

1 [Conditionally Reversing the Final Environmental Impact Report Certification - India Basin
2 Mixed-Use Project]

2

3 **Motion conditionally reversing the Planning Commission’s certification of the Final**
4 **Environmental Impact Report prepared for the proposed India Basin Mixed-Use Project,**
5 **subject to the adoption of written findings of the Board of Supervisors in support of**
6 **this determination.**

7

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

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

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

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

24

25

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

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

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

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

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

21 WHEREAS, The comments and revisions addressed in the RTC did not identify new
22 significant impacts or a substantial increase in the severity of previously identified impacts, nor
23 did they identify feasible project alternatives or mitigation measures that are considerably
24 different from those analyzed in the Draft EIR and that the Project sponsor has not agreed to
25 implement, and no significant new information that would require recirculation of the Draft EIR

1 under Section 21092.1 of CEQA, California Public Resources Code, Sections 21000 et seq.
2 (“CEQA”) and CEQA Guidelines, Section 15088.5 was identified; and

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

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

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

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

20 WHEREAS, On October 2, 2018, and October 16, 2018, this Board held duly noticed
21 public hearings to consider the appeals of the Final EIR certification filed by Appellants; and

22 WHEREAS, Following the conclusion of the public hearings, the Board of Supervisors
23 conditionally reversed the Planning Commission’s certification of the Final EIR, subject to the
24 adoption of written findings of the Board in support of such determination, based on the
25

1 written record before the Board of Supervisors as well as all of the testimony at the public
2 hearings in support of and opposed to the appeal; and

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

8 MOVED, That this Board of Supervisors conditionally reverses the certification of the
9 Final EIR by the Planning Commission, subject to the adoption of written findings of the Board
10 in support of this determination.

11

12 n:\land\as2018\0400241\01305792.docx

13

14

15

16

17

18

19

20

21

22

23

24

25