, and adopts the MMRP attached as Attachment B, based on substantial evidence in the entire record of this proceeding.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of July 26, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Melgar, Fong, Johnson, Koppel, Richards

NAYS: None

ABSENT: Hillis, Moore

ADOPTED: July 26, 2018



SAN FRANCISCO PLANNING DEPARTMENT

ATTACHMENT A

California Environmental Quality Act Findings

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PREAMBLE

In determining to approve the project described in Section I, below, the ("Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, separate and apart from the Commission's certification of the Project's Final Environmental Impact Report, which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

Section I provides a description of the Project, Project objectives, the environmental review process for the Project, the City and County of San Francisco ("City") approval actions to be taken, and the location and custodian of the record.

Section II identifies the Project's less-than-significant impacts that do not require mitigation.

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.

Section IV identifies significant impacts that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures.

Sections III and IV set forth findings as to the mitigation measures identified in the Final Environmental Impact Report. (The Draft Environmental Impact Report ["DEIR"] and the Comments and Responses document ["RTC document"] together comprise the Final Environmental Impact Report ["FEIR"]). Attachment B to the Planning Commission Motion contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce a significant adverse impact and is deemed feasible, identifies the parties responsible for carrying out the measure and reporting on its progress, and presents a schedule for implementation of each measure listed.

Section V evaluates the alternatives to the Project that were analyzed in the Environmental Impact Report (“EIR”) and the economic, legal, social, technological and other considerations that support the approval of the Project and discusses the reasons for the rejection of the Project Alternatives, or elements thereof.

Section VI sets forth the Planning Commission’s Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

The MMRP for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091 and 15097. Attachment B provides a table setting forth each mitigation measure identified in the FEIR that would reduce a significant adverse impact and has been adopted as a condition of approval of the Project. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures adopted as conditions of approval is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the DEIR or the RTC document are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

A. Project Description

The Project is a mixed use development project which consists of a public-private partnership between the City and County of San Francisco Recreation and Parks Department (“RPD”) and BUILD, Project Sponsors. The combined Project site encompasses publicly and privately owned dry land parcels, including existing unaccepted rights-of-way (“ROW”) (including some ROW owned by the Port of San Francisco [“SF Port”]), along the India Basin shoreline of San Francisco Bay (“Bay”), totaling approximately 38.24 acres (collectively, the “Project Site”). As envisioned, the combined Project would include an integrated network of new public parks, shoreline improvements, wetland habitat, market-rate and affordable residential uses, commercial use, parking, environmental cleanup and infrastructure development and street improvements. The larger India Basin neighborhood surrounding the Project Site includes the site of the future Northside Park to the east (part of the Hunters Point Shipyard development); the former Hunters Point Power Plant site to the northwest (owned by PG&E); and Heron’s Head Park to the north (owned by the City). These properties are outside the Project Site and not included in the combined Project. The combined Project includes an RPD component and a BUILD component, as set forth below.

The Project Site is currently zoned Public (P), Small-Scale Neighborhood Commercial (NC-2), Light Industrial (M-1), and Heavy Industrial (M-2). Portions of the project-related RPD and ROW properties are currently zoned M-1, NC-2, M-2, and P, and are within the 40-X and OS height and bulk districts. Those properties located within the future public park network would be rezoned to P; some portions of existing unaccepted ROW would be incorporated into the

future mixed-use urban village and would require rezoning into the India Basin Special Use District (“SUD”) with specific height, bulk, and use designations appropriate for the proposed development, through amendments to the *San Francisco General Plan* (“General Plan”), San Francisco Planning Code (“Planning Code”) text, and the San Francisco Zoning Map (“Zoning Map”). The BUILD properties would require rezoning into the India Basin SUD with specific height, bulk, and use designations appropriate for the proposed development, through amendments to the General Plan, Planning Code text, and the Zoning Map, and incorporation of design standards and guidelines in a proposed India Basin Design Standards and Guidelines document.

1. RPD Development

RPD would redevelop approximately 8.98 acres of publicly owned parcels along the shoreline to create a new publicly accessible network of improved parkland and open space, as set forth below. The RPD development area comprises the existing 5.6-acre India Basin Shoreline Park, the 1.8-acre 900 Innes/Historic Boatyard site (“900 Innes”), and 1.58 acres of unimproved ROW. This new shoreline park network would provide space for active and passive recreation, picnicking, and water access; extend the Blue Greenway (a portion of the San Francisco Bay Trail [“Bay Trail”]); rehabilitate and celebrate the historic India Basin Scow Schooner Boatyard; and provide pedestrian and bicycle connections to and along the shoreline, fronting the Bay. The RPD development represents approximately 23.5 percent of the project area (RPD developed properties are collectively referred to as the “RPD Properties”).

a. India Basin Shoreline Park Property

The existing structures and landscaping on the India Basin Shoreline Park property would be demolished and the 5.6-acre India Basin Shoreline Park property would be redesigned to serve the surrounding community and enhance citywide program offerings, and would include approximately 1,500 gross square feet (“gsf”) of park-serving commercial uses (including a kayak concession area and office) and 915 gsf of institutional uses, including a covered outdoor space and restroom, a minimum of 25 off-street parking spaces. The Blue Greenway/Bay Trail and a Class 1 bikeway would continue through this park. Pedestrian, bicycle, and vehicular access to the shoreline would be enhanced.

Most of the current shoreline, composed of riprap and vegetated berm, would be removed and replaced or restored as a 0.64-acre improved tidal marsh wetland, while retaining visible remains of the *Bay City* ship hull. In addition to retaining the visible *Bay City* resources, the project would include an interpretive exhibit explaining the history of the India Basin Scow Schooner Boatyard, including the remains of the *Bay City*, the *Caroline*, and the shipbuilding industry. Redevelopment of the India Basin Shoreline Park would also include improvement or relocation of wetlands, permanent or temporary placement of fill in the Bay, and removal or installation of piles in the Bay. Grading activities during redevelopment would be subject to the provisions of the Maher Ordinance program (Article 22A of the San Francisco Health Code), administered by the San Francisco Department of Public Health (“DPH”).

b. 900 Innes Property

The 900 Innes property would be developed as a waterfront park providing a connection between India Basin Shoreline Park and the India Basin Open Space. This park also would provide a connection for the Blue Greenway/Bay Trail, the Class 1 bikeway, and pedestrian and bicycle access to the shoreline.

Before the start of redevelopment at 900 Innes, the property would undergo an environmental cleanup to remediate residual contaminants that are present as a result of historical industrial uses, under the regulatory oversight of the San Francisco Bay Regional Water Quality Control Board (“RWQCB”) under the agency’s voluntary cleanup program. Following site remediation, RPD would undertake site redevelopment. The historic Shipwright’s Cottage would be retained and restored in accordance with the Secretary of the Interior’s Standards for Rehabilitation. Other structures on 900 Innes, including the former Boatyard Office building, Tool Shed and Water Tank building may be retained, demolished, moved and/or replaced depending on final project design. The extent of the character-defining features to be retained or replaced in-kind in the Boatyard Office building and/or Tool Shed and Water Tank building will depend upon additional condition assessments of the buildings, public safety concerns, Americans with Disabilities Act (“ADA”) accessibility, seismic requirements, visibility and sight lines in relation to park design, and RPD programming needs and project goals. The project would include an interpretive exhibit explaining the history of the India Basin Scow Schooner Boatyard; the interpretive exhibit would be developed and installed in India Basin Shoreline Park and the 900 Innes Property. The paint shop, a nonhistoric structure, would be removed and replaced with an open-sided structure that would interpret the building shape and form and reference the outline of the building footprint, reusing original material where feasible. The other two nonhistoric existing structures on the 900 Innes property would be demolished. A 0.2 acre tidal marsh would be created and approximately 12 creosote-treated piles, which are part of the historical water fence post located in the Bay adjacent to this property, would be removed. However, an attempt would be made to replace these piles in place, if possible. In addition, two dilapidated piers and 20 other creosote treated piles would be removed and replaced with new piers. Treated wood piles were historically used to support piers. If possible, depending on other considerations, the original wood portions of the west marine way tracks would be replaced because they are contaminated. The original metal portion of the west marine way tracks would be remediated and left in place.

Approximately 2,750 gsf of park serving commercial uses would be developed on the 900 Innes property and would range up to 20.5 feet in height. On the 900 Innes property, approximately 1,700 gsf of institutional uses at the welcome center and public exhibition space would be created inside the renovated Shipwright’s Cottage; 1,830 square feet in the “shop building” would be created on the footprint of the former paint shop and compressor house; a 1,500 square foot maintenance building would be created northwest of the bike path; and an up to 300 square foot structure may be retained and/or created on the location of the former Boatyard Office Building (DEIR Figure 2-4a). In addition, a shade structure of up to 940 square feet may be created on the footprint of the former Tool Shed and Water Tank building.

2. BUILD Development

BUILD would redevelop approximately 29.26 acres of privately and publicly owned parcels along the shoreline to create a new publicly accessible network of improved parkland and open

space and a mixed-use urban village. The BUILD development area comprises 17.12 acres of privately owned parcels (collectively, “700 Innes”), the existing 6.2-acre of RPD property located along the shoreline (the “India Basin Open Space”), and 5.94 acres of partially unimproved and unaccepted ROW. Approximately 14 acres of the BUILD development area would be developed in a series of phases into privately owned buildings as part of a mixed-use urban village. The remainder of the BUILD development, approximately 15.26 acres, would be developed in a series of phases into a mix of improved ROW, significant new public parkland and open space, new public plazas, new private gardens and open space, and restored and enhanced wetland habitat (BUILD developed properties are collectively referred to as the “BUILD Properties”).

a. 700 Innes Property

Two options for the BUILD mixed-use urban village are analyzed in the DEIR: a residentially-focused version with approximately 1,240 dwelling units, 275,330 square feet of commercial space, 50,000 square feet of institutional space, and 1,800 parking spaces, referred to in the EIR as the “proposed project,” and a more commercially intensive variant with approximately 500 dwelling units, 1,000,000 square feet of commercial space, 50,000 square feet of institutional space, and 1,932 parking spaces referred to in the EIR as the “variant.” In both versions (the proposed project and the variant), the urban village would contain a mix of residential, retail, commercial, office, research and development (“R&D”), institutional, flex space, and recreational and art uses. Under both versions, buildings would range in height from one to 14 stories (20 to 160 feet tall). Both the proposed project and the variant would develop an approximately 5.47-acre, publicly owned park, referred to as the “Big Green” and an approximately 0.43-acre hardscape public area called the “Cove Terrace,” adjacent to, and integrated with, the existing India Basin Open Space property (DEIR Figures 2-4b and 2-4c). The Big Green would provide pedestrian and bicycle pathways, sculpted grasslands, stormwater bio-retention ponds, swales, planters, a wet meadow, park benches and pavilions, and groves of trees. It would also include some children’s play areas, a fitness loop, and some small gathering spaces. The BUILD development represents approximately 76.5 percent of the project area. The RPD component of the project would remain the same under both the proposed project and the project variant. The Project would include a network of new pedestrian pathways and bicycle lanes to enable a continuous Blue Greenway/Bay Trail as well as improvements to the existing public ROWs within the Project Site.

During the period between publication of the DEIR and the RTC document, the Project Sponsors, RPD and BUILD, initiated revisions to the proposed project that increase the number of residential units and reduce the commercial square footage within the 700 Innes property. The changed proposed project is referred to throughout the RTC document and these CEQA Findings as the “revised proposed project.” The revised proposed project would add 335 residential units to the 1,240 residential units analyzed in the DEIR, increasing the total number of proposed residential units to 1,575 units. The increase in residential square footage would replace 66,224 gross square feet (gsf) of commercial use, as well as the 50,000-gsf proposed school. In addition to these use changes, 150,000 gsf would be added to the residential square footage through interior changes within the building envelopes previously analyzed in the DEIR (e.g., smaller units and common areas, lower floor-to-floor heights, improved interior building efficiencies). This change in the development program would fit within the previously analyzed building

envelopes, and there would be no changes to the height, width, or length of any buildings. As a result, the revised proposed project would include a total of 3,462,550 gsf, an increase of 150,000 gsf over the proposed project (3,312,550 gsf) analyzed in the DEIR. Changes were made only to the proposed project and not the variant, which would remain the same as described in the DEIR. The revised proposed project was fully studied in the DEIR and RTC document. As described in RTC Chapter 2, because revisions to the proposed project would not apply to the variant analyzed in the DEIR, the environmental analysis is limited to a comparison of the revised proposed project to the proposed project analyzed in the DEIR. In addition, the revised proposed project would be relevant only to the 700 Innes property and would not alter the DEIR analysis for the India Basin Shoreline Park, 900 Innes, and India Basin Open Space properties. Therefore, the environmental analysis is limited to a comparison of the project-level and cumulative impacts of the revised proposed project at the 700 Innes property to the project-level and cumulative impacts of the proposed project at the 700 Innes property. As discussed in RTC Chapter 2, the current revisions and clarifications to the proposed project would not result in any new significant impacts that were not already identified in the DEIR, nor would these changes substantially increase the severity of any impacts identified in the DEIR. The same mitigation measures identified in the DEIR for the proposed project would continue to be required to reduce or avoid the significant environmental impacts of the revised proposed project. No new or modified measures would be required to mitigate the significant impacts identified for the proposed project in the DEIR. In addition, because no changes to the cumulative projects are proposed and the project-level impacts of the revised proposed project have been determined to be similar to the project-level impacts of the proposed project, cumulative impacts of the revised proposed project would be similar to cumulative impacts of the proposed project for all topics analyzed in the DEIR. Therefore, the analysis included in these CEQA Findings with regard to the proposed project shall also apply to the revised proposed project, unless otherwise noted. The "Project" as analyzed in the FEIR and these CEQA findings includes the revised proposed project and the variant.

Under the Project, the existing five buildings and structures on the 700 Innes Property would be demolished or relocated. More specifically, the four buildings at 838-840 Innes Avenue and 888 Innes Avenue would be demolished while the historic building at 702 Earl Street, currently used as a residence, would be rehabilitated and relocated to the northern portion of the 700 Innes property, closer to the shoreline. At the northwest corner of the property, BUILD would remove an existing pier and eight associated creosote-treated piles. Also on this property, a 0.1-acre tidal marshland would be created. Grading and site preparation activities at the northwest corner of the property, which is located adjacent to the Bay, would involve a net increase of 70 cubic yards of fill. Grading activities during redevelopment on areas above the mean high water ("MHW") line would be subject to provisions of the City's Maher Ordinance Program, administered by DPH. Approximately 0.31 acre of seasonal wetlands would be relocated from the 700 Innes property to the India Basin Open Space property as part of a larger 0.48-acre seasonal wetland.

b. India Basin Open Space Property

Under the Project, the 6.2-acre India Basin Open Space property, which currently consists of benches, upland habitat, tidal salt marsh, mudflats, sand dunes, and native vegetation, would remain in a natural state with some enhancements for public access, recreation, and ecological function. In addition, a minimum 0.3-acre tidal marsh would be restored as improved tidal

marsh wetland. A minimum 0.48-acre freshwater seasonal wetland would also be created and a drainage outfall that currently extends into the Bay would be removed. The seasonal freshwater wetland is being designed in anticipation of sea level rise to provide future habitat migration opportunities for the lower brackish saltwater wetlands. Grading activities at the India Basin would be subject to the provisions of the City's Maher Ordinance program, administered by DPH. Under the Project, approximately 2,000 gsf of commercial uses would be built adjacent to the India Basin Open Space property on the 700 Innes site. This structure is designed to be integrated with the improved India Basin Open Space property to serve the publicly accessible beach and open space.

B. Project Objectives

The FEIR discusses several project objectives identified by the Project Sponsors.

1. Objectives for RPD Development:

Neighborhood & Community

- Create a neighborhood center that stimulates meaningful and inclusive local, citywide, and regional community engagement.
- Develop a seamless park user experience along India Basin that ensures a high level of waterfront and recreation access for neighborhood users, and create a significant amenity on the Bayview/Hunters Point recreation loop/waterfront.
- Construct more open space to address the population growth in a high-need and emerging neighborhood, and improve recreational amenities to existing residents.
- Create an opportunity for the City to address issues of social and environmental justice, equity, and inclusion in parks and open space for the India Basin and greater Bayview Hunters Point communities.
- Stimulate local hiring through job training for construction activities, park-related concession opportunities, and recreation leadership positions.
- Create a safe environment for park users that includes increased visibility of park spaces, including direct sightlines from bordering streets to the water.

Environment & Sustainability

- Prioritize environmental cleanup to promote public health, safety, and welfare.
- Design a landscape that will be adaptive and resilient alongside anticipated sea level rise.
- Conserve and strengthen natural resources, and increase biodiversity and interconnectivity on City parkland, through the expansion of shoreline wetlands and redevelopment of natural upland landscaping.

- Provide on-site stormwater treatment infrastructure to promote improved Bay water quality.

History & Culture

- Preserve and celebrate historic and cultural resources, including the restoration of the historic Shipwright's cottage and revitalization and interpretation of the historic boatyard cultural landscape at 900 Innes and the ship hulls at India Basin Shoreline Park.
- Create a welcome center featuring the site's shipbuilding heritage and surrounding neighborhood/community history, complemented by a food and beverage concession to serve as a community gathering space and to promote local hiring.
- Create an entry experience from Innes Avenue that highlights the features of both the cultural and natural landscape, maintains sightlines to the waterfront, and contributes to a seamless park user experience and sense of place as a neighborhood center.

Recreation & Education

- Create a center for waterfront programming with a variety of active and passive recreational opportunities, and strengthen the quality of existing parks and facilities.
- Expand public access to the Bay and accelerate the development of the Blue Greenway/Bay Trail, by connecting the India Basin Open Space, 900 Innes, and India Basin Shoreline Park with all seven properties along the India Basin cove.
- Provide active recreational programming such as a human-powered boating center, basketball courts, skateboard ramps, bike paths, children's playground, and public beach access.
- Provide passive recreational programming such as bird-watching, barbeque and picnic areas, landscaped/natural hiking paths, and a great lawn.
- Construct an educational/"makers" building (the "Shop"), intended to provide recreational arts and shop programming focused on the historic shipbuilding industry.
- Design park spaces that are safe and inviting and that follow departmental best practices for successful maintenance.

Transportation & Infrastructure

- Provide Class 1 bicycle lane infrastructure to enhance community transportation alternatives.
- Create publicly accessible Griffith Street site access, linking the neighboring community and new retail to the sites south of 900 Innes.

- Construct enhanced/signalized crosswalks to park entrances for easier and safer pedestrian access.
- Create ADA-accessible pathways providing waterfront access and safe interactions with highly trafficked routes such as the Class 1 bicycle path.

2. Objectives for BUILD Development

- Revitalize a prime but underutilized southeastern waterfront site with a range of uses designed to increase housing at a range of affordability levels and provide increased business and employment opportunities.
- Construct high-quality housing with sufficient density to contribute to active uses on the project site while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents.
- Provide sufficient mixed-use development capacity (in terms of gross floor area and residential unit count) with a range of flexible uses that can respond to market demands and attract the private capital necessary to build out the proposed project in a timely fashion and financially support an array of public benefits, including public open space, a permanent maintenance and operations tax district, community job training and small business development opportunities, public transportation improvements and affordable housing.
- Pursue a balanced mix of residential, retail, and office space, as well as R&D space, to support a daytime population adequate to create a viable and vibrant small-scale neighborhood retail district.
- Preserve the shoreline areas of the project site for public parks and public open space use.
- Incorporate environmental sustainability concepts and practices into the project, including stormwater treatment swales and bioretention areas, improved and new wetlands, green building design, and construction practices.

C. Project Approvals

The Project would require approvals from several authorities, including those listed below:

1. City and County of San Francisco

San Francisco Planning Commission

- Certify the FEIR.
- Recommend to the Board of Supervisors approval of amendments to the General Plan, Planning Code text, and the Zoning Map to create a SUD, including design review procedures.

- Recommend to the Board of Supervisors approval of a Development Agreement with BUILD.
- Make General Plan consistency findings, including priority policy findings under Planning Code Section 101.1, for all project approvals requiring consistency findings under Charter Section 4.105 and Administrative Code Section 2A.53.
- Determine that shadows from buildings exceeding 40 feet in height will have no adverse effect on parks subject to Section 295 of the Planning Code. Such determination would occur after RPD's general manager in consultation with the Recreation and Parks Commission has commented on the Project.
- Determine Proposition M office allocation.
- General Plan referral to the Board of Supervisors for a Major Encroachment Permit.

Historic Preservation Commission

- Hold a public hearing on the DEIR regarding impacts on historic resources and approve a certificate of appropriateness for alterations proposed to landmark structures.

San Francisco Recreation and Park Commission

- Approve 900 Innes Avenue and India Basin Shoreline Park improvements and shoreline modifications (the conceptual design).
- Approve India Basin Open Space improvements and shoreline modifications.
- Consult with RPD's general manager on the effect of the Project on shadow on parks subject to Section 295 of the Planning Code.
- Accept the transfer of any new properties to RPD jurisdiction or management, including a memorandum of understanding with SF Port governing use and control of the proposed Big Green and other property under SF Port jurisdiction to be managed by RPD.
- Approve the Trust Exchange Agreement with the California State Lands Commission ("CSLC") that would remove the public trust from portions of the 700 Innes property and transfer other portions to the City, in trust (under SF Port jurisdiction), to be used for open space.
- Approve a memorandum of understanding between the SF Port and RPD for the use and control of all open space at 700 Innes and India Basin Open Space that is currently under SF Port jurisdiction or transferred to the SF Port in trust after the trust exchange.
- Approve easements and/or acquisition of rights for in-water improvements over private in-water parcels.
- Consent to the Development Agreement.

San Francisco Public Works (“SFPW”)

- Recommend to the Board of Supervisors approval of street vacations, dedications, and realignments; sidewalk widenings; and improvements in public ROWs.
- Approve tentative subdivision maps, including condominium map applications and any major or minor encroachment permits.
- Consent to the Development Agreement.

San Francisco Department of Building Inspection (“DBI”)

- Issue demolition, grading, and site construction permits.

San Francisco Municipal Transportation Agency (“SFMTA”)

- Approve new bicycle paths and all roadway changes affecting vehicles, transit, bicycles, and pedestrians.
- Consent to the Development Agreement.

San Francisco Public Utilities Commission (“SFPUC”)

- Approve water, sewer, stormwater, and street light infrastructure.
- Consent to the Development Agreement.

San Francisco Department of Public Health (“DPH”)

- Approve site remediation plans under Health Code Article 22A.
- If the Alternate Water Source System/Non-Potable Water System is implemented, approve an application for it under Health Code Article 12C.

San Francisco Port Commission

- Approve the Trust Exchange Agreement affecting property under SF Port jurisdiction.
- Consent to the Development Agreement.
- Approve a memorandum of understanding with RPD governing use and control of the Big Green and other property under SF Port jurisdiction to be managed by RPD.

San Francisco Board of Supervisors

- Approve amendments to the General Plan, Planning Code, and Zoning Map.
- Authorize street vacations, dedications, major street encroachments, realignments, and sidewalk widenings.

- Approve easements and/or acquisition of rights for in-water improvements over private in-water parcels.
- Approve a Development Agreement with BUILD.
- Approve the Trust Exchange Agreement with CSLC.

2. State and Federal Agencies

San Francisco Bay Conservation and Development Commission (“BCDC”)

- Issue a major permit to authorize construction within the 100-foot shoreline band.
- Approve an amendment to the San Francisco Bay Plan and the San Francisco Waterfront Special Area Plan.

San Francisco Bay Regional Water Quality Control Board (“RWQCB”)

- Approve Clean Water Act (“CWA”) Section 401 water quality certification.
- Approve RPD’s site remediation plan for areas within San Francisco Bay RWQCB jurisdiction.
- Approve amendments to the City’s MS4 discharge permit to authorize the release of treated stormwater to the Bay.

Bay Area Air Quality Management District (“BAAQMD”)

- Issue permits for installation and operation of emergency generators.

California State Lands Commission (“CSLC”)

- Approve the Trust Exchange Agreement with the City.

California State Historic Preservation Office

- Provide Section 106 consultation for potential effects of project implementation on cultural resources in the Bay.

California Department of Fish and Wildlife

- Approve permit under the California Endangered Species Act (if applicable).

U.S. Army Corps of Engineers (“USACE”)

- Approve permits under CWA Section 404 and Section 10 of the Rivers and Harbors Act of 1899 for improvements or relocation of wetlands and permanent or temporary placement of fill in the Bay.

U.S. Environmental Protection Agency (“EPA”)

- If remediation work is completed using EPA grant funding, then ensure compliance with additional applicable federal laws and regulations governing remediation contracts, such as the Small Business Liability Relief and Brownfields Revitalization Act and the Davis-Bacon Act.

U.S. Fish and Wildlife Service/National Marine Fisheries Service

- Provide Section 7 consultation for potential effects of shoreline modifications on endangered species (Section 7 consultation is triggered by the Section 404/Section 10 permit).

D. Environmental Review

The Project Sponsors filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department (“Department”) on December 12, 2014.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation (“NOP”) on June 1, 2016, which notice solicited comments regarding the scope of the EIR for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on June 19, 2016, starting at 5 p.m. at the Alex L. Pitcher, Jr. Community Room, 1800 Oakdale Avenue in San Francisco.

During the 30-day public scoping period that ended on July 1, 2016, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the DEIR.

The Department prepared the DEIR, which describes the proposed project and the environmental setting, analyzes potential impacts, identifies mitigation measures for impacts found to be significant or potentially significant, and evaluates alternatives to the proposed project. The DEIR assesses the potential construction and operational impacts of the proposed project on the environment, and the potential cumulative impacts associated with the proposed project in combination with other past, present, and future actions with potential for impacts on the same resources. The analysis of potential environmental impacts in the DEIR utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The Environmental Planning Division’s guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Department published a DEIR for the project on September 13, 2017, and circulated the DEIR to local, state, and federal agencies and to interested organizations and individuals for public review. On September 13, 2017, the Department also distributed notices of availability of

the DEIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on October 19, 2017, to solicit testimony on the DEIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the DEIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the DEIR until October 30, 2017.

The Department prepared responses to comments on environmental issues received during the 55 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR. The Planning Commission recognizes that minor changes have been made to the Project and additional evidence has been developed after publication of the DEIR. Specifically, during the period between publication of the DEIR and the RTC document, the Project Sponsors initiated revisions to the proposed project that increase the number of residential units and reduce the commercial square footage within the 700 Innes property. The changed proposed project is referred to in the FEIR as the "revised proposed project." The revised proposed project would add 335 residential units to the 1,240 residential units analyzed in the DEIR, increasing the total number of proposed residential units to 1,575 units. The increase in residential square footage would replace 66,224 gross square feet (gsf) of commercial use, as well as the 50,000-gsf proposed school. In addition to these use changes, 150,000 gsf would be added to the residential square footage through interior changes within the building envelopes previously analyzed in the DEIR (e.g., smaller units and common areas, lower floor-to-floor heights, improved interior building efficiencies). This change in the development program would fit within the previously analyzed building envelopes, and there would be no changes to the height, width, or length of any buildings. As a result, the revised proposed project would include a total of 3,462,550 gsf, an increase of 150,000 gsf over the proposed project (3,312,550 gsf) analyzed in the DEIR. Changes were made only to the proposed project and not the variant, which would remain the same as described in the DEIR. The revised proposed project was fully studied in the DEIR and RTC document (see Chapter 2, "Project Description Revisions and Clarifications, and the Revised Proposed Project," in the RTC document).

This material was presented in the RTC document, published on July 11, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

The Department prepared the RTC. The RTC document was published on July 11, 2018, and includes copies of all of the comments received on the DEIR and written responses to each comment.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document all as required by law. The initial study ("IS") is incorporated by reference thereto. As described in the FEIR,

the refinements discussed above would result in either no changes to the impact conclusions or a reduction in the severity of the impact presented in the DEIR.

Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the FEIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5, subd. (a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Here, the FEIR includes supplemental data and information that was developed after publication of the DEIR to further support the information presented in the DEIR. None of this supplemental information affects the conclusions or results in substantive changes to the information presented in the DEIR, or to the significance of impacts as disclosed in the DEIR. Nor does it add any new mitigation measures or alternatives that the project sponsor declined to implement. The Commission finds that none of the changes and revisions in the FEIR substantially affects the analysis or conclusions presented in the DEIR; therefore, recirculation of the DEIR for additional public comments is not required.

Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

On July 26, 2018, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on July 26, 2018, by adoption of its Motion No. 20247.

E. Content and Location of Record

The record upon which all findings and determinations related to the adoption of the Project are based include the following:

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the IS;
- All information (including written evidence and testimony) provided by City staff to the Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented to the Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the FEIR;
- All applications, letters, written information, testimony, and presentations presented to the City by the Project Sponsors and their consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing related to the EIR;
- The MMRP; and,
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcripts and audio files, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Department, Jonas P. Ionin, is the custodian of these documents and materials.

F. Findings about Environmental Impacts and Mitigation Measures

The following Sections II, III, and IV set forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures

identified in the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other agencies, and members of the public. The Commission finds that (i) the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; (ii) the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the City staff; and (iii) the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Commission is not bound by the significance determinations in the FEIR (see Public Resources Code, Section 21082.2, subdivision (e)), the Commission finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the FEIR. Instead, a full explanation of these environmental findings and conclusions can be found in the FEIR, and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the project impact and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings, and relies upon them as substantial evidence supporting these findings.

As set forth below, the Commission adopts and incorporates the mitigation measures set forth in the FEIR, which to the extent feasible are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure that is deemed feasible and should have been included in the MMRP but was inadvertently omitted is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

In Sections II, III, and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the FEIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

References to the proposed project or Project below in these CEQA Findings, including all impact conclusions and mitigation measures, shall be interpreted to include and incorporate any changes proposed by the revised proposed project, unless otherwise noted. In addition, all impact conclusions and mitigation measures are the same for the proposed project, revised proposed project and the variant, unless these CEQA Findings specifically indicate otherwise.

II. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AND THUS REQUIRING NO MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Res. Code § 21002; CEQA Guidelines §§ 15126.4, subd. (a)(3), 15091). As more fully described in the FEIR and based on the evidence in the whole record of this proceeding, it is hereby found that implementation of the Project would not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation.

A. Land Use

Impact LU-1: The Project would not physically divide an established community (DEIR pp. 3.1-16 to 3.1-17).

Impact LU-2: The Project would not result in conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (DEIR pp. 3.1-17 to 3.1-20; RTC pp. 4-10 to 4-11).

Impact C-LU-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not result in significant cumulative impacts related to land use and land use planning (DEIR pp. 3.1-20 to 3.1-21; RTC pp. 4-11 to 4-13).

B. Aesthetics

Impact AE-1: The Project would not have a substantial adverse effect on scenic vistas or scenic resources (DEIR pp. 3.2-25 to 3.2-45; RTC pp. 4-13 to 4-17).

Impact AE-2: The Project would not degrade the existing visual character or quality of the site and its surroundings (DEIR pp. 3.2-45 to 3.2-50).

Although no mitigation measures would be required, **Improvement Measure I-AE-1: Prepare and Implement Construction Staging, Access, and Parking Plan to Reduce Impacts on Visual Character/Quality During Construction**, is identified to further reduce the less-than-significant impact of an unsightly construction area during construction (DEIR p. 3.2-46).

C. Population and Housing

Impact PH-1: The Project would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through the extension of roads or other infrastructure) (DEIR pp. 3.3-9 to 3.3-11).

Impact PH-2: The Project would not displace substantial numbers of people or existing housing units, necessitating the construction of replacement housing (DEIR pp. 3.3-11 to 3.3-12; RTC pp. 4-17 to 4-18).

Impact C-PH-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not substantially contribute to cumulative impacts related to population and housing (DEIR pp. 3.3-12 to 3.3-13; RTC pp. 4-21 to 4-27).

D. Transportation and Circulation

Impact TR-1: The Project would not cause substantial additional vehicle miles traveled (“VMT”) or substantially induce automobile travel (DEIR pp. 3.5-46 to 3.5-47; RTC pp. 4-43 to 4-48).

Impact TR-2: The Project would not cause major traffic hazards (DEIR pp. 3.5-47 to 3.5-49).

Although no mitigation measures would be required, **Improvement Measure I-TR-2V: Reconfigure Southbound Approach at Jennings Street/Evans Avenue/Middle Point Road under the Variant**, is identified to improve traffic circulation at the Jennings Street/Evans Avenue/Middle Point Road intersection under Baseline plus Project Conditions with the variant only (this improvement measure does not apply to the proposed project), and thus help to further reduce any less-than-significant traffic safety impacts under the variant (DEIR p. 3.5-49).

Impact TR-4: The Project would not cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels could result (DEIR pp. 3.5-62 to 3.5-63).

Impact TR-5: The Project would not create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site or adjoining areas (DEIR pp. 3.5-64 to 3.5-66).

Impact TR-6: The Project would not result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas (DEIR pp. 3.5-66 to 3.5-71; RTC pp. 4-39 to 4-43).

Although the impact of the Project would be less than significant, implementation of **Improvement Measure I-TR-6: Implement Queue Abatement Strategies**, would ensure that queues at driveways serving the project’s three parking garages would not adversely affect pedestrian circulation, and thus would further reduce the less-than-significant impact of the Project on pedestrian facilities and circulation (DEIR pp. 3.5-66 to 3.5-71).

Impact TR-7: Except for the passenger loading activities associated with the proposed school in the variant only, the Project would result in a loading demand during the peak hour of loading activities that would be accommodated within proposed onsite loading facilities or within convenient on-street loading zones, and would not create potentially hazardous conditions affecting traffic, transit, bicycles, or pedestrians or significant delays affecting transit (DEIR pp. 3.5-71 to 3.5-74; RTC pp. 4-51 to 4-53).

Although the impact of the Project would be less than significant, **Improvement Measure I-TR-7: Implement an Active Loading Management Plan**, has been recommended to further reduce any less-than-significant impacts associated with freight loading activities at the 700 Innes site (DEIR pp. 3.5-73 to 3.5-74).

Impact TR-9: The Project would not result in inadequate emergency access to the project site or adjoining areas (DEIR p. 3.5-76).

Impact TR-10: The duration and magnitude of temporary construction activities would not result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility

to adjoining areas, thereby resulting in potentially hazardous conditions (DEIR pp. 3.5-76 to 3.5-78).

Although the impact of the Project would be less than significant, **Improvement Measure I-TR-10: Implement Construction Management Strategies**, has been recommended to further reduce the less-than-significant impacts of any conflicts between construction activities and pedestrians, bicyclists, transit, and vehicular traffic, and between construction and nearby businesses and residents (DEIR p. 3.5-78).

Impact TR-11: The Project would not result in a substantial parking deficit that could create hazardous conditions affecting traffic, transit, bicycles, or pedestrians or significant delays affecting transit, where particular characteristics of the project or its site demonstrably render use of other modes infeasible (DEIR pp. 3.5-79 to 3.5-81).

Impact C-TR-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not substantially contribute to cumulative impacts related to transportation and circulation for VMT, traffic hazards, transit capacity, pedestrians, bicycles, loading, emergency access, or construction transportation (DEIR pp. 3.5-86 to 3.5-97).

Although the cumulative impacts with the Project would be less than significant, implementing **Improvement Measure I-C-TR-1: Reconfigure Eastbound Approach at Jennings Street/Evans Avenue/Middle Point Road**, would improve traffic circulation at the Jennings Street/Evans Avenue/Middle Point Road intersection under Cumulative Conditions and help to further reduce any less-than-significant traffic safety impacts (DEIR pp. 3.5-87 to 3.5-88).

E. Noise

Impact NO-1: Construction of the Project would not expose persons to noise levels in excess of standards established in the local general plan or noise ordinance (Sections 2907 and 2908 of the San Francisco Noise Control Ordinance) (DEIR pp. 3.6-19 to 3.6-20; RTC pp. 4-63 to 4-66).

Impact NO-5: The occupants of the Project site would not be substantially affected by future noise levels on the site (DEIR pp. 3.6-35 to 3.6-36).

F. Air Quality

Impact AQ-4: The Project would not generate emissions that create objectionable odors affecting a substantial number of people (DEIR pp. 3.7-76 to 3.7-77).

G. Greenhouse Gas Emissions

Impact-C-GG-1: The Project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions (DEIR pp. 3.8-20 to 3.8-21; RTC pp. 4-71 to 4-72).

H. Wind

Impact C-WI-1: The Project would not combine with past, present, or reasonably foreseeable future projects to alter wind in a manner that would substantially affect public areas or outdoor recreation facilities (DEIR pp. 3.9-21 to 3.9-22).

I. Shadow

Impact SH-1: The Project would not create new shadow in a manner that would substantially affect outdoor recreation facilities or other public areas (DEIR pp. 3.10-6 to 3.10-29; RTC pp. 4-112 to 4-117).

Impact C-SH-1: The Project would not combine with past, present, or reasonably foreseeable future projects to create new shadow in a manner that would affect outdoor recreation facilities or other public areas (DEIR p. 3.10-30).

J. Recreation

Impact RE-1: The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facilities may occur or be accelerated (DEIR pp. 3.11-14 to 3.11-16).

Impact RE-3: The Project would not physically degrade existing recreational facilities (DEIR pp. 3.11-20 to 3.11-21).

Impact C-RE-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not substantially contribute to cumulative impacts related to recreation (DEIR p. 3.11-21).

K. Utilities and Service Systems

Impact UT-1: The Project would not exceed wastewater treatment requirements of the applicable RWQCB or result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the projected demand in addition to the provider's existing commitments (DEIR pp. 3.12-17 to 3.12-20; RTC pp. 4-75 to 4-77).

Impact UT-3: The Project would not require new or expanded water supply resources or entitlements (DEIR pp. 3.12-24 to 3.12-28; RTC pp. 4-77 to 4-78).

Impact C-UT-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not substantially contribute to cumulative impacts related to utilities and services systems (DEIR pp. 3.12-28 to 3.12-30).

L. Public Services

Impact PS-1: The Project would not increase demand for fire services in a manner that would result in the need for construction or alteration of fire protection facilities (DEIR pp. 3.13-8 to 3.13-9; RTC pp. 4-80 to 4-81).

Impact PS-2: The Project would not increase demand for police services in a manner that would

result in the need for construction or alteration of law enforcement facilities (DEIR pp. 3.13-9 to 3.13-10; RTC pp. 4-80 to 4-81).

Impact PS-3: The Project would not increase demand for school services in a manner that would result in the need for construction or alteration of school facilities (DEIR pp. 3.13-10 to 3.13-11; RTC pp. 4-80 to 4-81).

Impact PS-4: The Project would not increase demand for library services in a manner that would result in the need for construction or alteration of library facilities (DEIR p. 3.13-11; RTC pp. 4-80 to 4-81).

Impact C-PS-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not substantially contribute to cumulative impacts related to public services (DEIR p. 3.13-12).

M. Biological Resources

Impact BI-5: The Project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan (DEIR pp. 3.14-54 to 3.14-55).

Impact C-BI-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not substantially contribute to cumulative impacts related to biological resources (DEIR pp. 3.14-56 to 3.14-57).

N. Hydrology and Water Quality

Impact HY-4: The Project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows (DEIR pp. 3.15-48 to 3.15-49).

Impact HY-5: The project site is subject to flooding from tsunami inundation, but the Project would not exacerbate the frequency or severity of flooding or cause flooding in areas that otherwise would not be subject to flooding without the project. The project site is not subject to inundation by mudflows or a seiche (DEIR pp. 3.15-50 to 3.15-52).

Impact HY-6: The Project Site is subject to flooding from sea-level rise, but the Project would not exacerbate the frequency or severity of flooding or cause flooding in areas that otherwise would not be subject to flooding without the project (DEIR pp. 3.15-52 to 3.15-60; RTC pp. 4-100 to 4-102).

O. Hazards and Hazardous Materials

Impact HZ-5: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (DEIR pp. 3.16-60 to 3.16-63)

Impact HZ-6: The Project would not expose people or structures to a significant risk of loss, injury, or death involving fires (DEIR pp. 3.16-63 to 3.16-64).

**III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE
AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL
THROUGH MITIGATION AND THE DISPOSITION OF THE MITIGATION
MEASURES**

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this Section III and in Section IV discuss mitigation measures as identified in the FEIR for the Project and as recommended for adoption by the Planning Commission. The full explanation of the potentially significant environmental impacts and the full text of the mitigation measures is contained in the FEIR and/or the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings.

The impacts identified in this Section III would be reduced to a less-than-significant level through implementation of the mitigation measures contained in the FEIR, included in the Project, or imposed as conditions of approval and set forth in Attachment B. The impacts identified in Section IV, below, for which feasible mitigation has been identified in the FEIR also would be reduced, although not to a less-than-significant level.

As indicated in the MMRP, in most cases, mitigation measures will be implemented by the Planning Commission or the Project Sponsors. In these cases, implementation of mitigation measures will be made conditions of project approval. For each of these mitigation measures and the impacts they address, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (CEQA Guidelines, § 15091, subd. (a)(1).)

In the case of all other mitigation measures, an agency other than the Planning Commission (either another City agency or a non-City agency) will have responsibility for implementation or assisting in the implementation or monitoring of mitigation measures. This is because certain mitigation measures are partly or wholly within the responsibility and jurisdiction of another public agency (other than the Planning Commission). In such instances, the entity that will be responsible for implementation is identified in the MMRP for the Project (Attachment B). Generally, the Planning Commission has designated the agencies to implement mitigation measures as part of their existing permitting or program responsibilities. Based on past experience and ongoing relationships and communications with these agencies, the Planning Commission has reason to believe that they can and will implement the mitigation measures assigned to them. These agencies include DPH, BAAQMD and BCDC, for example, which will participate in mitigation measure implementation through their normal regulatory program actions. Others, like the San Francisco Municipal Transportation Agency, which operates and maintains local traffic and transit systems, have indicated to the Planning Department that they generally find that it will be feasible to implement the mitigation measures identified under their implementation responsibility. The Planning Department also will be assisted in monitoring implementation of mitigation measures by other agencies, as indicated in the MMRP in Exhibit B, such as the San Francisco Department of Building Inspection, the San Francisco Department of Public Works through their permit responsibilities, the San Francisco Public Utilities Commission through its operation of the City's combined sewer system, or the SFMTA as part

of its operation and maintenance of traffic and transit systems.

For each of these mitigation measures and the impacts they address, the Planning Commission finds that the changes or alterations are in whole or in part within the responsibility and jurisdiction of a public agency other than the Planning Commission and that the changes have been adopted by such other agency or can and should be adopted by such other agency. (CEQA Guidelines, § 15091, subd. (a)(2).)

The Planning Commission adopts all of the mitigation measures proposed for the Project that are within the jurisdiction and control of the Planning Commission. For those mitigation measures that are the responsibility of agencies other than the Planning Department (e.g., the City and County of San Francisco and its subsidiary agencies), the Planning Commission finds that those measures can and should be implemented by the other agencies as part of their existing permitting or program responsibilities. Based on the analysis contained in the FEIR, other considerations in the record, and the standards of significance, the Planning Commission finds that implementation of all of the proposed mitigation measures discussed in this Section III will reduce potentially significant impacts to a less-than-significant level.

A. Aesthetics

Impact AE-3: The Project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area or would substantially affect other people or properties (DEIR pp. 3.2-50 to 3.2-52).

New sources of light would not differ substantially from lighting sources used for the existing India Basin Shoreline Park, 900 Innes, or India Basin Open Space properties. In addition, light levels on these properties would not exceed levels commonly accepted by residents in an urban setting. On the 700 Innes property, there would be new sources of light and glare typically found in other urban neighborhoods in San Francisco, resulting in an impact. **Mitigation Measure M-AE-3: Implement Good Lighting Practices**, as more fully described in the FEIR (p. 3.2-52), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein. Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measure M-AE-3 would reduce Impact AE-3 to a less-than-significant level.

Impact C-AE-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would substantially contribute to cumulative impacts related to aesthetics (DEIR pp. 3.2-52 to 3.2-55).

The impacts of construction of the cumulative projects listed in the FEIR related to scenic views and resources, visual character, and light and glare would not result in a significant cumulative impact related to visual resources. Therefore, the construction-related cumulative impact on visual resources would be less than significant. The cumulative operational impact of the Project related to scenic vistas and resources, visual character and quality would also be less than significant. However, cumulative projects could generate substantial additional light and glare and the light and glare from the 700 Innes property could make a considerable contribution to this cumulative effect, resulting in an impact. Based on the FEIR and the entire administrative

record, it is hereby found and determined that implementing Mitigation Measure M-AE-3 would reduce Impact C-AE-1 to a less-than-significant level.

B. Cultural Resources

Impact CR-2: Construction under the Project would cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5 (DEIR pp. 3.4-52 to 3.4-56; RTC p. 4-38).

Construction activities, in particular grading and excavation, could disturb archeological resources potentially located at the project site. Unless mitigated, ground-disturbing construction activity within the project site, particularly within previously undisturbed soils, could result in the inadvertent discovery of previously unknown archeological resources. Such a discovery could represent a substantial adverse change in the significance of a historical and/or unique archeological resource. **Mitigation Measure M-CR-2a: Undertake an Archeological Testing Program**, as more fully described in the FEIR (p. 3.4-53 to 3.4-56), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measure M-CR-2a would reduce Impact CR-2 to a less-than-significant level.

Impact CR-3: Construction of the Project would disturb human remains, including those interred outside of formal cemeteries (DEIR p. 3.4-57; RTC p. 4-38).

It is possible that human remains could be inadvertently exposed during ground-disturbing activities in the portion of the study area landward of the 1859 shoreline (see DEIR Figure 3.4-1). Therefore, construction of the Project could result in direct impacts on previously undiscovered human remains, including those interred outside of formal cemeteries, during ground-disturbing activities occurring landward of the 1859 shoreline. **Mitigation Measure M-CR-3a: Implement Legally Required Measures in the Event of Inadvertent Discovery of Human Remains**, as more fully described in the FEIR (p. 3.4-57), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measure M-CR-3a would reduce Impact CR-3 to a less-than-significant level.

Impact CR-4: Construction under the Project would cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 (DEIR p. 3.4-58).

The potential exists for construction under the Project to expose prehistoric archeological resources in the study area. Thus, the potential also exists for project construction to cause substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. This impact would be significant. **Mitigation Measure M-CR-4a: Implement Tribal Cultural Resources Interpretive Program**, as more fully described in

the FEIR (p. 3.4-58), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measure M-CR-4a would reduce Impact CR-4 to a less-than-significant level.

Impact C-CR-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would substantially contribute to cumulative impacts related to cultural resources (DEIR pp. 3.4-59 to 3.4-62).

The potential exists for the cumulative projects to encounter previously unidentified cultural resources, including archeological resources, during ground-disturbing activities. Disturbance of these resources during construction of the Project or other cumulative projects could result in significant cumulative impacts on archeological resources. The contribution of the Project could be cumulatively considerable.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-CR-2a and M-CR-3a would reduce Impact C-CR-1 to a less-than-significant level.

C. Transportation

Impact TR-3: The Project would cause a substantial increase in transit demand that would not be accommodated by adjacent transit capacity, resulting in unacceptable levels of transit service (DEIR pp. 3.5-50 to 3.5-62; RTC pp. 4-49 to 4-51).

While the impact of the Project on Muni capacity on the downtown screenlines would be *less than significant*, the localized muni impacts would be significant. This is a temporary impact. For the proposed project, these impacts could occur if buildout of the proposed project proceeds in such a fashion that the project would generate sufficient new transit riders on the 44 O'Shaughnessy route to cause crowding in excess of 85 percent capacity utilization before the remainder of the transit service improvements under the CPHPS Transportation Plan (i.e., all improvements except for the extension of the 29 Sunset to Harney Way) are in operation. Once the remaining transit service improvements under the *Candlestick Point & Hunters Point Shipyard Phase II Transportation Plan* ("CPHPS Transportation Plan") are in operation, there would be sufficient capacity to address transit travel demand. For the variant, these impacts could occur if buildout of the variant proceeds in such a fashion that the variant would generate sufficient new transit riders on the 19 Polk and 44 O'Shaughnessy routes to cause crowding in excess of 85 percent capacity utilization before the remainder of the transit service improvements under the CPHPS Transportation Plan are in operation. **Mitigation Measure M-TR-3P: Implement Transit Capacity Improvements (Proposed Project)** and **Mitigation Measure M-TR-3V: Implement Transit Capacity Improvements (Variant)**, as more fully described in the FEIR (pp. 3.5-53 to 3.5-54 and pp. 3.5-59 to 3.5-60, respectively), are hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementation of either Mitigation Measure M-TR-3P (in the case of the proposed project and

revised proposed project) or Mitigation Measure M-TR-3V (in the case of the variant) would reduce Impact TR-3 to a less-than-significant level.

Impact TR-8V: Under the Variant, passenger loading demand associated with the school during the peak hour of loading activities would not be accommodated within proposed on-site passenger loading facilities or within convenient on-street loading zones, and would create potentially hazardous conditions affecting traffic, transit, bicycles, or pedestrians or significant delays affecting transit (DEIR p. 3.5-75; RTC pp. 4-51 to 4-53).

The school would generate a high level of passenger loading activity during its peak (much higher than any of the other proposed uses because of the limited time periods for drop-off and pick-up activities) and the design of the proposed passenger loading zone is not yet finalized. Therefore, impacts related to passenger loading activities generated by the school would be significant. **Mitigation Measure M-TR-8V: Implement Passenger Loading Strategies for the School (Variant)**, as more fully described in the FEIR (p 3.5-75), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measure M-TR-8 would reduce Impact TR-8 to a less-than-significant level.

D. Noise

Impact NO-2: Construction of the Project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (DEIR pp. 3.6-20 to 3.6-28; RTC pp. 4-62 to 4-67).

While noise impacts from off-site construction traffic would be less than significant for all properties on the Project, construction of all properties would result in a short-term, temporary increase in ambient noise levels in the Project vicinity above levels existing without the Project. Therefore, the overall construction impact related to a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project would be significant. **Mitigation Measures M-NO-2a: Implement Noise Control Measures during Project Construction** and **M-NO-2b: Implement Noise Control Measures for Pile Driving**, as more fully described in the FEIR (pp. 3.6-25 and pp. 3.6-25 to 3.6-26, respectively), are hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-NO-2a and M-NO-2b would reduce Impact NO-2 to a less-than-significant level.

Impact NO-3: Noise from stationary sources associated with operation of the Project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (DEIR pp. 3.6-28 to 3.6-31; RTC pp. 4-62 to 4-67).

The India Basin Shoreline Park property would not include on-site stationary sources, such as building mechanical (i.e., heating, ventilation, and air conditioning ["HVAC"] equipment)

because the proposed developments would be outdoor structures. In addition, this property would not have a loading dock and trash compactor. Therefore, operational noise impacts at the India Basin Shoreline Park property from project-related on-site stationary sources would be less than significant. However, the 900 Innes, India Basin Open Space and 700 Innes properties would include on-site stationary sources which could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. **Mitigation Measure M-NO-3: Design Future Noise-Generating Uses near Residential Uses to Minimize the Potential for Noise Conflicts**, as more fully described in the FEIR (p. 3.6-30), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-NO-3 would reduce Impact NO-3 to a less-than-significant level.

Impact NO-6: The Project would result in exposure of persons to or generate excessive groundborne vibration (DEIR pp. 3.6-37 to 3.6-40).

For all properties on the Project Site, operational vibration impacts associated with the Project would be less than significant. However, groundborne construction vibration, particularly during pile driving, is anticipated to result in a significant impact for the 900 Innes, India Basin Open Space, and 700 Innes properties. **Mitigation Measure M-NO-6: Implement Vibration Mitigation Measure for Pile Driving**, as more fully described in the FEIR (pp. 3.6-38 to 3.6-39), is hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-NO-6 would reduce Impact NO-6 to a less-than-significant level.

E. Air Quality

Impact AQ-2: The Project would generate construction-related and operational emissions of criteria pollutants and precursors that could conflict with or obstruct implementation of the applicable air quality plan (DEIR pp. 3.7-59 to 3.7-60).

The most recent air quality plan is the 2017 Bay Area Clean Air Plan (the "Clean Air Plan"). The Clean Air Plan includes individual control measures that describe specific actions to reduce emissions of air pollutants and greenhouse gasses ("GHGs"), with measures assigned into categories such as mobile-source, stationary-source, and land use and local impacts measures. Without mitigation measures or the adoption of control measures, emissions associated with the Project could conflict with the Clean Air Plan. The Project would be consistent with the Clean Air Plan, however, with implementation of mitigation measures. Additionally, the Project would be consistent with the Clean Air Plan by virtue of incorporation of control measures of the Clean Air Plan, including land use/local impact measures and energy/climate measures as well as the transportation demand management measures incorporated in the Project. The Project would also not hinder implementation of the Clean Air Plan. **Mitigation Measures M-AQ-1a: Minimize**

Off-Road Construction Equipment Emissions, M-AQ-1b: Minimize On-Road Construction Equipment Emissions, M-AQ-1c: Utilize Best Available Control Technology for In-Water Construction Equipment, M-AQ-1d: Offset Emissions for Construction and Operational Ozone Precursor (NOx and ROG) Emissions, M-AQ-1e: Implement Best Available Control Technology for Operational Diesel Generators, and M-AQ-1f: Prepare and Implement Transportation Demand Management, each as more fully described in the FEIR (pp. 3.7-39 to 3.7-40, pp. 3.7-40 to 3.7-41, pp. 3.7-41 to 3.7-42, pp. 3.7-42 to 3.7-43, p. 3.7-50, and pp. 3.7-50 to 3.7-53, respectively), are hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-AQ-1a through M-AQ-1f would reduce Impact AQ-2 to a less-than-significant level.

F. Recreation

Impact RE-2: The Project would include recreational facilities, the construction of which would cause significant environmental effects but would not require the construction or expansion of other recreational facilities that might have an adverse effect on the environment (DEIR pp. 3.11-17 to 3.11-19).

The Project would involve developing open spaces and recreational facilities on all four project site properties. This development would increase recreation opportunities, while improving existing opportunities such as experiencing nature, bird-watching, kayaking, using trails, picnicking, and using playgrounds. The new facilities would enable a broader range of activities which could include beach use, biking, skating, human-powered boating and other on-water uses, and fitness activities. Operation of the Project would not generate the need to construct recreational facilities beyond those proposed as part of the project or variant. Therefore, no impact would occur related to constructing recreational facilities beyond those that are proposed as part of the project or variant. Temporary physical environmental impacts necessary to construct the recreational facilities that would be part of the Project may occur and are considered in the analyses of construction-related impacts presented in the EIR. These impacts and mitigation measures to address them are discussed in Section 3.5, "Transportation and Circulation"; Section 3.6, "Noise"; Section 3.7, "Air Quality"; Section 3.14, "Biological Resources"; and Section 3.15, "Hydrology and Water Quality."

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing mitigation measures identified in those sections (3.5, 3.6, 3.7, 3.14 and 3.15) would reduce any significant impacts specifically related to the construction of recreational facilities that are part of the project or variant to a less-than-significant level.

G. Utilities and Service Systems

Impact UT-2: The Project would require or result in the construction of new water, wastewater, or stormwater drainage treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (DEIR pp. 3.12-21 to 3.12-24; RTC pp. 4-75 to 4-77).

Operation of the Project would not require the construction of new or expansion of existing off-site stormwater, water, or wastewater treatment facilities. Installing water, wastewater, and stormwater infrastructure on-site would not result in environmental impacts beyond other resource impacts discussed in the EIR. Mitigation measures listed in Section 3.5 of the EIR, "Transportation and Circulation"; Section 3.6, "Noise"; and Section 3.7, "Air Quality," would reduce any significant impacts specifically related to installing water, wastewater, and stormwater facilities to less-than-significant levels. Therefore, the impact from the construction of new water, wastewater, or stormwater drainage treatment facilities for the Project would be less than significant with mitigation.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing mitigation measures identified in those sections would reduce any significant impacts related to UT-2 to a less-than-significant level.

H. Biological Resources

Impact BI-1: The Project would have an adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife ("CDFW") or U.S. Fish and Wildlife Service ("USFWS") (DEIR pp. 3.14-25 to 3.14-45; RTC pp. 4-82 to 4-95).

Overall, construction activities planned at all four Project Site properties under the Project could result an adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Therefore, the impact of construction of the Project at all four properties on species identified as a candidate, sensitive, or special-status species could be significant. However, implementation of Mitigation Measures M-BI-1a, M-BI-1b, and M-BI-1c, along with Mitigation Measures M-HY-1a and M-HY-1b and development of a storm water pollution prevention plan ("SWPPP") and other erosion control measures as detailed in DEIR Section 3.15, "Hydrology and Water Quality," would reduce impacts of construction at all Project Site properties on special-status fish species to less than significant with mitigation. **Mitigation Measures M-BI-1a: Prepare and Implement a Hydroacoustic Monitoring Program for Special-Status Fish and Marine Mammals, M-BI-1b: Implement Avoidance and Minimization Measures for Special-Status Species, M-BI-1c: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation, M-BI-1d: Avoid Ridgway's Rail Habitat During the Nesting Season, and M-BI-1e: Avoid Nests during Bird Nesting Season,** each as more fully described in the FEIR (pp. 3.14-31 to 3.14-33, pp. 3.14-33 to 3.14-34, pp. 3.14-34 to 3.14-36, p. 3.14-39, and p. 3.14-42, respectively), are hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-BI-1a through M-BI-1e, and M-HY-1a and M-HY-1b, would reduce Impact BI-1 to a less-than-significant level.

Impact BI-2: The Project would have an adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS (DEIR pp. 3.14-46 to 3.14-48).

Operational impacts on sensitive natural communities at all four project site properties would be less-than-significant. However, because temporary and permanent loss of sensitive natural communities is anticipated, the impact of construction at all four project site properties under the Project on biologically sensitive habitats could be significant.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-BI-1c would reduce Impact BI-2 to a less-than-significant level.

Impact BI-3: The Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (DEIR pp. 3.14-49 to 3.14-53; RTC pp. 4-97 to 4-98)).

Operational impacts on federally protected wetlands at all four project site properties would be less-than-significant. However, because construction of the Project could degrade the water quality of the Bay by temporarily increasing turbidity and pollutants, the impact of construction at all four project site properties under the Project on federally protected wetlands could be significant.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-BI-1c, M-HY-1a, and M-HY-1b would reduce Impact BI-3 to a less-than-significant level.

Impact BI-4: The Project would interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (DEIR pp. 3.14-53 to 3.14-54; RTC pp. 4-82 to 4-95).

Newly constructed buildings would be in compliance with the adopted Standards for Bird-Safe Buildings, as required by Section 139 of the Planning Code. The Standards for Bird-Safe Buildings include requirements for façades, glazing, and lighting to prevent bird collisions. Therefore, operation of the Project would not adversely affect resident or migratory birds by increasing the risk of collisions with new buildings or structures. At all four project site properties, operational impacts of the Project on wildlife corridors would be less than significant. However, construction of the project may affect the ability of migratory birds to forage, nest, or stop over in the project vicinity, because habitat would be temporarily removed and both noise levels and human presence would increase. The construction impact of the Project on migratory birds and their corridors could be significant. In addition, underwater noise from construction could result in temporary removal of open water and tidal marsh habitat for marine mammals and fish species. Therefore, underwater noise from construction could cause marine mammals to avoid the project area while migrating to or from haul-out sites or during foraging, and could cause fish to avoid the project area during foraging. The construction impact of the Project on migrating marine mammals, fish, and their corridors could be significant.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-BI-1a and M-BI-1e would reduce Impact BI-4 to a less-than-significant level.

I. Hydrology and Water Quality

Impact HY-1: The Project would violate water quality standards or waste discharge requirements (DEIR pp. 3.15-26 to 3.15-42).

Compliance with the City's regulatory and permitting requirements for stormwater, treatment of wastewater in accordance with the City's National Pollutant Discharge Elimination System ("NPDES") permit, treatment of recycled water generated on-site to Title 22 requirements, and compliance with Article 6 of the Health Code would reduce the potential for water quality impacts from the Project. Therefore, under the Project, the operational impact related to a violation of water quality standards or waste discharge requirements ("WDRs") would be less than significant and no mitigation measures are necessary.

However, in-water construction activities, including pile removal and pier/dock construction, could cause increased turbidity and resuspension of sediment. In addition, using construction equipment in the water could result in an accidental spill of hazardous materials. Therefore, in-water construction activities could result in a significant impact. The Project would comply with existing water quality control measures required under the general construction permit, construction site runoff permit, batch wastewater discharge permit, and with the water quality control measures and WDRs of the permits required for dredging. In addition, **Mitigation Measures M-HY-1a: Monitor Turbidity during Construction, M-HY-1b: Implement Pile Removal Best Management Practices, and M-HY-1c: Use Clamshell Dredges**, as more fully described in the FEIR (pp. 3.15-32 to 3.15-33, pp. 3.15-33 to 3.15-36, and p. 3.15-36, respectively), are hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HY-1a, M-HY-1b and M-HY-1c would reduce Impact HY-1 to a less-than-significant level.

Impact HY-2: The Project would alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion or siltation or flooding on- or off-site (DEIR pp. 3.15-42 to 3.15-46).

Stormwater facilities under the Project would conform to the City's stormwater management requirements. Therefore, under the Project, the operational impact related to alteration of the existing drainage pattern or a substantial increase in the rate or amount of surface runoff would be less than significant, and no mitigation measures are necessary. However, short-term impacts of project construction under the Project as they relate to erosion and siltation are discussed above and under "Construction" in the analysis of Impact HY-1 in the FEIR and would be less than significant with mitigation for the entire project site.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HY-1a, M-HY-1b and M-HY-1c would reduce Impact HY-2 to a less-than-significant level.

Impact HY-3: The Project would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and the project would not otherwise degrade water quality (DEIR pp. 3.15-46 to 3.15-48).

The stormwater facilities under the Project would be operated in conformance with the City's stormwater management requirements and would not contribute stormwater to the City's combined sewer system. Thus, under the Project, the operational impact related to creation or contribution of runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or otherwise degrade water quality, would be less than significant. No mitigation measures are necessary. However, short-term impacts of project construction under the Project as they relate to stormwater management and polluted runoff are discussed above and under "Construction" in the analysis of Impact HY-1 in the FEIR and would be less than significant with mitigation for the entire project site.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HY-1a and M-HY-1b would reduce Impact HY-3 to a less-than-significant level.

Impact-C-HY-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would substantially contribute to cumulative impacts related to hydrology and water quality (DEIR pp. 3.15-60 to 3.15-62).

The Project Site is subject to flooding from tsunami and sea-level rise; however, the Project would not exacerbate the frequency or severity of flooding or cause flooding in areas that otherwise would not be subject to flooding without the project. Therefore, the Project would not contribute to any potential cumulative impacts related to increased flood levels, and such cumulative impacts would be less than significant. Development of the Project, combined with other reasonably foreseeable development projects in the vicinity, could increase the rate and volume of stormwater runoff if there were an overall increase in impervious surfaces. Other development could also affect water quality if the land use changes, the intensity changes, and/or drainage conditions were altered to facilitate the introduction of pollutants to surface waters. Thus, there could be a significant cumulative effect related to hydrology and water quality.

Compliance of the Project with construction-related water quality regulations, preparation and implementation of a SWPPP, and implementation of Mitigation Measures M-HY-1a, M-HY-1b, and M-HY-1c would avoid and minimize water quality impacts during construction because best management practices ("BMPs") would be implemented as required to protect receiving water quality and hazardous materials would be handled, stored, and disposed of appropriately.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HY-1a through M-HY-1c would reduce Impact C-HY-1 to a less-than-significant level.

J. Hazards and Hazardous Materials

Impact HZ-1: The Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (DEIR pp. 3.16-26 to 3.16-31).

The overall operational impact related to the potential to create a significant hazard to the environment through the routine transport, use, or disposal of hazardous materials would be less than significant.

However, construction at all four properties under the Project would likely involve the routine use, transport, storage, and disposal of common hazardous materials, such as small quantities of gasoline, diesel, oil, grease, and paint. Short-term uses of construction-related hazardous materials, if not used appropriately, could expose workers to potential inhalation, ingestion, or contact with hazardous substances.

Hazards from using such materials during construction would be less than significant, however, because the construction contractor(s) would be required to comply with applicable regulations and laws governing project-related transport, storage, use, and disposal of potentially hazardous materials. The potential exists, however, for accidental spills of materials during construction, which could create hazards to the public or environment. The project is subject to the National Pollutant Discharge Elimination System Construction General Permit, which requires the Project Sponsors or their contractor(s) to develop and implement a SWPPP. The SWPPP includes measures to prevent hazardous material spills. The Project Sponsors would develop a SWPPP and implement hazardous materials spill prevention and good-housekeeping activities for all four project site properties. These measures would avoid or minimize potential construction-related impacts from accidental spills of hazardous materials for onshore construction activities. However, the SWPPP provisions would not apply to in-water construction activities. Therefore, impacts related to the potential for accidental spills during in-water construction work could be significant. **Mitigation Measure M-HY-1b: Implement Pile Removal Best Management Practices**, as more fully described in the FEIR (pp. pp. 3.15-33 to 3.15-36), requires implementation of water quality BMPs, which would reduce the likelihood of accidental spills of hazardous materials during in-water construction activities.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measure M-HY-1b would reduce Impact HZ-1 to a less-than-significant level.

Impact HZ-2: The Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (DEIR pp. 3.16-31 to 3.16-52; RTC pp. 4-103 to 4-108).

Construction

Construction of the Project on all four properties could release or mobilize contaminants in soil to groundwater; generate fugitive dust emissions; or expose construction workers or the public to contaminated soils, sediments, or emissions during on-land and in-water construction and site preparation activities. Construction activities such as grading and installation of new piles or other deep foundations could also mobilize contaminants. The act of driving piles through the contaminated soils or sediments may drag contaminants into the clean native soil, sediments, or groundwater beneath. Offshore construction/site preparation activities, such as construction of the new pier and removal of riprap protection, could also cause remobilization of contaminants from offshore sediments into the water column of the Bay. These impacts could be significant.

In addition, as part of the Project, to address existing contamination of soil and sediment on the 900 Innes property, RPD intends to implement a remedial action plan (“RAP”) under the San Francisco Bay RWQCB’s voluntary cleanup program at the 900 Innes property. RPD has prepared a conceptual RAP for the property. The goal of the RAP would be to make the site safe for planned future uses. The RAP is subject to review and approval by the oversight agency (the San Francisco Bay RWQCB); its approval of the RAP would occur after completion of the CEQA process. Consequently, the final requirements and controls in the RAP are not known at this time but the conceptual RAP provides a reasonable understanding of the work that RPD would intend to carry out under the RAP. While the RAP is designed to protect future users and the environment from existing contamination, implementation of the RAP itself would result in disturbance of contaminated soil, sediment, and groundwater, which could expose receptors to health or safety risks.

Mitigation Measure M-HZ-2c: Prepare and Implement a Remedial Action Plan for the 900 Innes Property, as more fully described in the FEIR (pp. 3.16-38 to 3.16-40), will assure that the RAP is carried out in a manner that protects construction workers implementing the RAP from unacceptable exposures to hazardous materials or mobilization of contaminants to the environment during its implementation. The RAP requires that project construction follow adequate worker health and safety, dust and odor control, and soil/sediment/material handling procedures to reduce potential impacts on workers, the general public, and the environment. The RAP also has the goal of protecting future users of the site.

In addition, the India Basin Shoreline Park, 900 Innes and India Basin Open Space properties contain existing structures which are likely contaminated with creosote and which would require removal during construction. Impacts relating to the removal and possible replacement of the creosote-contaminated piles could be significant.

To protect both the public and the environment during project construction activities, Mitigation Measure M-HZ-2a requires preparing and implementing a site mitigation plan for areas above the MHW line, which is also required for compliance with Article 22A of the San Francisco Health Code (i.e., the Maher Ordinance). The provisions of any site mitigation plan prepared under Mitigation Measure M-HZ-2a would not be applicable to proposed construction activities below the MHW line, such as removal of the existing piers and riprap, restoration of wetland habitats, and installation of piles for the proposed replacement pier and dock.

However, implementing Mitigation Measure M-HY-1a: Monitor Turbidity during Construction, and Mitigation Measure M-HY-1b: Implement Pile Removal Best Management Practices, would

substantially reduce the likelihood that construction activities would mobilize contaminants from offshore sediments into Bay waters. In addition, Mitigation Measure M-HZ-2b, requires preparation and implementation of a nearshore sediment and materials management plan, which would apply to portions of the properties below the MHW line.

Implementing Mitigation Measures M-HZ-2a and M-HZ-2b and Mitigation Measure M-HY-1a and M-HY-1b at the India Basin Shoreline Park and India Basin Open Space properties would reduce these adverse effects by requiring adequate worker health and safety procedures, materials handling, and pile removal procedures. As such, potential construction impacts of the Project related to hazardous building materials at the India Basin Shoreline Park and India Basin Open Space properties would be reduced to less than significant with mitigation.

At the 900 Innes property, implementation Mitigation Measure M-HZ-2c would reduce potential impacts from exposure to hazardous materials during remedial actions at 900 Innes to less than significant with mitigation. However, despite implementation of the RAP, construction activities during site development that take place after remediation, such as grading or installing piles or deep foundations, could mobilize contaminants that remain beneath clean fill or hardscape areas after remediation. Therefore, Mitigation Measures M-HZ-2a and M-HZ-2b and Mitigation Measure M-HY-1a and M-HY-1b would also apply to the 900 Innes property, would reduce these adverse effects by requiring adequate worker health and safety procedures, materials handling, and pile removal procedures. As such, potential construction impacts of the Project related to hazardous building materials at the 900 Innes property would be reduced to less than significant with mitigation.

Operation

Operation of the Project at all four properties, particularly activities such as landscape maintenance, utility installation, or recreational activities involving direct contact with or disturbance of soils or nearshore sediments, could release or mobilize contaminants in soil to groundwater; generate fugitive dust emissions; or expose future site users to contaminated soils, sediments, or emissions. These impacts could be significant.

For the India Basin Shoreline Park and the India Basin Open Space properties, implementing Mitigation Measures M-HZ-2a and M-HZ-2b would remove contaminated soils or sediments before operational use, or would otherwise protect future users from exposure to or release of any residual contamination remaining at the site after construction through implementation of institutional controls. This operational impact of the Project at the India Basin Open Space property would therefore be less than significant with mitigation.

For the 900 Innes property, implementing Mitigation Measure M-HZ-2c would mean that the majority of contaminated soils would be removed from the site during the remedial action, or would be covered with a cap of clean fill or hardscape, which would remove direct exposure routes to contaminants from future users of the site. Mitigation Measure M-HZ-2c also requires institutional controls, such as operation and maintenance protocols and deed restrictions to ensure that future users would be aware of any residual contamination, and that appropriate precautions to prevent exposure would be taken during activities, such as utility installation/maintenance or landscaping, that might involve disturbance of soils beneath the clean fill or

hardscape cap. With implementation of Mitigation Measure M-HZ-2c, exposure of future users from and releases to the environment of contaminated soils, sediments and groundwater during project operations at the 900 Innes property would be less than significant with mitigation.

For the 700 Innes property, implementation of Mitigation Measure M-HZ-2a would remove contaminated soils or sediments from the upland portions of the property before operational use; or it would otherwise protect future users from exposure to or release of any residual contamination remaining at the site after construction through implementation of institutional controls. However, because the Maher Ordinance is applicable only to areas landward of the MHW line, the provisions of any site mitigation plan prepared under Mitigation Measure M-HZ-2a would not be applicable to the small portion of the 700 Innes property that is below the MHW line. Given the proximity of this portion of the 700 Innes property to the 900 Innes property, it is possible that sediments in the nearshore of this area could contain similar levels of contaminants to the 900 Innes property, which, as discussed above, is enrolled in a voluntary cleanup program with the San Francisco Bay RWQCB and would be subject to a RAP. If further sampling in the area determines that is the case, the Project Sponsors would seek to expand the RAP, subject to RWQCB approval, to also cover in-water work at the 700 Innes property where such contaminants are found. In that case, Mitigation Measure M-HZ-2c would be applicable to that portion of the 700 Innes property. Implementing the RAP would mean that the majority of contaminated soils would be removed from the site during the remedial action, or would be covered with a cap of clean fill or hardscape, which would remove direct exposure routes to contaminants from future users of the site. Mitigation Measure M-HZ-2c also requires institutional controls, such as operation and maintenance protocols and deed restrictions, to ensure that future users would be aware of any residual contamination, and that appropriate precautions to prevent exposure would be taken during operational activities that might involve disturbance of soils beneath the clean fill or hardscape cap.

For in-water areas at the 700 Innes property not covered by the RAP, Mitigation Measure M-HZ-2b, presented above, requires preparation and implementation of a nearshore sediment and materials management plan, which would apply to portions of the 700 Innes property below the MHW line. The plan would be included as part of the relevant permitting applications (CWA Section 401 water quality certification and Section 404 permit, Rivers and Harbors Act Section 10 permit, and BCDC major permit). Implementing the nearshore sediment and materials management plan would remove contaminated soils or sediments before operational use, or would otherwise protect future users from exposure to or release of any residual contamination remaining at the site after construction through implementation of institutional controls.

Implementing Mitigation Measure M-HZ-2a, and Mitigation Measures M-HZ-2b and M-HZ-2c would reduce operational impacts of the Project at the 700 Innes property to less than significant with mitigation.

Overall Impact Conclusion

Mitigation Measures M-HZ-2a: Prepare and Implement a Site Mitigation Plan for Areas Above the Mean High-Water Line, M-HZ-2b: Prepare and Implement a Nearshore Sediment and Materials Management Plan for Areas Below the Mean High-Water Line, and M-HZ-2c: Prepare and Implement a Remedial Action Plan for the 900 Innes Property,

as more fully described in the FEIR (pp. 3.16-33 to 3.16-35, pp. 3.16-35 to 3.16-37, and pp. 3.16-38 to 3.16-40, respectively), are hereby adopted in the form set forth in the FEIR and the attached MMRP and will be implemented as provided therein.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HY-1a and M-HY-1b and Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c would reduce Impact HZ-2 to a less-than-significant level.

Impact HZ-3: The Project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (DEIR pp. 3.16-53 to 3.16-56; RTC pp. 4-107 to 4-108).

The India Basin Open Space and 700 Innes properties are not on the Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, no impact would occur at the India Basin Open Space and 700 Innes properties during construction or operation of the Project.

The India Basin Shoreline Park and 900 Innes properties are on the Cortese List of hazardous materials sites (California Department of Toxic Substances Control, 2016) and environmental sampling has confirmed low levels of contamination (RPD, 2017a). Construction of the Project at these properties could cause a release or mobilization of contaminants to groundwater, generate fugitive dust emissions, or expose construction workers or the public to contaminated soils, groundwater, sediments, or emissions. These impacts are discussed in more detail in Impact HZ-2, above. In addition, operation of the Project at these properties could therefore create a significant hazard to the public or the environment by exposing visitors, occupants, or employees to contaminants, especially during ground-disturbing maintenance activities such as landscaping, utility replacement, and subsurface repairs. This operational impact of the Project at the India Basin Shoreline Park and 900 Innes property could be significant.

For the India Basin Shoreline Park property, Mitigation Measure M-HZ-2a requires preparation and implementation of a site mitigation plan for areas above MHW, while Mitigation Measure M-HZ-2b requires preparation and implementation of a nearshore sediment and materials management plan for areas below MHW. Both of these documents include measures to protect future users of the site from any residual contamination that may remain on the site after construction, including delineation and capping/cover of any areas with residual contamination, operation and maintenance protocols for future users, and activity and use limitation deed restrictions, if necessary.

Implementing Mitigation Measures M-HZ-2a and M-HZ-2b would reduce the operational impact associated with India Basin Shoreline Park's existing site contamination and inclusion on the Cortese List to less than significant with mitigation.

For the 900 Innes property, implementation of Mitigation Measure M-HZ-2c, would result in removal and/or other mitigation of contaminants exceeding the approved remedial action goals established in the remedial action plan. Implementing Mitigation Measure M-HZ-2c would mean that the majority of contaminated soils would be removed from the site during the remedial

action. After remedial actions at the 900 Innes property under the RAP, implementing Mitigation Measures M-HZ-2a and M-HZ-2b would also ensure that any remaining soils or sediments exceeding the established targeted cleanup goals from outside of the RAP-targeted remediation areas would be either removed before operational use, and/or otherwise mitigated to protect future users from exposure to or release of any residual contamination remaining at the site after construction. The required operation and maintenance protocols and deed restrictions would also ensure that future users would be aware of the residual contamination, and that appropriate precautions to prevent exposure would be taken during activities, such as utility installation/maintenance or landscaping, that might involve disturbance of soils beneath the clean fill or hardscape cap.

Implementing Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c would reduce the operational impact of the Project associated with the 900 Innes property's existing site contamination and inclusion on a Cortese List site to less than significant with mitigation.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c would reduce Impact HZ-3 to a less-than-significant level.

Impact HZ-4: The Project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (DEIR pp. 3.16-56 to 3.16-60).

Construction

Under the Variant a kindergarten through 8th grade ("K-8") school would be located on the 700 Innes property. However, because the proposed school would not open until after construction of the Project, emissions or handling of hazardous materials during construction would not affect this future school.

The only existing school located within ¼ mile of the Project Site is Malcolm X Academy, a pre-kindergarten through 5th grade school located at 350 Harbor Road, which is located within ¼ mile of the India Basin Shoreline Park property (approximately 1,200 feet west of the India Basin Shoreline Park property). Existing site contamination is present at low levels on the India Basin Shoreline Park property as a result of historic contamination and impacted fill, and creosote-impacted materials are present in the nearshore. Site preparation activities for construction of the Project would likely result in handling of contaminated soils, sediments, groundwater or materials on the India Basin Shoreline Park property, and would therefore occur within ¼ mile of an existing school. Fugitive dust emissions generated during construction or remediation actions could contain hazardous materials such as heavy metals or naturally occurring asbestos. This impact could be significant.

Adhering to relevant federal, State, and local regulations and implementing Mitigation Measure M-HZ-2a would reduce the construction-related impact of the Project at the India Basin Shoreline Park property on schools from hazardous emissions or handling of hazardous materials to less than significant with mitigation.

Operation

As discussed previously, all four properties currently contain varying levels of soil, sediment, and groundwater contamination. If such contamination is not appropriately cleaned up during site construction and remediation activities, future school users could be exposed to hazardous materials. The impact of such exposure could be significant.

India Basin Shoreline Park, 900 Innes, and India Basin Open Space Properties

As discussed in Impact HZ-2, a portion of the 900 Innes property would be subject to a remedial action plan as part of construction, which would be required by Mitigation Measure M-HZ-2c to achieve site-specific cleanup levels consistent with the requirements of the San Francisco Bay RWQCB for the proposed land uses. In addition, Mitigation Measure M-HZ-2a requires implementing a DPH-approved site mitigation plan for areas above the MHW line, which requires removing or capping soils that contain contaminants at levels exceeding the targeted human health screening levels and establishing engineering or institutional controls if any residual contamination remains on the site after construction. Mitigation Measure M-HZ-2b requires similar cleanup requirements for areas below the MHW line.

Implementing Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c would therefore remove the potential for future site users, and occupants, residents, users, or workers at adjacent land uses (including the proposed school), to be exposed to any emissions from the contamination currently present on the India Basin Shoreline Park, 900 Innes, and India Basin Open Space properties. Implementing Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c would reduce impacts relating to emissions from, or handling of, existing contamination at the project site to less than significant with mitigation.

700 Innes Property

Mitigation Measure M-HZ-2a requires implementation of a DPH-approved site mitigation plan, which includes a requirement to conduct postexcavation confirmation sampling, and to establish mitigating measures and institutional controls if any residual contamination remains on the site after construction. Such measures could include capping of residual soil contamination with clean cover, hardscaping, or other suitable medium, with presence of a visual barrier. Implementing Mitigation Measure M-HZ-2a would reduce the potential impact of exposure for future students, employees, and visitors to the proposed school to less than significant with mitigation.

It is unknown whether operation of the proposed school on the 700 Innes site would involve any State funding. If State funding is involved, construction or operation of the school as part of the Project would be required to comply with the California Education Code. This would require preparation and approval by the California Department of Toxic Substances Control ("DTSC") of a Phase 1 Environmental Site Assessment, and in the event of potential contamination, an oversight agreement with DTSC and preparation of a health risk assessment. Many school developers choose to implement similar provisions on a voluntary basis. If operation of the proposed school were to involve State funding or a partnership with a public school district, such provisions would be mandatory.

The requirements of any DTSC voluntary cleanup agreement or school cleanup agreement (if a public school and required) would be similar to those of Mitigation Measure M-HZ-2a, with respect to conducting postexcavation confirmation sampling and establishing mitigating measures and institutional controls if any residual contamination remains on the site. As such, whether or not the proposed school is subject to the requirements of the California Education Code, implementing Mitigation Measure M-HZ-2a is considered sufficient to reduce operational impacts of the Project related to hazardous emissions within ¼ mile of a school to less than significant with mitigation. Therefore, conforming to the applicable regulations and implementing Mitigation Measure M-HZ-2a would reduce the operational impact of the Project on school operations at the 700 Innes property to less than significant with mitigation.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c would reduce Impact HZ-4 to a less-than-significant level.

Impact C-HZ-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would substantially contribute to cumulative impacts related to hazards and hazardous materials (DEIR pp. 3.16-64 to 3.16-66).

Cumulative impacts related to hazardous materials could occur through the mobilization of contaminants in soil and/or groundwater at the project site for the Project and the cumulative project(s) sites. Several of the cumulative project sites in the vicinity have been found to have contaminated soil and groundwater and are in the process of site remediation in some cases as explained above. The Project would control mobilization of contaminants at the site through implementation of the following mitigation measures:

- Mitigation Measure M-HZ-2a, requiring implementation of a DPH-approved site mitigation plan including dust, odor, noise, and stormwater controls for above the MHW line;
- Mitigation Measure M-HZ-2b, requiring implementation of an approved nearshore sediment and materials management plan below the MHW line; and
- Mitigation Measure M-HZ-2c, requiring implementation of a San Francisco Bay RWQCB-approved remedial action plan for the 900 Innes property.

Additional mitigation measures related to water quality would also be implemented: Mitigation Measures M-HY-1a and M-HY-1b.

Based on the FEIR and the entire administrative record, it is hereby found and determined that implementing Mitigation Measures M-HZ-2a, M-HZ-2b, M-HZ-2c, M-HY-1a and M-HY-1b would reduce the potential for construction workers, the public, students and staff at nearby schools, and site occupants to be exposed to contaminated materials from the project during project or variant construction, and would thus reduce Impact C-HZ-1 to a less-than-significant level.

IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the FEIR. The Commission finds that certain mitigation measures in the FEIR, as described in this Section IV, or changes, have been required in, or incorporated into, the Project, pursuant to Public Resources Code Section 21002 and CEQA Guidelines Section 15091, that may lessen, but do not avoid (i.e., reduce to less-than-significant levels), the potentially significant environmental effects associated with implementation of the Project that are described below. Although all feasible mitigation measures and improvement measures set forth in the FEIR and the MMRP, attached hereto as Attachment B, are hereby adopted, for some of the impacts listed below, despite the implementation of feasible mitigation measures, the effects remain significant and unavoidable.

The Commission further finds, as described in this Section IV below, based on the analysis contained within the FEIR, other considerations in the record, and the significance criteria identified in the FEIR, that because some aspects of the Project could cause potentially significant impacts for which feasible mitigation measures are not available to reduce the impact to a less-than-significant level, those impacts remain significant and unavoidable. The Commission also finds that although mitigation measures are identified in the FEIR that would reduce some significant impacts, certain measures, as described in this Section IV below, are uncertain or infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the FEIR, are unavoidable. But, as more fully explained in Section V, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, it is found and determined that legal, environmental, economic, social, technological and other benefits of the Project override any remaining significant adverse impacts of the Project for each of the significant and unavoidable impacts described below. This finding is supported by substantial evidence in the record of this proceeding.

A. Cultural Resources

Impact CR-1: Construction under the Project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code (DEIR pp. 3.4-33 to 3.4-52; RTC pp. 3.4-33 to 3.4-38).

This impact analysis addresses potential impacts of the Project on the Shipwright's Cottage, the India Basin Scow Schooner Boatyard (including the Hunters Point Ship Graveyard), and 702 Earl Street, which are considered historical resources as defined in State CEQA Guidelines Section 15064.5, including those resources listed in Article 10 or Article 11 of the Planning Code.

Shipwright's Cottage (at the 900 Innes Property)

The Project would retain the Shipwright's Cottage, an individually eligible historical resource and a contributor to the India Basin Scow Schooner Boatyard Vernacular Cultural Landscape, in its original location on the 900 Innes property. The Shipwright's Cottage would be rehabilitated in accordance with the Secretary of the Interior's Standards ("SOI Standards") and adaptively reused to function as a welcome center and public exhibition space. The changes proposed as part of the rehabilitation would alter historic materials and spatial arrangements in the interior and exterior of the building, which may not convey the building's original use. As such, the Project could affect select character-defining features of the Shipwright's Cottage. Thus, it has the potential to affect the ability of the Shipwright's Cottage to convey its historical significance and to lessen its integrity of setting, design, materials, and feeling, which would be a significant impact.

The larger development of the project site itself presents the potential for indirect effects on the Shipwright's Cottage. The integrity of setting of this historical resource has already been compromised by the changes to the surrounding district that have occurred since the cottage's period of significance (1875 -1938). Despite these changes, the Shipwright's Cottage is still able to convey its historical design, construction techniques, function, and scale of development appropriate to the character of India Basin during the building's period of significance. However, the proposed development at the India Basin Scow Schooner Boatyard would not detract substantially from the Shipwright's Cottage's integrity of setting. In addition, nearby development on the 700 Innes property would not change the most important remaining elements of the Shipwright's Cottage's historical setting: its close visual and physical relationship to India Basin. Additionally, the proposed changes at India Basin Shoreline Park and India Basin Open Space would not negatively affect the setting of the Shipwright's Cottage because these changes would not feature new construction that is out of scale with the site's historical environment. As such, the Project will not result in any indirect impacts on the Shipwright's Cottage.

Implementation of Mitigation Measures M-CR-1a, M-CR-1b, M-CR-1c, and M-CR-1e (presented at the end of the impact discussion under "Overall Impact Conclusion") would lessen impacts of the Project on the Shipwright's Cottage to such a degree that the resource would still be able to convey the characteristics that justify its eligibility for listing in the California Register of Historical Resources ("CRHR"). Thus, the overall impact on the Shipwright's Cottage would be less than significant with mitigation.

India Basin Scow Schooner Boatyard Vernacular Cultural Landscape (at the India Basin Shoreline Park and 900 Innes Properties)

The Project would alter or remove some of the character-defining features and distinctive setting, design, materials, workmanship, feeling, and association of the India Basin Scow Schooner Boatyard Vernacular Cultural Landscape. Table 3.4-3 in the DEIR summarizes the proposed changes to the character-defining features of the historical resource.

The alterations contemplated as part of the Project would change the appearance of the site from an industrial boatyard to a contemporary recreational park, but would maintain many character-defining features of the landscape. Efforts would be undertaken to reference the site's historical function as a boatbuilding and boat-repair yard in the design of the park. Nonetheless, this impact would be significant. As the Project includes the potential replacement or removal of the

Boatyard Office building and Tool Shed and Water Tank building, the Project, depending on final project design, has the potential to irrevocably diminish the India Basin Scow Schooner Boatyard as a vernacular cultural landscape. In addition, other project elements could negatively affect the integrity of setting, design, materials, workmanship, feeling, and association to such a degree that, if the final design includes the replacement or removal of the Boatyard Office building and/or Tool Shed and Water Tank building, the India Basin Scow Schooner Boatyard would no longer be able to convey the characteristics that justify its eligibility for listing in the CRHR. This impact would be significant.

The Project would implement Mitigation Measures M-CR-1a, M-CR-1b, M-CR-1c, and M-CR-1e to lessen the severity of the impact on the India Basin Scow Schooner Boatyard, but not necessarily to the degree that the resource would remain eligible for listing in the CRHR.

Additionally, the EIR identified a mitigation measure that would reduce the impacts on the Cultural Landscape (M-CR-1d: Retain the Boatyard Office Building), but would not reduce the impacts to a less than significant level. This mitigation measure include retention of a portion of the roof form, wood frame structure, and wood cladding so that the massing of the building is still expressed. However, this mitigation measure is hereby rejected as infeasible, because it conflicts with the City's and RPD's policy goals identified for India Basin Shoreline Park and 900 Innes. (See Pub. Res. Code Sections 21061.1, 21081(a)(3); CEQA Guidelines Sections 15091(a)(3), 15364.) Specifically, the following identified Project objectives would not be met:

1. Create a safe environment for park users that includes increased visibility of park spaces, including direct sightlines from bordering streets to the water;
2. Create an entry experience from Innes Avenue that highlights the features of both the cultural and natural landscape, maintains sightlines to the waterfront, and contributes to a seamless park user experience and sense of place as a neighborhood center;
3. Design park spaces that are safe and inviting and that follow departmental best practices for successful maintenance; and
4. Create Americans with Disabilities Act (ADA)-accessible pathways providing waterfront access and safe interactions with highly trafficked routes such as the Class 1 bicycle path.

Retaining the Boatyard Office Building would prevent ADA access to the park because it would create an unsafe connection point with the garden path the Class I Bike Path. Retaining the Boatyard Office Building would also impede safety of the Project by blocking sight lines to the park and from the proposed terraced garden between Innes Avenue and the water and detract from the entry experience along Innes Avenue. In addition, retention of the Boatyard Office Building would also be contrary to RPD's broader policy objectives, as expressed in its Strategic Plan, adopted by the Recreation and Parks Commission in November, 2016 for the same reasons noted above. For example, such retention would interfere with RPD's ability to meet objectives 1.1 and 1.2 of its "Strategy 1: Inspire Public Space." Those objectives require RPD to "develop more open space to address population growth in high-needs areas and emerging neighborhoods" and "strengthen the quality of existing parks and facilities." respectively. Retention of the Boatyard Office Building would also interfere with objectives 2.1 and 2.2 of its "Strategy 2: Inspire Play." Those objectives require RPD to "strengthen the quality, responsiveness, and accessibility of recreation programs;" and "strengthen and promote the safety, health and well-being of San Francisco's youth and seniors." As noted above, retention would block sight lines

to the park and from the proposed terraced garden between Innes Avenue and the water, thus potentially creating an unsafe space and limiting responsiveness and accessibility of the site. For these reasons, Mitigation Measure M-CR-1d: Retain the Boatyard Office Building is rejected as infeasible.

Thus, the impact of the Project on the built environment at the India Basin Scow Schooner Boatyard (at the 900 Innes property) would be significant and unavoidable with mitigation.

702 Earl Street (at the 700 Innes Property)

The Project would retain 702 Earl Street on the 700 Innes property; however, the CRHR-eligible building would be relocated to the northern portion of the property (Figure 3.4-13 in the DEIR). The proposed relocation and rehabilitation would have the potential to affect the building's eligibility for listing in the CRHR.

However, relocating and rehabilitating the 702 Earl Street building along with implementation of the identified mitigation measures (M-CR-1a, M-CR-1b, M-CR-1c, and M-CR-1e presented below under "Overall Impact Conclusion") would not materially impair the building's significance to the extent that it would no longer be eligible for listing in the CRHR. Relocating 702 Earl Street would not substantially affect the building's integrity of setting, for two reasons: the building would remain in the same general location as its historical context and the relocation would largely restore the spatial relationship of the original building's location along the shoreline before the infill of the 1960s.

The Project could affect select character-defining features. Thus, it has the potential to affect the ability of the 702 Earl Street building to convey its historical significance and to lessen its integrity of setting, materials, and feeling. Implementation of Mitigation Measures M-CR-1a, M-CR-1b, and M-CR-1c, listed under "Overall Impact Conclusion" below, would lessen impacts of the Project on 702 Earl Street to such a degree that the resource would remain eligible for listing in the CRHR. Thus, the overall impact on 702 Earl Street would be less than significant with mitigation.

Overall Impact Conclusion

Construction of the Project could cause a substantial adverse change in the significance of a historical resource (as defined in Section 15064.5) in the study area due to the fact that the retention or replacement-in-kind of character-defining features of the India Basin Scow Schooner Boatyard landscape cannot be established at this time. Therefore, the overall impact of the Project on the built environment, depending on final design, is significant. The Project could affect select character-defining features. Thus, there would be a potentially significant impact related to the ability of the Shipwright's Cottage, India Basin Scow Schooner Boatyard, and 702 Earl Street building to convey their historical significance. Implementation of **Mitigation Measures M-CR-1a: Prepare and Implement Historic Preservation Plans and Ensure that Rehabilitation Plans Meet Performance Criteria, M-CR-1b: Document Historical Resources, M-CR-1c: Develop and Implement an Interpretative Plan, and M-CR-1e: Vibration Protection Plan**, as more fully described in the FEIR (pp. 3.4-47 to 3.4-49, pp. 3.4-49 to 3.4-50, pp. 3.4-50 to 3.4-51, and pp. 3.4-51 to 3.4-52, respectively), would reduce Impact CR-

1 as it relates to the Shipwright's Cottage and 702 Earl to less-than significant with mitigation. However, implementation of such mitigation measures would not reduce Impact CR-1 as it relates to India Basin Scow Schooner Boatyard to such a degree that the resource would still be able to convey the characteristics that justify its eligibility for listing in the CRHR. As explained above, another mitigation measure was identified in the FEIR which would lessen the impacts to the India Basin Scow Schooner Boatyard: **M-CR-1d: Retain the Boatyard Office Building**, as more fully described in the FEIR (p. 3.4-51), but not to a less-than-significant level. For the reasons explained above, the Commission concludes that mitigation measure **M-CR-1d** is infeasible. As noted above, even with implementation of M—CR-1d, the impacts on the India Basin Scow Schooner Boatyard would remain significant and unavoidable with mitigation. Thus, the impact of the Project on the built environment even with the imposition of the feasible mitigation measures discussed above would continue to be significant and unavoidable with mitigation.

B. Transportation and Circulation

Impact C-TR-2: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would substantially contribute to significant cumulative impacts related to transportation and circulation for transit delay (DEIR pp. 3.5-97 to 3.5-99; RTC pp. 4-49 to 4-51).

The Project would result in an increase in the round-trip travel time that would exceed the half-headway threshold of 3 ¼ minutes during the weekday a.m. and p.m. peak hours. Therefore, these cumulative transit impacts would be significant, and the contributions of the Project to the respective impacts would be cumulatively considerable. Implementing **Mitigation Measure M-C-TR-2: Implement Transit-Only Lanes**, as more fully described in the FEIR (pp. 3.5-98 to 3.5-99), would reduce the cumulative contribution of the Project to transit-delay impacts to less than significant. However, because SFMTA cannot commit to implement these improvements at this time, the impact would be significant and unavoidable with mitigation.

C. Noise

Impact NO-4: Noise from surface transportation sources associated with operation of the Project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (DEIR pp. 3.6-31 to 3.6-34; RTC pp. 4-62 to 4-67).

Based on predicted operational impacts at the 700 Innes property associated with an increase in off-site traffic and associated noise of the Project, the overall operational impact related to a substantial permanent increase in ambient noise levels in the project vicinity above levels that would exist without the project would be significant and unavoidable. As the Project is constructed in phases, new occupants or workers at and adjacent to the project site will be exposed to temporary noise from construction activities including vehicles going to and from the construction area. Typically, mitigation measures for reducing such transportation noise as heard by existing noise-sensitive community receivers, would entail designing and placing barriers along transportation corridors. Such measures are considered infeasible here because they would (as a consequence) likely block access to private property and conflict with urban design policies. To be effective in providing a noise reduction benefit, soundwalls generally need to be

contiguous and free of penetrations for purposes such as access to residential driveways. Further, sound walls are not a practical design solution along urban streets that are designed to have frontages visible from the street to create a visually attractive street corridor, especially where groundfloor commercial uses and an appealing pedestrian environment are encouraged.

Impact C-NO-1: The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would substantially contribute to cumulative impacts related to noise (DEIR pp. 3.6-40 to 3.6-46; RTC p. 4-67).

Cumulative construction-related noise impacts from off-site construction traffic would be less than significant, and cumulative construction activity noise may be significant depending on site-specific factors such as proximity to the project or variant noise-sensitive receptors and the application of appropriate noise mitigation measures. However, the overall cumulative noise impact of the Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the Project Site would be significant and unavoidable. This conclusion was reached largely because the Project would make a cumulatively considerable acoustical contribution of increased roadway traffic noise.

No feasible mitigation measures are available to reduce the significant cumulative noise impact along the affected roadway segments, because the affected property is privately owned, thereby creating access constraints and limitations relative to additional mitigation. Therefore, the impact would be significant and unavoidable.

D. Air Quality

Impact AQ-1: The Project would generate emissions of criteria pollutants and precursors during construction, operations, and overlapping construction and operational activities that could violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria pollutants (DEIR pp. 3.7-35 to 3.7-58; RTC pp. 4-68 to 4-70).

Construction

Construction emissions are described as “short term” or temporary; however, they have the potential to represent a significant impact with respect to air quality. Construction of the Project would temporarily generate emissions of reactive organic gas (“ROG”), oxides of nitrogen (“NO_x”), particulate matter equal to or less than 10 microns in diameter (“PM₁₀”), and particulate matter equal to or less than 2.5 microns in diameter (“PM_{2.5}”). ROG and NO_x emissions are associated primarily with mobile equipment exhaust, including off-road construction equipment and on-road motor vehicles.

The primary source of construction-related emissions would be exhaust from mobile equipment, including off-road equipment and hauling trips during the demolition and grading phases. The majority of the emissions would result from construction at the 700 Innes property. Construction-related emissions of NO_x under the Project would exceed the thresholds of significance. Therefore, construction emissions could violate an ambient air quality standard or contribute substantially to an existing violation. Thus, this overall construction air quality impact could be significant. **Mitigation Measures M-AQ-1a: Minimize Off-Road Construction**

Equipment Emissions, M-AQ-1b: Minimize On-Road Construction Equipment Emissions, M-AQ-1c: Utilize Best Available Control Technology for In-Water Construction Equipment, and M-AQ-1d: Offset Emissions for Construction and Operational Ozone Precursor (NO_x and ROG) Emissions, as more fully described in the FEIR (pp. 3.7-39 to 3.7-40, pp. 3.7-40 to 3.7-41, pp. 3.7-41 to pp.3.7-42, and 3.7-42 to 3.7-43, respectively), would be implemented to reduce NO_x emissions to the greatest extent feasible. Although the RPD portion of the Project would be subject to the requirements of the City's Clean Construction Ordinance, the mitigation measure requirements in M-AQ-1a would exceed the requirements of the City's Clean Construction Ordinance. Mitigation Measures M-AQ-1a and M-AQ-1d would be consistent with or exceed the requirement of the City's Clean Construction ordinance and would apply to all project site properties during construction of the Project.

Mitigation Measure M-AQ-1a would reduce construction-related emissions of ROG, NO_x, PM₁₀, and PM_{2.5}; however, NO_x emissions would continue to exceed the threshold. Therefore, implementation of Mitigation Measure M-AQ-1d, which would require offsets for the maximum year of combined construction and operational emissions as shown in the DEIR, has the potential to reduce construction-related NO_x emissions. While use of the step-down schedules in Table M-AQ-1a-1 in the DEIR could alter the residual NO_x emissions requiring offsets under Mitigation Measure M-AQ-1d, use of these waivers is not expected to occur frequently enough to alter the amount of offsets that would be required under Mitigation Measure M-AQ-1d. However, at this time, the Project Sponsors have not identified a specific offset project that could achieve the amount of offset needed to fully offset otherwise unmitigated ROG and NO_x emissions by Mitigation Measures M-AQ-1a through M-AQ-1c. Bay Area Air Quality Management District ("BAAQMD") may be able to identify and implement an emissions reduction project funded with the fee provided by Mitigation Measure M-AQ-1d. However, implementation of an offset project through BAAQMD is outside the control of the Project Sponsors or the City and is therefore uncertain. Thus, even with the implementation of Mitigation Measures M-AQ-1a through M-AQ-1d, the Project would violate an air quality standard, contribute to an existing or projected air quality violation, and cause a cumulatively considerable net increase in criteria air pollutants during construction. This overall construction air quality impact of the Project would be significant and unavoidable with mitigation.

Construction-Related Fugitive Dust

The San Francisco Health Code Article 22B and San Francisco Building Code Section 106A.3.2.6 collectively constitute the Construction Dust Control Ordinance. The ordinance requires that all site preparation work, demolition, or other construction activities in San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specific dust control measures whether or not the activity requires a permit from the Department of Building Inspection. For projects larger than 0.5 acre, the Dust Control Ordinance requires that the project sponsor submit a dust control plan for approval by the San Francisco Department of Public Health before DBI issues a building permit.

Building permits will not be issued without written notification from the Director of Public Health that the applicant has a site-specific dust control plan, unless the Director waives the requirement. The Construction Dust Control Ordinance requires Project Sponsors and contractors responsible for construction activities to control construction dust on the site or

implement other practices that result in equivalent dust control that are acceptable to the Director of Public Health. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 mph. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. All four project properties would be subject to the requirements of the Construction Dust Control Ordinance. Compliance with the regulations and procedures set forth by the Construction Dust Control Ordinance would ensure that potential dust-related air quality impacts would be less than significant for all project properties. No mitigation measures are necessary.

Operational Emissions of Criteria Air Pollutants

Operational emissions would exceed thresholds for ROG and NO_x. The primary source of ROG emissions would be area sources at the 700 Innes property. Mobile sources would be the primary source of NO_x emissions across all properties. The variant includes a larger amount of vehicle trips associated with the land uses, resulting in greater emissions from mobile sources. Therefore, implementation of **Mitigation Measures M-AQ-1e: Implement Best Available Control Technology for Operational Diesel Generators**, and **M-AQ-1f: Prepare and Implement Transportation Demand Management**, as more fully described in the FEIR (p. 3.7-50 and pp. 3.7-50 to 3.7-53, respectively), would be required to reduce operational emissions.

Even with implementation of Mitigation Measures M-AQ-1e and the estimated emissions reductions from M-AQ-1f assuming implementation to the maximum extent feasible, the Project would continue to exceed thresholds for ROG emissions and the variant would continue to exceed thresholds for ROG and NO_x emissions. Implementation of Mitigation Measure M-AQ-1d has the potential to further reduce operational mobile-source emissions of ROG and NO_x to below the BAAQMD threshold. However, at this time, the Project Sponsors have not identified a specific offset project that could achieve the amount of offset needed to fully offset otherwise unmitigated ROG and NO_x emissions by Mitigation Measures M-AQ-1a through M-AQ-1c, M-AQ-1e, and M-AQ-1f. BAAQMD may be able to identify and implement an emissions reduction project funded with the fee provided by Mitigation Measure M-AQ-1d. However, implementation of an offset project through BAAQMD is outside the control of the Project Sponsors or the City and is therefore uncertain. Therefore, operation of the Project could violate an air quality standard, contribute to an existing or projected air quality violation, and cause a cumulatively considerable increase in criteria air pollutants. This overall operational air quality impact would be significant and unavoidable with mitigation with implementation of Mitigation Measures M-AQ-1d through M-AQ-1f.

Overlap of Construction and Operation

Because residual emissions generated from construction and operation of the Project could violate an air quality standard, contribute substantially to an existing or projected air quality violation, and would be cumulatively considerable, these residual air pollutant emissions are conservatively considered significant and unavoidable with mitigation.

Overall Impact Conclusion

The impact conclusion would be significant and unavoidable with mitigation for ROG and NO_x emissions during construction, operation, and overlapping construction and operation, and cumulatively even with implementation of Mitigation Measures M-AQ-1a through M-AQ-1f. Therefore, the overall impact related to generation of emissions that could contribute to new, or exacerbate existing, air quality violations in the San Francisco Bay Area Air Basin ("SFBAAB") would be significant and unavoidable with mitigation.

Impact AQ-3: The Project would generate emissions that could expose sensitive receptors to substantial pollutant concentrations (DEIR pp. 3.7-60 to 3.7-76; RTC pp. 4-70 to 4-71).

The Project Site is located in an area with nearby sensitive receptors. In addition, the Project would develop residential land uses that would be considered sensitive receptors. During construction of the Project, construction-related emissions of toxic air contaminants ("TACs") and PM_{2.5} could expose nearby sensitive receptors to substantial pollutant concentrations. Furthermore, because residential receptors would be developed on the project site while construction continues to build out the remainder of the project, proposed residents could be exposed to concentrations of pollutants generated by construction under the Project, which could exacerbate conditions. After buildout of the Project, air pollutant emissions generated during day-to-day activities could expose nearby sensitive receptors to substantial pollutant concentrations.

The Project would have a significant impact due to construction and operation for PM_{2.5} and excess cancer risk. Under the Project, implementing Mitigation Measures M-AQ-1a through M-AQ-1f would reduce concentrations of PM_{2.5} from construction and operation of the Project below the values reported in Table 3.7-34 in the DEIR, but PM_{2.5} concentrations would still be greater than the Air Pollutant Exposure Zone ("APEZ") thresholds as there is uncertainty in the effectiveness of Mitigation Measures M-AQ-1b, M-AQ-1c, M-AQ-1d, and M-AQ-1f. Mitigation Measures M-AQ-1a and M-AQ-1f would reduce the excess cancer risk to below the APEZ thresholds and thus the project would result in a less than significant impact with mitigation related to excess cancer risk. The impact conclusion related to PM_{2.5} concentrations during construction and operation of the Project would be significant and unavoidable with mitigation. Therefore, the overall impact related to generation of emissions that would expose sensitive receptors to substantial pollutant concentrations would be significant and unavoidable with mitigation.

Impact-C-AQ-1: The Project, in combination with past, present, and reasonably foreseeable future development in the project area, would contribute to cumulative regional air quality impacts (DEIR p. 3.7-77).

The contribution of a project's individual air pollutant emissions to regional air quality impacts is, by its nature, a cumulative effect. Emissions from past, present, and future projects in the region also have contributed or will contribute to adverse regional air quality impacts on a cumulative basis. No single project by itself would be sufficient in size to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative regional air quality conditions.

As described above, the project-level thresholds for criteria air pollutants are based on the levels at which new sources are anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Emissions under the Project would exceed the project-level thresholds. Therefore, the Project would result in a considerable contribution to cumulative regional air quality impacts. Implementing Mitigation Measures M-AQ-1a through M-AQ-1f would reduce this impact, but not to less than significant. This impact would be significant and unavoidable with mitigation.

Impact C-AQ-2: The Project, in combination with past, present, and reasonably foreseeable future development in the project area, would contribute to cumulative health risk impacts on sensitive receptors (DEIR pp. 3.7-77 to 3.7-85).

When PM_{2.5} impacts of the Project are added to the cumulative conditions for the year 2040, either the Project would result in a cumulatively considerable contribution to a 2040 cumulative impact. Implementing Mitigation Measures M-AQ-1d, M-AQ-1e, and M-AQ-1f would reduce the Project's contribution, but not sufficiently to result in an annual average concentration below the APEZ threshold of 9.0 µg/m³ and the project and variant contribution threshold of 0.2 µg/m³. The cumulative impact of the PM_{2.5} concentrations related to emissions that would expose sensitive receptors to substantial pollutant concentrations would be significant and unavoidable with mitigation. The cumulative impact of the total excess cancer risk related to emissions that would expose sensitive receptors to substantial pollutant concentrations would be less than significant.

The Project would be required to implement Mitigation Measures M-AQ-1d through M-AQ-1f. Implementing those mitigation measures would reduce the emissions of TACs and the PM_{2.5} modeled impacts, but not to less than significant. Therefore, the cumulative air quality impact would be significant and unavoidable with mitigation.

E. Wind

Impact WI-1: The Project would alter wind in a manner that substantially affects public areas or outdoor recreation facilities (DEIR pp. 3.9-6 to 3.9-21; RTC p. 4-72).

Construction

The potential exists for wind-hazard impacts to occur during partial build-out that may not occur at full build-out because of insufficient protection from the effects of strong winds that might otherwise be provided when all buildings are constructed. This scenario likely would occur only at locations adjacent to buildings at least 100 feet tall. Most of the buildings for the Project would be less than 100 feet tall. During partial build-out, wind hazards could occur at public locations not identified in the wind tunnel study, and wind effects at identified wind-hazard locations could be greater in severity or duration than shown by the study. This impact during the phased buildout period could be significant. Such wind hazards would likely exist until buildings on adjacent parcels are completed and able to provide shelter from the wind. Implementing **Mitigation Measures M-WI-1a: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height During Partial Buildout** and **M-WI-1b: Temporary Wind Reduction Measures during Construction**, as more fully described in the FEIR (pp. 3.9-7

to 3.9-9 and p. 3.9-9, respectively), would reduce the severity and duration of wind impacts adjacent to buildings at least 100 feet tall during the construction period under partial build-out conditions.

Implementation of Mitigation Measures M-WI-1a and M-WI-1b would reduce the severity of hazardous wind impacts during construction. However, because interim wind effects occurring during the phased buildout period could differ from those tested in the wind tunnel, it is unknown whether Mitigation Measure M-WI-1a or Mitigation Measure M-WI-1b would reduce impacts to a less-than-significant level. As a result, the impact of the Project related to interim hazardous wind conditions during construction would be significant and unavoidable with mitigation.

Operation

Implementing the Project would introduce an obstruction to wind blowing across the site. Thus, the Project would generally have a positive effect on the wind microclimate, reducing the total number of locations exceeding the wind-hazard criterion and the total duration of hazardous winds relative to existing conditions. However, as shown in Table 3.9-1 of the DEIR, the wind speed and duration of hazardous winds would increase at several locations. Pedestrians and cyclists would have a difficult time maintaining their balance while passing through these locations and could be at risk of injury.

On balance, the increase in wind speed and duration of hazardous winds at these locations outweighs the overall improvement in wind conditions on the project site. For this reason, the operational wind impact of the Project could be significant. An effort would be made to reduce the wind hazards that would occur or to limit the exposure to those hazards by residents and visitors through implementation of **Mitigation Measure M-WI-1c: Reduce Effects of Ground-Level Hazardous Winds through Ongoing Review**, as more fully described in the FEIR (pp. 3.9-19 to 3.9-20). However, even with the implementation of Mitigation Measure M-WI-1c, this operational impact of the Project would be significant and unavoidable with mitigation.

V. EVALUATION OF PROJECT ALTERNATIVES

This section describes the Project as well as the Project alternatives (the “Alternatives”) and the reasons for approving the Project and for rejecting the Alternatives. This section also outlines the project objectives and provides a context for understanding the reasons for selecting or rejecting alternatives.

CEQA mandates that an EIR evaluate a reasonable range of potentially feasible alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a “No Project” alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Planning Department considered a range of alternatives in Chapter 4 of the FEIR. After an extensive alternative screening and selection process, the Planning Department selected five alternatives, in addition to the Project, to carry forward for detailed analysis in the FEIR:

- Alternative A: No Project Alternative
- Alternative B: Code Compliant Alternative
- Alternative C: Reduced Development Alternative
- Alternative D: Full Preservation Alternative
- Alternative E: Partial Preservation Alternative.

These alternatives adequately represent a range of potentially feasible alternatives to the Project. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 4 of the FEIR. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission's and the City's independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

A. Reasons for Selecting the Project

While the FEIR analyzed both the revised proposed project and the variant, the City and Project Sponsors, subject to the required approvals, have decided to implement the revised proposed project. That Project would meet all the Project Objectives, and would provide numerous public benefits, including the following:

- **Housing.** The Project would add up to 1,575 housing units to the City's housing stock, including significant numbers of new below-market rate, affordable residential units.
- **Parks and Open Space.** The Project would create an approximately 20.81-acre network of new and/or improved parkland and open space, pathways, trails, ecological, recreational, neighborhood and cultural areas, including: a new shoreline network which would extend the Blue Greenway/Bay Trail and would provide pedestrian and bicycle connections to and along the shoreline, passive open space, recreation areas, piers, fishing areas, plazas, event areas, tidal marshes, facilities for concessions, drinking fountains, restrooms, passive recreational areas for picnicking, shade structures, bicycle parking, wayfinding signage, and historical and educational displays.
- **Site Remediation.** The Project would include site remediation throughout the Project Site. The 900 Innes and 700 Innes properties would undergo an environmental cleanup to remediate residual contaminants that are present because of historical industrial uses. The properties would be remediated to the levels necessary to protect future employees, residents, visitors, and ecological receptors under future proposed park and recreational uses.
- **Infrastructure.** The Project would provide a thorough geotechnical approach to the site and improvement of the shoreline, and a comprehensive strategy to address potential future sea level rise ("SLR") along with future funding for additional future sea level rise improvements, as set forth in more detail in the Development Agreement, Financing Plan and the Infrastructure Plan.

- **Transportation.** The Project's design and development would incorporate innovative and sustainable transit-first policies which will provide significant benefits to residents of and visitors to the project site, including a comprehensive transportation program; a convenient and attractive transit plaza; and transportation demand management features, as set forth in more detail in the Development Agreement and the Transportation Plan. The Project would also facilitate expansion of the City's existing transportation systems to connect the project to other districts, as set forth in the Development Agreement and the Transportation Plan.
- **Land Use and Sustainable Development.** The Project would implement a comprehensive sustainability strategy that includes principles, goals, targets and strategies for key elements including site design and land use, landscape and biodiversity, transportation, energy, water and wastewater, materials, solid waste, health, safety and security, community and society and economic development, all of which integrate the best principals of smart growth and quality urban design. Key elements of the Sustainability Plan include developing a currently underutilized site with mixed-use development and open space; committing to achieving Gold rating under the United States Green Building Council's LEED (Leadership in Energy & Environmental Design) for Neighborhood Development ("ND") rating system (July 2010 version) or its equivalent, while making a good faith effort to achieve the higher Platinum rating; creating a dense, compact land use plan located in close walking proximity to a multi-modal transit node, while also enabling a significant portion of the Project Site to be preserved or established as natural habitat; including enough residential density to create a viable community that supports neighborhood serving retail, community facilities, and transit infrastructure and service; and rehabilitation of historic resources such as 702 Earl Street and the Shipwright's Cottage, the later in compliance with the Secretary of the Interior's Standards for Rehabilitation; and locating neighborhood-serving uses and transit within walking and bicycling distance of all residences, making substantial improvements to the pedestrian and bicycle network, and making each of these modes of transit a viable alternative to automobiles for non-commute trips.
- **Economic Development, Jobs and Community Facilities.** The Project would provide a comprehensive package of educational, social, cultural, environmental, and public safety facilities and programs, including child-care facilities, community meeting rooms and other facilities, a welcome center and public exhibition space, and other recreational facilities. The construction of the Project will provide opportunities to generate thousands of annual construction jobs and hundreds of permanent jobs at project completion, encouraging participation by small and local business enterprises through a comprehensive employment and contracting policy.

B. Alternatives Considered for Detailed Analysis

CEQA provides that alternatives analyzed in an EIR may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR." (Pub. Res. Code Section 21081(a)(3); CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or

avoid some of the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these alternatives infeasible or unreasonable, for the reasons set forth below.

In making these determinations, the Planning Commission is aware that CEQA defines “feasibility” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The Commission is also aware that under CEQA case law the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

1. No Project Alternative

Under the No Project Alternative, the Project Site would foreseeably remain in its existing condition, and there would be no construction and no provision of new residential, commercial (retail, office, R&D), and recreational uses and open space. As such, the existing riprap, dilapidated piers, and creosote-treated piles would remain in place on the project site. Furthermore, no hazardous-materials remediation activities and preservation of historic resources would occur at the Project Site.

This alternative would not preclude development of another project on the project site should such a proposal be put forth by the project sponsor or another entity. However, it would be speculative to set forth such an alternative project at this time.

The Planning Commission rejects the No Project Alternative as infeasible and unreasonable because although it would eliminate the Project’s significant and unavoidable impacts, it would fail to meet the Project Objectives (as described in the DEIR) and the City’s policy objectives for the following reasons:

- 1) The No Project Alternative would not meet any of the Project Objectives;
- 2) The No Project Alternative would not fulfill key goals of the General Plan with respect to housing production. Among others, it would not fulfill the policies enshrined in the Housing Element, including Objective 1, “Identify and Make Available for Development Adequate Sites to Meet the City’s Housing Needs, Especially Permanently Affordable Housing,” Objective 11, “Support and Respect the Diverse and Distinct Character of San Francisco’s Neighborhoods,” and Objective 12, “Balance Housing Growth With Adequate Infrastructure That Serves the City’s Growing Population.” Likewise, it would not meet many of the policies of the Bayview Hunters Point Area Plan, such as those included in Objective 6 of its Land Use Section. With no new housing created here and no construction, the No Project Alternative would not increase the City’s housing stock of both market rate and affordable housing, would not create new job opportunities for construction workers, or in the case of the variant, opportunities for other jobs, and would not expand the City’s property tax base.

- 3) In addition, the No Project Alternative would not fulfill key General Plan goals with respect to open space, including Objectives 1 and 13 of the Recreation and Open Space Element, “Ensure a Well Maintained, Highly Utilized, and Integrated Open Space System,” and “Improve Access and Connectivity to Open Space,” respectively. It would not meet, either, Objectives 12 or 13 of the Bayview Hunters Point Plan, Recreation and Open Space Section. The shoreline would not be redeveloped, as contemplated as part of the Project, and as such would not provide continuous access to the shoreline and continuous public open space along the shoreline, both key goals of the Bayview Hunter’s Point Plan.
- 4) Under the No Project Alternative, existing conditions on the project site would not change. Contaminated soil and groundwater underlying the project site would not be remediated. This would not meet several key City goals and policies, such as Objectives 3 and 7 of the Environmental Protection Element of the General Plan, “Maintain and Improve the Quality of the Bay, Ocean, and Shoreline Areas,” “Assure that the Land Resources in San Francisco Are Used in Ways that Respect and Preserve the Natural Values of the Land and Serve the Best Interests of all the City’s Citizens,” respectively.
- 5) The No Project Alternative would not include rehabilitation and preservation of historic resources at the Project Site.
- 6) The No Project Alternative would leave the Project Site physically unchanged. Because no development would occur at the Project Site, the amount of tax increment bonds available to support the construction of affordable housing, parks and open space, and critical utility, water quality, and transportation infrastructure would be substantially reduced.

For the foregoing reasons, the Planning Commission rejects the No Project Alternative as infeasible.

2. Code Compliant Alternative

The Code Compliant Alternative would include 1,240,100 gsf of residential use (1,240 units), 738,501 gsf of commercial space, 50,000 gsf of institutional/educational space, 679,900 gsf of parking (1,800 spaces), and 618,552 sf of recreational/open space. Compared to the revised proposed project, the Code Compliant Alternative would include less residential space (a decrease of 226,225 gsf and 335 units), more commercial space (an increase of 529,395 gsf), more institutional/educational space (an increase of 50,000 gsf), the same amount of parking, and less recreational/open space (a decrease of 448,668 sf). Compared to the variant, the Code Compliant Alternative would include more residential space (an increase of 822,800 gsf and 740 units), less commercial space (a decrease of 261,499 gsf), the same amount of institutional/educational space, less parking (a decrease of 37,465 gsf and 132 spaces), and less recreational/open space (a decrease of 448,668 sf).

The Code Compliant Alternative meets all applicable provisions of the Planning Code. Under this alternative, the project site would remain within the 40-X and Open Space (OS) height and

bulk districts and the Light Industrial (M-1), Heavy Industrial (M-2), Small-Scale Neighborhood Commercial (NC-2), and Public (P) zoning districts.

Development of the RPD Properties would be substantially similar to the Project, because the proposed development on these two properties has been designed to be code compliant. However, development of the BUILD Properties would differ from that contemplated under the Project.

The Code Compliant Alternative would include residential and commercial (retail, office, and R&D) uses on the 700 Innes property; however, under this alternative, the 700 Innes property would include more built square footage, which is closer to the maximum development that can be accommodated on the property and that is allowable under the Planning Code.

The proposed heights of the structures on the 700 Innes property would be lower under this alternative than under the proposed project. The India Basin Open Space and 700 Innes properties are located within the 40-X and OS height and bulk districts; therefore, the Code Complaint Alternative would have a 40-foot height limit with no bulk restriction. This would increase the total land coverage (i.e., total building footprint) of the 700 Innes property from 9.7 acres (422,532 gsf) under the proposed project to 13.3 acres or 579,348 gsf under the Code Compliant Alternative.

Because the 700 Innes property could receive more development in terms of total land coverage, the open space on this property would be reduced from 10.3 acres to 5.3 acres. The proposed project includes an approximately 5.63-acre open space, referred to as the “Big Green,” on the 700 Innes property that would be eliminated under the Code Compliant Alternative, along with a reduction of the other open space areas on the 700 Innes property.

Like the proposed project, the Code Compliant Alternative would include transportation and circulation improvements including new and reconstructed streets, sidewalks, and pathways. However, the layout of the streets would be changed from the pattern presented under the proposed project to a more-simplified grid pattern with the primary egress/ingress to the 700 Innes property occurring on Innes Avenue at Griffith Street, Arelious Walker Drive, and Earl Street. Hudson Avenue, in its currently planned configuration, would contain a simplified painted Class 2 bike lane. Earl Street, Arelious Walker Drive, and Griffith Street would all function as two-way local streets with a moderate amount of on-street parking and Class 3 bike facilities to enable access to India Basin Shoreline Park. None of the bike lanes would be separated and they would all travel through the built environment. The Bay Trail would remain unchanged through the India Basin Open Space property. Like the proposed project, this alternative would also include a transportation demand management (“TDM”) program, although the on-site Class 2 bike facilities may be limited because of space constraints. Similar to the proposed project, hazardous-materials remediation would occur on the 700 Innes property under the Code Compliant Alternative.

The Code Compliant Alternative would leave the 6.2-acre India Basin Open Space property in its existing condition with wetlands and a pedestrian pathway traversing the site along the Bay waterfront.

Due to the shorter heights of structures included as part of the Code Compliant Alternative, the Code Compliant Alternative would lessen (but not avoid) the significant adverse impact identified for the Project related to the topic of Wind. The Code Compliant Alternative would also lessen impacts of the Project that were found to be less than significant, or less than significant with mitigation, related to the topics of Aesthetics and Shadow. While the Code Compliant Alternative would result in the same less than significant, or less than significant with mitigation, impacts related to the topics of Recreation, Utilities and Service Systems, and Biological Resources, and the same significant adverse impacts identified for the Project related to the topics of Transportation and Circulation and Air Quality, these impacts would be slightly greater due to the increased square footage and decreased open space included as part of the Code Compliant Alternative.

The Planning Commission rejects the Code Compliant Alternative for the following reasons:

- 1) The Code Compliant Alternative would not avoid any of the significant and unavoidable impacts that were identified for the Project. Nor would the Code Compliant Alternative result in any changes to the significance determinations identified for the Project, and all mitigation measures would apply to this alternative. While the Code Compliant Alternative would lessen (but not avoid) the significant adverse impact identified for the Project related to the topic of Wind, it would not reduce to less-than-significant level any of the impacts identified as significant and unavoidable for the Project. Additionally, due to the Code Compliant Alternative's increased square footage and decreased open space, the Code Compliant Alternative would result in slightly greater impacts related to the topics of Transportation and Circulation, Air Quality, Recreation, Utilities and Service Systems, and Biological Resources. Therefore, overall, the Code Compliant Alternative would not provide environmental benefits in comparison to the Project and would result in slightly greater impacts than those identified for the Project.
- 2) This Code Compliant Alternative would not meet, or would substantially reduce the ability to meet, the project objectives identified in the EIR. The amount of open space included as part of the Project would be significantly reduced, with the open space on the 700 Innes property reduced from 10.3 acres to 5.3 acres. In addition, the Code Compliant Alternative would leave the 6.2-acre India Basin Open Space property in its existing condition with wetlands and a pedestrian pathway traversing the site along the Bay waterfront. As such, the alternative would be less effective than the Project in meeting the RPD Project objectives related to environment and sustainability, as well as recreation and education, including expanding public access to the Bay and "connecting India Basin Shoreline Park, 900 Innes, and India Basin Open Space with all seven properties along the India Basin cove." In addition, the alternative would be less effective than the Project in meeting the BUILD Project objective to "[p]reserve the shoreline areas of the project site for public park and public open space use." Because the Big Green would not be developed as part of the Code Compliant Alternative, the BUILD development would not include stormwater treatment swales and bioretention areas and improved and new wetlands contemplated as part of the Big Green under the Project. As such, the alternative would not meet the BUILD Project Objective to "[i]ncorporate environmental sustainability concepts and practices into the project,

including stormwater treatment swales and bioretention areas, improved and new wetlands, green building design, and construction practices.”

- 3) The Code Compliant Alternative would meet the City’s housing, open space and environmental protection policies cited above (Housing Element Objectives 1, 11 and 12; Recreation and Open Space Element Objectives 1 and 3, Environmental Protection Element Objectives 3 and 7, and the cited Objectives of the Bayview Hunters Point Area Plan) to a lesser extent than the Project, since the total number of housing units and the acreage of open space would be significantly reduced, and the remediation and enhancement of the shoreline would be more limited.

For the foregoing reasons, the Planning Commission rejects the Code Compliant Alternative as infeasible.

3. Reduced Development Alternative

Overall, the buildout of the Reduced Development Alternative would include 620,000 gsf of residential use (620 units), 75,000 gsf of commercial space (including retail, office, and R&D), 26,750 gsf of institutional/educational space, 360,000 gsf of parking (900 spaces), and 618,552 sq. ft. of recreational/open space.

The Reduced Development Alternative would include the same on-land recreational and commercial uses and associated parking and access on the India Basin Shoreline Park and 900 Innes properties as the revised proposed project; however, the in-water redevelopment would not include a new pier and dock extending from the India Basin Shoreline Park property (Figure 4-3a of the DEIR). Bicycle circulation improvements would also be implemented, including the Bay Trail extension through the India Basin Shoreline Park and 900 Innes properties and Class 1 and Class 3 facilities on streets.

Under the Reduced Development Alternative, similar to the revised proposed project, the existing dilapidated piers and creosote-treated piles would be removed and replaced in water areas connected with the India Basin Shoreline Park and 900 Innes properties. Existing riprap would be removed, existing tidal marsh wetlands would be restored, and new additional tidal marsh wetlands would be created near the shoreline of the India Basin Shoreline Park property. Furthermore, similar to the revised proposed project, hazardous-materials remediation activities and preservation of historic resources would occur on the India Basin Shoreline Park and 900 Innes properties.

Like the revised proposed project, the Reduced Development Alternative would include no structures on the India Basin Open Space property. The proposed uses at the 700 Innes property under this alternative would require some changes to the development controls (including increases in permitted height) through amendments to the General Plan, Planning Code text, and Zoning Map, including an India Basin SUD and Design Standards and Guidelines for development entitled through the SUD process and a development agreement.

The Reduced Development Alternative would include residential, commercial (retail, office, and R&D), institutional/educational, parking, and recreational/open space uses on the 700 Innes property. Compared to the revised proposed project, the total square footage of development

under this alternative would be reduced by approximately 50 percent, which is less development than is allowed on the property by the Planning Code. Under this alternative, the proposed heights of the structures on the 700 Innes property would be lowered in comparison to the revised proposed project at the proposed tower locations and throughout the rest of this property. However, the height and bulk would be slightly higher than under the Code Compliant Alternative, with the tallest building at 75 feet or approximately 6 floors.

The revised proposed project includes the Big Green, an approximately 5.63-acre open space on the 700 Innes property that would be eliminated under the Reduced Development Alternative, along with a reduction of the other 700 Innes property open space areas and semi-public internal open space areas.

Like the revised proposed project, the Reduced Development Alternative would include transportation and circulation improvements including new and reconstructed streets, sidewalks, and pathways. The street layout would be the same as under the revised proposed project. Similar bicycle circulation improvements would also be implemented, as well as Class 2 and Class 3 bicycle facilities on streets, but there would not be any improved bike trails through the existing 700 Innes property (where the Big Green would otherwise be located). The Bay Trail along the India Basin Open Space property would remain unchanged. Like the revised proposed project, this alternative would also include a TDM program, and hazardous-materials remediation would occur on the 700 Innes property.

The Reduced Development Alternative would leave the India Basin Open Space property in its existing condition with wetlands and a pedestrian pathway traversing the site along the Bay waterfront.

Because of the substantially lower number of residential units and the decrease in the gsf of commercial, office, R&D, institutional/educational, and open space/recreation uses, this alternative would lessen (but not avoid) most of the significant adverse impacts identified for the revised proposed project related to the topics of Noise, Air Quality, Transportation and Circulation, and Wind. The Reduced Development Alternative would also lessen impacts of the revised proposed project that were found to be less than significant, or less than significant with mitigation, related to the topics of Aesthetics, Population and Housing, Greenhouse Gas Emissions, Shadow, Recreation, Utilities and Service Systems, Public Services, Biological Resources, and Hazardous and Hazardous Materials.

The Planning Commission rejects the Reduced Development Alternative for the following reasons:

- 1) The Reduced Development Alternative would not avoid or substantially lessen any of the significant and unavoidable impacts that were identified for the Project. Nor would the Reduced Development Alternative result in any changes to the significance determinations identified for the Project, and all mitigation measures would apply to this alternative. However, the Reduced Development Alternative would have similar but slightly less severe significant impacts than the Project (i.e., the significance determination would be the same but the severity, magnitude and/or frequency of the impact would be notably less) with respect several resource areas, as explained in the

EIR. Overall, the Reduced Development Alternative would not provide substantial environmental benefits in comparison to the Project.

- 2) The Reduced Development Alternative would not meet, or would substantially reduce the ability to meet, the project objectives identified in the EIR, as set forth below.
- 3) Under the Reduced Development Alternative, the amount of open space included as part of the Project would be significantly reduced, with the open space on the 700 Innes property reduced from 10.3 acres to 5.3 acres. In addition, the Reduced Development Alternative would leave the 6.2-acre India Basin Open Space property in its existing condition with wetlands and a pedestrian pathway traversing the site along the Bay waterfront. As such, the alternative would be less effective than the Project in meeting the RPD Project objectives related to environment and sustainability, as well as recreation and education, including expanding public access to the Bay and “connecting India Basin Shoreline Park, 900 Innes, and India Basin Open Space with all seven properties along the India Basin cove.” In addition, the alternative would be less effective than the Project in meeting the BUILD Project objective to “[p]reserve the shoreline areas of the project site for public park and public open space use.” Because the Big Green would not be developed as part of the Reduced Development Alternative, the BUILD development would not include stormwater treatment swales and bioretention areas and improved and new wetlands contemplated as part of the Big Green under the Project. As such, the alternative would not meet the BUILD Project Objective to “[i]ncorporate environmental sustainability concepts and practices into the project, including stormwater treatment swales and bioretention areas, improved and new wetlands, green building design, and construction practices.”
- 4) Because the Reduced Development Alternative would substantially reduce the scale of development at the site, the alternative would be substantially less effective than the Project in meeting the Project objective to “[p]rovide sufficient mixed-use development capacity (in terms of gross floor area and residential unit count) with a range of flexible uses that can respond to market demands and attract the private capital necessary to build out the Project in a timely fashion and financially support an array of public benefits, including public open space, a permanent maintenance and operations tax district, community job training and small business development opportunities, public transportation improvements and affordable housing.”
- 5) The Reduced Development Alternative would not enhance the India Basin Shoreline Park and India Basin Open Space to the same level of design improvements, and this site would remain potentially vulnerable to sea-level rise and flooding from Bay inundation. Without these design improvements, the property would require additional maintenance or adaptation for sea level rise over time. For these reasons, this alternative would meet the open space and environmental protection policies cited above (Objectives 1 and 13 of the Recreation and Open Space Element, and Objectives 3 and 7 of the Environmental Protection Element) to a lesser extent as the Project.
- 6) The Reduced Development Alternative would construct approximately half the amount of housing and further would not add the same amount of funds for increasing

affordable housing in San Francisco, and employment opportunities under this alternative would be less than under the Project. Therefore, this alternative would be substantially less effective than the Project in meeting the Project objective to “[c]onstruct high-quality housing with sufficient density to contribute to active uses on the project site while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents.” For the same reasons, it would meet to a lesser degree than the Project the City’s policies and objectives with regards to housing, affordable housing, and employment, such as General Plan Housing Element Objective 1, “Identify and make available for development adequate sites to meet the City’s housing needs, especially permanently affordable housing,” and specifically, Policies 1.1 and 1.2 (“Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing,” and “Focus housing growth and infrastructure-necessary to support growth according to community plans. Complete planning underway in key opportunity areas.”)

For the foregoing reasons, the Planning Commission rejects the Reduced Development Alternative as infeasible.

4. Full Preservation Alternative

This alternative would have exactly the same components as the Project to 900 Innes Avenue and India Basin Shoreline Park except that cultural resources associated with the India Basin Scow Schooner Boatyard cultural landscape would be preserved. Under the Full Preservation Alternative, all three buildings (the Shipwright’s Cottage, the Boatyard Office Building, and the Tool Shed and Water Tank building) that are significant features of the India Basin Scow Schooner Boatyard and contribute to the boatyard’s CRHR eligibility would be rehabilitated to SOI Standards. The Full Preservation Alternative would also propose that plantings and new park furniture would be designed to retain the industrial character of the cultural landscape. Under this alternative, the Griffith Street right-of-way alignment and width would be maintained and would be designed as a stepped path rather than wood stairs.

The full preservation alternative would be the same as the Project in terms of proposed development at the India Basin Open Space and 700 Innes properties, including the relocation and rehabilitation of 702 Earl Street.

Impacts under the Full Preservation Alternative would be similar to impacts under the Project with respect to the following environmental topics: Land Use and Planning, Aesthetics, Population and Housing, Transportation and Circulation, Noise, Air Quality, GHG Emissions, Wind, Shadow, Recreation, Utilities and Service Systems, Public Services, Biological Resources, and Hydrology and Water Quality. However, because all significant buildings that contribute to the India Basin Scow Schooner Boatyard cultural landscape would be rehabilitated to SOI Standards, and new construction and plantings would be designed to maintain the industrial character of the landscape, the significant adverse impacts identified for the Project related to the topic of Cultural Resources would be reduced to less than significant with mitigation.

The Planning Commission rejects the Full Preservation Alternative for the following reasons:

- 1) The Full Preservation Alternative would result in the same impacts to those disclosed in the EIR for the Project in all topics except Cultural Resources. As noted above, because all significant buildings that contribute to the India Basin Scow Schooner Boatyard cultural landscape would be rehabilitated to SOI Standards, and new construction and plantings would be designed to maintain the industrial character of the landscape, the significant adverse impacts identified for the Project related to the topic of Cultural Resources would be reduced to less than significant with mitigation. Overall, the Full Preservation Alternative would result in substantially similar environmental impacts as those identified for the Project, except in the topic of Cultural Resources, but would fail to meet the basic objectives of the Project, as explained below.
- 2) The Full Preservation Alternative would not meet, or would substantially reduce the ability to meet, the project objectives identified in the EIR, as set forth below. Specifically, because the Full Preservation alternative would include rehabilitation of the India Basin Scow Schooner Boatyard cultural landscape to SOI standards, the following RPD Project Objectives would not be met:
 - This alternative would not “[c]reate a safe environment for park users that includes increased visibility of park spaces, including direct sightlines from bordering streets to the water.”
 - This alternative could not “[c]reate an entry experience from Innes Avenue that highlights the features of both the cultural and natural landscape, maintains sightlines to the waterfront, and contributes to a seamless park user experience and sense of place as a neighborhood center.”
 - This alternative would not “[c]reate a center for waterfront programming with a variety of active and passive recreational opportunities, and strengthen the quality of existing parks and facilities.”
 - This alternative would not “[d]esign park spaces that are safe and inviting and that follow departmental best practices for successful maintenance.”
 - This alternative would not “[c]reate Americans with Disabilities Act (ADA)– accessible pathways providing waterfront access and safe interactions with highly trafficked routes such as the Class 1 bicycle path.”
- 3) In addition, the Full Preservation Alternative would result in undesirable results for the park, from a policy perspective. The retention of the Office Building and Tool Shed would increase opportunities in the park for graffiti, other forms of vandalism, and encampments, especially as there is no programming plan for these buildings and they may remain empty. Moreover, as described above in Section IV, retention of the Boatyard Office Building would be contrary to RPD’s broader policy objectives, as expressed in its Strategic Plan, specifically, “Strategy 1: Inspire Public Space,” and “Strategy 2: Inspire Play.”

For the foregoing reasons, the Planning Commission rejects the Full Preservation Alternative as infeasible.

5. Partial Preservation Alternative

This alternative was selected because of its potential to reduce the cultural resource impact listed above. The Partial Preservation Alternative would be similar to the Project, but would ensure the retention of the Boatyard Office Building and interpretation of the Tool Shed and Water Tank building, significant features of the India Basin Scow Schooner Boatyard that contribute to the boatyard's CRHR eligibility.

This alternative would have exactly the same components as the Project except that cultural resources associated with the India Basin Scow Schooner Boatyard cultural landscape would be partially preserved.

The Partial Preservation Alternative seeks to rehabilitate and retain significant features of the California Register of Historical Resources-eligible India Basin Scow Schooner Boatyard cultural landscape, in order to maintain the historical significance of the cultural landscape while allowing for the creation of a new accessible park and recreation area. Similar to the Project, the Partial Preservation Alternative would rehabilitate the San Francisco Landmark Shipwright's Cottage to the Secretary of the Interior's Standards and retain the following significant features of the landscape: circulation pathways, storage and staging areas, marine way metal rails, ship hulls associated with the Hunters Point Ship Graveyard, views, and general site grade.

Differing from the Project, the Partial Preservation Alternative would retain the Boatyard Office Building, a significant feature of the landscape. While the building may not be rehabilitated to the SOI Standards under this alternative, some character-defining features of the Boatyard Office building would be retained in order to ensure that the building remains a significant feature of the cultural landscape. At a minimum, this would include retention or replacement-in-kind of a portion of the roof form, wood frame structure, and wood cladding so that the massing of the building is still expressed. If possible, the porthole openings on the southeast and southwest façade would be retained.

The Partial Preservation Alternative proposes to demolish the significant Tool Shed and Water Tank Building and to interpret it within the landscape. This may include interpreting the location of the building by incorporating an outline of the building into the ADA path and park design, keeping all or a portion of the foundation, or retaining or replacing-in-kind a portion of the building in order to convey the building's massing, roof form and materials as feasible.

Compared to the Project, the Partial Preservation Alternative aims to sufficiently maintain the integrity of location, design, association, and feeling of the cultural landscape by retaining the Boatyard Office Building as a significant structure to the cultural landscape and interpreting the Tool Shed and Boatyard Office Building in order to maintain the relationship between the Shipwright's Cottage and the significant landscape features along the shoreline.

The Partial Preservation Alternative would be the same as the Project in terms of proposed development at the India Basin Open Space and 700 Innes properties, including the relocation and rehabilitation of 702 Earl Street.

Impacts under the Partial Preservation Alternative would be similar to impacts under the Project with respect to the following environmental topics: Land Use and Planning, Aesthetics,

Population and Housing, Transportation and Circulation, Noise, Air Quality, GHG Emissions, Wind, Shadow, Recreation, Utilities and Service Systems, Public Services, Biological Resources, and Hydrology and Water Quality. Under the Partial Preservation Alternative, the significant features of the India Basin Scow Schooner Boatyard cultural landscape would receive the same treatment as under the Project except for the retention of the Boatyard Office Building and the interpretation of the Tool Shed and Water Tank building. Implementation of Mitigation Measures M-CR-1a, M-CR-1b, M-CR-1c, and, M-CR-1e would lessen impacts of the Partial Preservation Alternative on the India Basin Scow Schooner Boatyard cultural landscape to such a degree that the resource would still be able to convey the characteristics that justify its eligibility for listing in the CRHR. Thus, the overall impact on the India Basin Scow Schooner Boatyard cultural landscape would be less than significant with mitigation, instead of significant and unavoidable with mitigation as under the Project.

The Planning Commission rejects the Partial Preservation Alternative for the following reasons:

- 1) The Partial Preservation Alternative would result in the same impacts to those disclosed in the EIR for the Project in all topics except Cultural Resources. As noted above, because the Partial Preservation Alternative includes retention of the Boatyard Office Building and interpretation of the Tool Shed and Water Tank building, significant features of the India Basin Scow Schooner Boatyard that contributes to the boatyard's CRHR eligibility, the significant adverse impacts identified for the Project related to the topic of Cultural Resources would be reduced to less than significant with mitigation. Overall, the Partial Preservation Alternative would result in substantially similar environmental impacts as those identified for the Project, except in the topic of Cultural Resources, but would fail to meet the basic objectives of the Project, as explained below.
- 2) The Partial Preservation Alternative would not meet, or would substantially reduce the ability to meet, the project objectives identified in the EIR, as set forth below. Specifically, the Partial Preservation Alternative would substantially reduce the ability to meet, the following RPD Project objectives identified in the EIR:
 - Because retention of the Boatyard Office building in its current location would affect sightlines to the waterfront, this alternative would only partially meet the objective to “[c]reate a safe environment for park users that includes increased visibility of park spaces, including direct sightlines from bordering streets to the water.”
 - Because retention of the Boatyard Office building in its current location would require revisions to site access from Innes Avenue and affect sightlines to the waterfront, this alternative would only partially meet the objective to “[c]reate an entry experience from Innes Avenue that highlights the features of both the cultural and natural landscape, maintains sightlines to the waterfront, and contributes to a seamless park user experience and sense of place as a neighborhood center.”
 - This alternative would not “[d]esign park spaces that are safe and inviting and that follow departmental best practices for successful maintenance.”

- Because retention of the Boatyard Office building in its current location would require revisions to site access from Innes Avenue and may impact the ADA pathway, this alternative would only partially meet the objective to “[c]reate Americans with Disabilities Act (ADA)–accessible pathways providing waterfront access and safe interactions with highly trafficked routes such as the Class 1 bicycle path.”
- 3) In addition, the Partial Preservation Alternative would result in undesirable results for the park, from a policy perspective. The retention of the Office Building and elements of the Tool Shed would increase opportunities in the park for graffiti, other forms of vandalism, and encampments, especially as there is no programming plan for these buildings and they may remain empty. Moreover, as described above in Section IV, retention of the Boatyard Office Building would be contrary to RPD’s broader policy objectives, as expressed in its Strategic Plan, specifically, “Strategy 1: Inspire Public Space,” and “Strategy 2: Inspire Play.”

For the foregoing reasons, the Planning Commission rejects the Partial Preservation Alternative as infeasible.

C. Alternatives Considered but Rejected from Further Consideration

Three alternatives were considered as part of the FEIR’s overall alternatives analysis, but ultimately rejected from detailed analysis. The screening process for identifying viable EIR alternatives included consideration of the following criteria: ability to meet the project objectives; potential ability to substantially lessen or avoid environmental effects associated with the proposed project or variant; and potential feasibility. Those alternatives considered but rejected are as follows:

1. Leave In-Water Structures in Place

An alternative that would not include any in-water redevelopment was explored. This alternative would leave all current piers, piles, and riprap structures in their current condition (including those treated with creosote and/or in a dilapidated, unsafe condition). This alternative would also limit the ability to clean up the site with regard to hazardous materials, as many of the contaminated elements are at the shoreline edge or in the Bay. Without removal and remediation of harmful elements, portions of the properties would be harmful to the public and the Bay ecosystem and unsafe for development and use. Such areas on land and in water would need to be fenced off from the public. In addition, the residential and commercial uses may not be compatible without proper cleanup of the site. Thus, an alternative to leave in-water structures in place was eliminated from further consideration and is not evaluated in the EIR because it fails to meet basic project objectives described above regarding creating a safe environment for park users, public access to the Bay and prioritizing environmental cleanup to promote public health, safety, and welfare. In addition, by not addressing the edge of the Bay adjacent to new development, this alternative would not include landscape that would be adaptive and resilient alongside anticipated sea-level rise or conserve and strengthen natural resources.

2. 100 Percent Affordable Housing

An alternative to use the entire project site for affordable residential housing was explored; however, the cost to conduct hazardous materials cleanup and develop the land entirely with affordable housing residential uses does not make this alternative economically feasible. The property is located on real estate that is one of the last remaining waterfront properties in San Francisco. Constructing 100 percent affordable housing on the entire site would not be financially feasible or practical at this location and does not meet the project objectives related to provision of open space/park uses. To construct affordable housing on the 700 Innes property, all funds otherwise available for public benefits would be directed back into filling the financial gap for construction of these homes; therefore, no funds would be available to improve or build any new parks or open space, provide any transportation improvements, or subsidize any new art installations. This alternative would not meet some of the objectives described above such as including high-quality housing with sufficient density to contribute to 18-hour activity on the project site while offering a mix of unit types and sizes. It would also not provide sufficient mixed-use development capacity with a range of flexible uses that can respond to market demands and attract the private capital necessary to build out the Project in a timely fashion and financially support an array of public benefits, including public open space, a permanent maintenance and operations tax district, community job training and small business development opportunities, public transportation improvements and affordable housing. Moreover, this alternative would not reduce or eliminate any of the Project's environmental effects. Thus, a 100 percent affordable housing alternative was eliminated from further consideration and is not evaluated in the EIR.

3. No Brownfield Redevelopment

An alternative that would not involve any hazardous materials cleanup of the sites that are contaminated was considered. The cost to clean up the site is high and cleanup can take years to accomplish with limited funds. Without removal and remediation of harmful elements, portions of the properties would be harmful and unsafe for development. Therefore, use of the site would be limited and not practical for residential, commercial and recreational use. Some of the project objectives above would not be met including creating a neighborhood center that stimulates meaningful and inclusive local, citywide, and regional community engagement and creating a safe environment for park users, public access to the Bay and prioritizing environmental cleanup to promote public health, safety, and welfare would not be possible. In addition, the opportunity to improve the open space along the Bay would be lost and a seamless park user experience along India Basin that ensures a high level of waterfront and recreation access for neighborhood users, including connectivity to the Blue Greenway/Bay Trail, could not be achieved. Because this alternative does not meet the project objectives, a no brownfield redevelopment alternative was eliminated from further consideration and is not evaluated in the EIR.

4. 100 Percent Open Space/Park Use

An alternative was explored in which the entire site could be used for open space and park purposes that would be owned and operated by RPD. This alternative was considered and eliminated because the funds were not available to develop the entire site as open space/park. The cost of waterfront land in San Francisco is at a premium and the cost to clean up hazardous materials is also very high; therefore, without financial resources from a private developer, this alternative is not practical. Some of the project objectives would not be met as described above

including revitalizing a prime but underutilized southeastern waterfront site with a range of uses designed to increase housing at a range of affordability levels and providing increased business and employment opportunities and pursuing a balanced mix of residential, retail, and office space, as well as R&D space to support a viable, vibrant small-scale neighborhood retail district. In addition, several other objectives such as constructing high-quality housing with sufficient density while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents, and providing sufficient mixed-use development capacity with a range of flexible uses that can respond to market demands and attract the private capital necessary to build out the project site. As such, a 100 percent open space/park use alternative was eliminated from further consideration and is not evaluated in the EIR.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081 and CEQA Guideline Section 15093, the Planning Commission hereby finds, after consideration of the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All feasible mitigation measures identified in the FEIR/IS and MMRP are adopted as part of the Approval Actions described in Section I, above.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technological, legal, social and other considerations,

The Project will have the following benefits:

- **Housing.** The Project will add up to 1,575 housing units to the City's housing stock, including significant numbers of new below-market rate housing units, including the following:
 - Providing housing that could accommodate a range of household incomes and household types (e.g., families, seniors, singles, and formerly homeless), with

approximately up to 394 below-market rate units (approximately 25 percent of all new units).

- Providing up to 180 units at a level affordable to low income households.
- Providing approximately 139 inclusionary units for moderate income households.
- Providing that certain interim milestones be met as the Project is developed, ensuring that at each of those milestones the rate at which rental units are offered must not exceed, on average, a rate that would be affordable to households earning one hundred ten percent (110%) of Area Median Income.
- **Parks and Open Space.** The Project will create an approximately 20.81-acre network of new and/or improved parkland and open space, pathways, trails, ecological, recreational, neighborhood and cultural areas, including: a new shoreline network which would extend the Blue Greenway/Bay Trail and would provide pedestrian and bicycle connections to and along the shoreline, passive open space, recreation areas, piers, fishing areas, plazas, event areas, tidal marshes, facilities for concessions, drinking fountains, restrooms, passive recreational areas for picnicking, shade structures, bicycle parking, wayfinding signage, and historical and educational displays.
- **Site Remediation.** The Project will include site remediation throughout the Project Site. The 900 Innes and 700 Innes properties would undergo an environmental cleanup to remediate residual contaminants that are present because of historical industrial uses. The properties would be remediated to the levels necessary to protect future employees, residents, visitors, and ecological receptors under future proposed park and recreational uses.
- **Infrastructure.**
 - The Project will provide a thorough geotechnical approach to the site, including improvement of the shoreline.
 - The Project will implement a comprehensive strategy to address potential future sea level rise (“SLR”) along with future funding for additional future sea level rise improvements, as set forth in more detail in the Development Agreement, Financing Plan and the Infrastructure Plan.
- **Transportation.** Essential to the development of India Basin are access and mobility improvements that expand transportation options and promote walking, cycling and public transit use over dependence on private automobiles. This spirit echoes the City of San Francisco’s pioneering Transit First Policy, and reaffirms the community’s commitment to healthy, sustainable, equitable transportation alternatives. The Project’s design and development will incorporate innovative and sustainable transit-first policies which will provide significant benefits to residents of and visitors to the project site. These benefits, as set forth in more detail in the Development Agreement and the Transportation Plan, include:

- Delivering a comprehensive transportation program that includes multiple alternatives to use of the private automobile, including extensive bicycle and pedestrian path networks and contributions to transit infrastructure and service.
- Providing a convenient and attractive transit plaza at the intersection of Innes Avenue and Arelious Walker Drive—the main entry to the site. This location places the entire project site, and significant uphill areas within a five-minute walk, facilitating access to improved local and express bus services.
- Expansion of the City’s existing transportation systems are proposed to connect the Project to other districts through a network of pedestrian, bicycle, and bus routes, including a comprehensive vision for streetscape and mobility improvements consistent with designs for the India Basin transportation corridor along Innes Avenue, Hunters Point Boulevard, and Evans Avenue, as described in the Hunters Point Shipyard Environmental Impact Report (“HPS EIR”). The Project would facilitate proposed transportation improvements which include new intersection signals and pedestrian crosswalks at five intersections, left-turn pockets at three intersections, and Innes Avenue Streetscape improvements. Transit stops for local and express buses would strategically be located at major entries to the site along Innes Avenue such that all parts of the development, parks, and shoreline are accessible in less than a five-minute walk from the stops. A combination of Class I and Class II bikeways through the site promote cycling as a dominant mode of transportation, and offer safe and continuous routes for all ages. Trails are expanded into a diverse and comprehensive network of pathways to promote a pedestrian-oriented district.
- Providing additional transportation demand management features such as a car-share program, bike-share stations and membership for residents, bicycle maintenance vouchers and bicycle repair stations, multi-modal wayfinding and real-time transportation displays in key locations throughout project site, carpool and vanpools, and a fleet of bicycles available at no charge to residents and employees until bike share stations are available, as detailed in the Project’s Development Agreement.
- To promote healthy lifestyles and reduce auto traffic and emissions, street designs are intended to support walking, the use of bicycles, and public transportation.
- **Land Use and Sustainable Development.** The Project will implement a comprehensive sustainability strategy that includes principles, goals, targets and strategies for key elements including site design and land use, landscape and biodiversity, transportation, energy, water and wastewater, materials, solid waste, health, safety and security, community and society and economic development, all of which integrate the best principals of smart growth and quality urban design. Key elements of the Sustainability Plan include the following:
 - Developing a currently underutilized site with integrated open space, contributing to a series of Bayshore mixed-use development and open space.

- Committing to achieving Gold rating under the United States Green Building Council's LEED (Leadership in Energy & Environmental Design) for Neighborhood Development ("ND") rating system (July 2010 version) or its equivalent, while making a good faith effort to achieve the higher Platinum rating.
 - Creating a dense, compact land use plan located in close walking proximity to a multi-modal transit node, residents, employees and visitors are encouraged to choose walking, bicycling and transit over the automobile, also enabling a significant portion of the Project Site to be preserved or established as natural habitat.
 - Including enough residential density to create a viable community that supports neighborhood serving retail, community facilities, and transit infrastructure and service.
 - Rehabilitation of historic resources such as 702 Earl Street and the Shipwright's Cottage.
 - Locating neighborhood-serving uses and transit within walking and bicycling distance of all residences, making substantial improvements to the pedestrian and bicycle network, and making each of these modes of transit a viable alternative to automobiles for non-commute trips.
- **Economic Development, Jobs and Community Facilities.**
 - The Project will provide a comprehensive package of educational, social, cultural, environmental, and public safety facilities and programs, including child-care facilities, community meeting rooms and other facilities, a welcome center and public exhibition space, and other recreational facilities. The construction of the Project will provide opportunities to generate thousands of annual construction jobs and hundreds of permanent jobs at project completion, encouraging participation by small and local business enterprises through a comprehensive employment and contracting policy.
 - The Project will invest more than \$50 million in infrastructure to serve the site including \$16.5 million in transportation improvements.
 - The Project will create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.
 - Specifically, the Project will create approximately 3,505 construction job opportunities onsite over the build-out of the Project. Total annual payroll during peak periods is estimated to be \$270 million. Construction spending will indirectly generate an approximately additional 1,792 jobs total in San Francisco over an approximately 17-year build out.

- In addition, the Project will create approximately 477 net new permanent jobs in the Project Site. Permanent jobs are estimated to generate an annual payroll of \$43 million. In addition, economic activity from the Project is projected to generate multiplier effects on other businesses and employment, creating a projected additional 833 jobs from indirect and induced expenditures in the San Francisco economy.
- At full build-out, the Project will provide more than approximately \$1,162,940,000 in net new property value (in constant dollars or \$1,110,000,000 in nominal dollars).

Having considered the above, and in light of evidence contained in the FEIR and in the record, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the FEIR and/or IS, and that those adverse environmental effects are therefore acceptable.

