



PLANNING COMMISSION MOTION NO. 21277

HEARING DATE: MARCH 16, 2023

Record No.: 2019-023037ENV
Project Title: Waterfront Plan
Neighborhood: North Beach, Financial District, South of Market, Potrero Hill, Bayview/Hunters Point
Zoning: Multiple
Block/Lot: Multiple Piers and Seawall Lots
Project Sponsor: Diane Oshima, Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111
(415) 274-0553
Staff Contact: Sherie George – (628) 652-7558
sherie.george@sfgov.org

ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WATERFRONT PLAN.

MOVED, that the San Francisco Planning Commission (hereinafter “Commission”) hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2019-023037ENV, for the Waterfront Plan Project (hereinafter “Project”), based on the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter “Department”) fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter “CEQA”), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., hereinafter “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”).
 - A. The Department determined that an environmental impact report (hereinafter “EIR”) was required and provided public notice of that determination by publication in a newspaper of general circulation on August 26, 2020. The public notice also provided notice of the date and time of a virtual public scoping meeting held on September 9, 2020. The notice was mailed to the Department’s list of persons requesting such notice, the State Clearinghouse, local agencies/department/jurisdictions including decisionmakers on August 26, 2020.
 - B. On February 23, 2022, the Department published the draft EIR (hereinafter “DEIR”) and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment, and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department’s list of persons requesting such notice, individuals who submitted comments on the notice of preparation of an EIR, the State Clearinghouse, and local agencies/departments/jurisdictions

including decisionmakers on February 23, 2022. Hard copies of the document were mailed to individuals who requested physical copies.

- C. The notice of availability of the DEIR and of the date and time of the public hearing were posted along the project site on February 23, 2022.
 - D. On February 23, 2022, copies of the DEIR were mailed or otherwise delivered to state government agencies through the State Clearinghouse.
 - E. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on February 23, 2022.
2. The Commission held a duly advertised public hearing on said DEIR on March 24, 2022, at which opportunity for public comment was given and public comment was received on the DEIR. The period for acceptance of written comments ended on April 25, 2022.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-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 errors in the DEIR. This material was presented in a Responses to Comments document, published on January 19, 2023, distributed to the Commission and all parties who commented on the DEIR, and made available to download from the Department web site as well as to others upon request at the Department.
 4. A final environmental impact report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR with appendices and attachments, as well as the Responses to Comments document including any consultations and comments received during the review process, and any additional information that became available, and the Errata document dated March 10, 2023, all as required by law.
 5. The FEIR consisting of the DEIR with appendices and attachments, Responses to Comments and the Errata document dated March 10, 2023 are available for review by the Commission and the public on the San Francisco Planning Department website on the Environmental Documents page at <https://sfplanning.org/environmental-review-documents>. Other project files are available to the public at the San Francisco Planning Department, 49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103. These project files are part of the administrative record before the commission.
 6. The Commission, in certifying the completion of said FEIR, hereby does find that that none of the factors that would necessitate recirculation of the FEIR under CEQA Guidelines Section 15088.5 are present. The FEIR contains 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's proponents, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

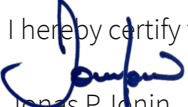
The Commission finds that the Project proposed for approval is within the scope of the Project analyzed in the FEIR, and the FEIR fully analyzed the Project proposed for approval. No new impacts have been identified that were not analyzed in the FEIR.

7. On March 16, 2023, the Commission reviewed and considered the information contained in the FEIR and hereby does find 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.
8. The Commission hereby does find that the FEIR concerning File No. 2019-023037ENV reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to Comments document and the Errata dated March 10, 2023 contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
9. The Commission, in certifying the completion of said FEIR, hereby does find that the Project described in the EIR:
 - A. Would have significant unavoidable impacts on the following:
 - Project-level Impacts
 - Transportation and circulation (loading)
 - Air quality (criteria pollutants and exposure of sensitive receptors to substantial levels of fine particulate matter and toxic air contaminants)
 - Cumulative Impacts
 - Transportation and circulation (construction-related transportation, transit delay, and loading)
 - Air quality (exposure of sensitive receptors to substantial levels of fine particulate matter and toxic air contaminants)

Some of these significant impacts would be reduced with the implementation of mitigation measures but would remain significant and unavoidable with mitigation.

10. The Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 16, 2023.



Jonas P. Ionin

Commission Secretary

- AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
NAYS: None
ABSENT: Ruiz
ADOPTED: March 16, 2023