

File No. 180843

Committee Item No. \_\_\_\_\_

Board Item No. 45

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 25, 2018

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### OTHER

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Prepared by: Lisa Lew

Date: September 20, 2018

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

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 September 25, 2018, this Board held a duly noticed public hearing to  
21 consider the appeals of the Final EIR certification filed by Appellants; and

22 WHEREAS, Following the conclusion of the public hearing, 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 hearing 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 hearing before the  
5 Board of Supervisors by all parties and the public in support of and opposed to the appeals of  
6 the Final EIR certification is in the Clerk of the Board of Supervisors File No. 180841 and is  
7 incorporated in this motion as though set forth in its entirety; now, therefore, be it

8 MOVED, That this Board of Supervisors 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.

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Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

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

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

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

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

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

Sponsor(s):

Clerk of the Board

Subject:

Conditionally Reversing the Final Environmental Impact Report Certification - India Basin Mixed-Use Project

The text is listed:

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

Signature of Sponsoring Supervisor: *Alisa Gomez*

*to*

For Clerk's Use Only

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