File No. 190971 **Committee Item No.** 4
Board Item No. 63

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee **Date** September 14, 2020

Board of Supervisors Meeting **Date** September 22, 2020

Cmte	Board	
☐	☐	**Motion**
☐	☐	**Resolution**
☒	☐	**Ordinance**
☒	☐	**Legislative Digest**
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☐	☐	**Form 126 – Ethics Commission**
☐	☐	**Award Letter**
☐	☐	**Application**
☐	☐	**Public Correspondence**

OTHER **(Use back side if additional space is needed)**

☒	☐	SUR Map 2019-004 090219
☒	☐	DRAFT Quitclaim Deed
☒	☐	PW Order No. 201923
☒	☐	PLN GP Ref 112618
☒	☐	RED Memo 092319
☒	☐	Referral FYI 100219
☒	☐	Hearing Notice 121019
☒	☐	PW Affidavit 112119
☒	☐	PW Memo 120319
☒	☐	DRAFT Quitclaim Deed 083020
☒	☐	DRAFT Quitclaim Deed City 083120

Completed by: Erica Major **Date** September 10, 2020
Completed by: Erica Major **Date** September 17, 2020

[Street Vacation and Conveyance - India Basin Project]

Ordinance ordering the vacation of streets in the India Basin Project site, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline; reserving temporary public utility and access rights in favor of the City and temporary easement rights for existing PG&E gas and overhead electrical facilities; authorizing the City to quitclaim its interest in approximately 3.8 acres within Earl Street, Hudson Avenue, and Arelious Walker Drive to India Basin Investment LLC; authorizing the City to transfer approximately 1.1 acres within Arelious Walker Drive, Hudson Avenue, Earl Street, and Galvez Avenue to the State for purposes of having such property reconveyed to the City to be held by the Port, in trust, through implementation of the India Basin Public Trust Exchange; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Assessor Recorder for recording.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) California Streets and Highways Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a) set forth the procedures that the City and County of San Francisco ("City") follows to vacate public streets.

(b) The City and India Basin Investment, LLC ("Developer") are parties to an agreement (the "Development Agreement") for the development of a mixed-use project and improvement and expansion of the India Basin Open Space, a public open space under the jurisdiction of the City's Recreation and Park Department (the "India Basin Project").

(c) The India Basin Project was approved by the Board of Supervisors by Motion M18-136 and Ordinance Nos. 251-18, 252-18, and 261-18, copies of which are on file with the Clerk of the Board in File Nos. 180842, 180680, 180681, and 180816, respectively, and incorporated herein by reference.

(d) As contemplated under the Development Agreement, certain public streets within the India Basin Project must be vacated in order to fulfill the public benefits to be obtained through the Development Agreement.

(e) In furtherance thereof, on November 5, 2019, the City adopted Resolution No. 474-19 ("Resolution of Intention"), declaring the City's intent to vacate certain public streets lying within the boundaries of the future mixed-use project and the existing and future India Basin Open Space. The Resolution of Intention is on file with the Clerk of the Board of Supervisors in File No. 190969 and is incorporated herein by reference.

(f) As contemplated by the Development Agreement, the following public streets to be vacated under this ordinance will be conveyed by the City to Developer and developed as part of the India Basin Project (collectively, the "Development Parcels"): portions of Hudson Avenue, Earl Street, and Arelious Walker Drive that are identified as Parcels 12, 13, 15, and 16 on the Public Works ("PW") SUR Map No. 2019-004, dated September 20, 2019 (the "IB

SUR Map"), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 190971, and incorporated herein by reference.

(g) The following public streets to be vacated under this ordinance are existing Port-owned streets and, upon vacation, will remain in Port ownership, subject to the public trust, but will be incorporated into the India Basin Open Space and managed by City's Recreation and Park Department (the "Port Parcels"): portions of Fairfax Avenue, Evans Avenue, Earl Street, Arelious Walker Drive, and Fitch Street, that are identified as Parcels 1, 2, 3, 6, and 8 on the IB SUR Map.

(h) The following public streets to be vacated under this ordinance are existing City-owned streets which, upon vacation, will remain City property, but quitclaimed to the State as part of the Public Trust Exchange (as defined below) and immediately patented back to the City, in trust, to be held under Port jurisdiction but incorporated into the India Basin Open Space and managed by City's Recreation and Park Department (the "City Future Trust Parcels"): portions of Hudson Avenue, Arelious Walker Drive, Galvez Avenue, and Earl Street that are identified as Parcels 4, 5, 7, 9, 10, 11, and 14 on the IB SUR Map.

(i) The Development Parcels, the Port Parcels and the City Future Trust Parcels are referred to collectively in this ordinance as the "Vacation Area**.**"

(j) The Board of Supervisors finds it appropriate and in the public interest to pursue the street vacations in the Vacation Area as described above as part of the India Basin Project.

(k) The Clerk of the Board of Supervisors has transmitted to the Director of Public Works ("PW Director") a certified copy of the Resolution of Intention, and the PW Director has caused notice of adoption of said Resolution to be posted in the manner required by law.

(l) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting on December 10, 2019, the Board heard all persons interested in the vacation of the Vacation Area.

(m) As provided under Section 6.2 and Exhibit V of the Development Agreement and contemplated by Ordinance No. 252-18, the City agreed to vacate the Development Parcels and, following the vacation and satisfaction of any applicable City conditions, to convey the underlying land to the Developer in connection with the land assembly required for the Project. In return, Developer is obligated under the Development Agreement to convey certain land to the City for future streets and parks. As required under the Development Agreement, the City would convey a total of 3.8 acres of the Development Property to the Developer in exchange for the following property to be received from the Developer: (1) a conveyance of 2.6 acres of Developer-owned property (the "Trust Exchange Property") that will be conveyed to the City for parks and open space in connection with the implementation of the public trust exchange (the "Public Trust Exchange"), with 0.14 of those acres to be conveyed separately, all as authorized under the Public Trust Exchange Agreement, substantially in the form approved in Ordinance No. 252-18; and (2) the dedication to the City of 3.8 acres of Developer-owned property for future right-of-ways that will be accepted by the City upon completion of the applicable street improvements (the "Future Streets Dedication Property").

(n) In furtherance of its obligations under the Development Agreement, the City is undertaking the street vacation actions contemplated by this ordinance and the City proposes to quitclaim its interest to Developer in the Development Parcels as part of the Public Trust Exchange to help facilitate the development of the India Basin Project.

(o) In addition, to resolve title issues and implement the successful development of the India Basin Open Space (an approximately 6.2-acre open space along the shoreline on property which will be under the jurisdiction of the Recreation and Park Department and the Port of San Francisco), City also wishes to vacate (1) the Port Parcels, which will continue to be held by the Port for use within India Basin Open Space and managed by the Recreation

and Park Department, and (2) the City Future Trust Parcels, which will be quitclaimed to the State and re-conveyed to the City, in trust, to be held by the Port for use within the India Basin Open Space and managed by the Recreation and Park Department.

(p) In PW Order No. 201923, dated September 20, 2019, on file with the Clerk of the Board of Supervisors in File No. 190971, the PW Director determined (1) the Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes, subject to a reservation of rights in favor of the City for a temporary non-exclusive easement for right-of-ways over Parcels 15 and 16 on the IB SUR Map, comprising approximately 1.5 acres of the Vacation Area, which easement will terminate automatically upon (i) the PW Director’s issuance of Determination of Completion for at least 1.3 acres of public right-of-ways within Phase 1 of the Project in accordance with the Development Agreement; or (ii) such earlier date at PW Director’s discretion; (2) the public interest, convenience, and necessity do not require easements or other rights to be reserved for any public or private utilities or facilities that are in place and any rights based on such public or private utilities or facilities are extinguished, except as provided for in subsections (b)(1) and (b)(2) of Section 2 of this ordinance that reserve temporary rights for the benefit of PG&E and San Francisco Public Utilities Commission (“SFPUC”) within portions of the Vacation Area, to be extinguished as provided therein; (3) in accordance with California Streets and Highways Code Sections 892 and 8314, the Vacation Area is no longer useful as a nonmotorized transportation facility; (4) the consent of all property owners adjacent to the Vacation Area was obtained; and (5) the decision to quitclaim the City’s interest in the Development Parcels to Developer, following the vacation and satisfaction of any applicable City conditions, is contemplated under Section 6.2 and Exhibit V of the Development Agreement and was approved by the Board in Ordinance No. 252-18.

(q) The Board of Supervisors adopts as its own the recommendations of the PW Director as set forth in PW Order No. 201923 concerning the vacation of the Vacation Area and other actions in furtherance thereof and the Board hereby incorporates such recommendations and findings by reference as though fully set forth herein.

(r) On July 26, 2018, by Motion No. 20247, the Planning Commission certified the Final Environmental Impact Report ("FEIR") for the India Basin Project (Planning Case No. 2014-002541ENV) as accurate, complete, and in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq., "CEQA**"**) and Administrative Code Chapter 31. Said Motion is on file with the Clerk of the Board of Supervisors in File No. 180680 and is incorporated herein by reference.

(s) On July 26, 2018, by Motion No. 20248, the Planning Commission approved CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2014-002541ENV, for approval of the India Basin Project. Said Motion is on file with the Clerk of the Board of Supervisors in File No. 180681, and is incorporated herein by reference. The Board of Supervisors adopts and relies on these CEQA Findings for purposes of all the actions contemplated in this ordinance.

(t) In a letter dated November 26, 2018 ("Planning Letter"), the Planning Department determined that the proposed vacation of the Vacation Area and other actions contemplated in this ordinance are consistent with the General Plan and priority policies of Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 190971 and is incorporated herein by reference as though fully set forth herein. The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

(u) Also in the Planning Letter**,** the Planning Department determined that the actions contemplated in this ordinance comply with CEQA. The Board hereby affirms this determination for the reasons stated therein.

(v) In a letter dated September 23, 2019, the Director of Property for the Real Estate Division recommends the real property transactions related to the street vacation. This letter is on file with the Clerk of the Board of Supervisors in File No. 190971 and incorporated herein by reference.

(w) The SFPUC General Manager has reviewed this ordinance pursuant to the authority granted to the General Manager in the SFPUC's Consent to the Development Agreement, and recommends approval of this ordinance, subject to the reservation of non-exclusive easements within Arelious Walker Drive as provided in subsection (b)(2) of Section 2 of this ordinance.

Section 2. Street Vacation.

(a) The Board of Supervisors hereby vacates the Vacation Area, as shown on the IB SUR Map, pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a).

(b) The Board of Supervisors finds that the Vacation Area is unnecessary for present or prospective public use, subject to:

(1) The reservation of rights for existing PG&E gas facilities in Arelious Walker Drive and existing overhead electrical facilities in a portion of Earl Street identified as Parcel 13 on the IB SUR Map, which will terminate effective automatically with no requirement for further action on the earlier to occur of (i) the relocation or removal of the facilities, with concurrence of PG&E, (ii) termination of service to customers through the facilities, or (iii) City's acceptance for City maintenance and liability of new public right of ways within the India Basin Project that include equivalent or better gas and electric facilities.

(2) The reservation of non-exclusive easements for the City to maintain an existing 8-inch water main and four hydrants within the portion of the Development Parcels

that lies within the existing Arelious Walker cul-de-sac, to further the public interest, convenience, and necessity. The reserved easements will be extinguished by quitclaim deed upon acceptance of the replacement facilities or earlier at PW Director's discretion based on consultation with the affected City departments.

(3) The reservation of rights in favor of the City for a temporary non-exclusive easement for right-of-ways over Parcels 15 and 16 on the IB SUR Map, comprising approximately 1.5 acres of the Vacation Area, which easement will terminate automatically upon (i) the PW Director's issuance of Determination of Completion for at least 1.3 acres of public right-of-ways within Phase 1 of the Project in accordance with the Development Agreement, or (ii) such earlier date at PW Director's discretion.

Section 3. Real Property Transaction; Delegation of Authority.

(a) The Board of Supervisors adopts the recommendations of the Director of Property in the letter dated September 23, 2019. Notwithstanding the provisions of Administrative Code Chapter 23 and as contemplated in the Development Agreement and the Public Trust Exchange Agreement, the Board of Supervisors approves the following conveyances: (1) City's quitclaim of its interests in the Development Parcels to Developer, either directly or indirectly through the State, and (2) City's quitclaim of its interest in the City Future Trust Parcels in connection with the Public Trust Exchange to the State, which City Future Trust Parcels will be re-conveyed to the City, in trust, to be held by the Port for use within India Basin Open Space and managed by the Recreation and Park Department.

(b) The Board of Supervisors delegates to the Director of Property, in consultation with the City Attorney's Office, the authority to make nonmaterial changes in, and to finalize and execute, the quitclaim deed(s) on behalf of the City, conveying the Development Parcels and the City Future Trust Parcels, all in accordance with the terms of the Development

Agreement, the Public Trust Exchange Agreement, and as set forth in this ordinance, upon the satisfaction of all conditions to closing contemplated in the Development Agreement and the Public Trust Exchange Agreement, including, but not limited to, the following:

(1) The Public Trust Exchange has occurred or will be occurring concurrently with the closing, and Developer has conveyed to the City, or will concurrently with the closing convey to the City, the Trust Exchange Property; and

(2) The Director of Property has made a finding that the quitclaim of the applicable Development Parcel will not result in a net loss of acreage for the City, as follows: (i) the acreage, calculated cumulatively as of the date of the quitclaim, of Trust Exchange Property and Future Streets Dedication Property conveyed by Developer to the City, plus the acreage of temporary easements reserved by the City pursuant to subsection (b)(3) of Section 2 of this ordinance, on the one hand, and (ii) the acreage, calculated cumulatively as of the date of the quitclaim, of the Development Parcel to be quitclaimed to Developer, on the other hand.

(c) Copies of the draft quitclaim deeds referenced in this ordinance are on file with the Clerk of the Board of Supervisors in File No. 190971 and incorporated herein by reference.

Section 4. Official Acts in Connection with this Ordinance.

(a) The Mayor, Clerk of the Board of Supervisors, Director of Property, County Surveyor, Assessor-Recorder, Port Director, and PW Director are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable to effectuate the purpose and intent of this ordinance (including, without limitation, the filing of this ordinance in the Official Records of the City; confirmation of satisfaction of the conditions to the effectiveness of the vacation of the Vacation Area hereunder; and execution and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of

the conditions upon signature by any such City official or the official's designee, and completion and recordation of quitclaim(s)).

(b) The Clerk of the Board of Supervisors is directed to transmit to the Office of the Assessor Recorder a certified copy of this ordinance, the legal description of the Vacation Area, the Assessor's Parcel Number(s) or reserved Assessor's Parcel Number(s), and the IB SUR Map. Promptly upon the effective date of this vacation, the County Recorder shall record this ordinance, the legal description of the Vacation Area, and the IB SUR Map.

Section 5. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 6. Within 30 days of recordation of any conveyance documents authorized to be executed by this ordinance, the Real Estate Director shall provide copies of the recorded documents to the Clerk of the Board of Supervisors for the Board's File for this ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: /s/
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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FILE NO. 190971

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 10/28/2019)

[Street Vacation and Conveyance - India Basin Project]

Ordinance ordering the vacation of streets in the India Basin Project site, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline; reserving temporary public utility and access rights in favor of the City and temporary easement rights for existing PG&E gas and overhead electrical facilities; authorizing the City to quitclaim its interest in approximately 3.8 acres within Earl Street, Hudson Avenue, and Arelious Walker Drive to India Basin Investment LLC; authorizing the City to transfer approximately 1.1 acres within Arelious Walker Drive, Hudson Avenue, Earl Street, and Galvez Avenue to the State for purposes of having such property reconveyed to the City to be held by the Port, in trust, through implementation of the India Basin Public Trust Exchange; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Assessor Recorder for recording.

Existing Law

California Streets and Highways Code sections 8300 et seq. and Public Works Code section 787(a) govern the process for the vacation of City streets and public service easements.

Hudson Avenue, Earl Street, Arelious Walker Drive, Fairfax Avenue, Evans Avenue, Fitch Street, and Galvez Avenue are streets in the India Basin Project site, which is generally located at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline.

Amendments to Current Law

This legislation would vacate the following streets, as depicted in the Public Works SUR Map incorporated by reference into the legislation, and subject to some reservations listed in the ordinance:

- Portions of Hudson Avenue, Earl Street and Arelious Walker Drive, to be conveyed by the City to the India Basin Investment, LLC, and developed as part of the India Basin Project;

- Portions of Fairfax Avenue, Evans Avenue, Earl Street, Arelious Walker Drive and Fitch Street, which are currently owned by the Port of San Francisco (Port), and which upon vacation would remain under Port ownership, subject to the public trust, and incorporated into the India Basin Open Space; and
- Portions of Hudson Avenue, Arelious Walker Drive, Galvez Avenue and Earl Street, which are currently City-owned streets and which, upon vacation, will remain City property but will be subject to the public trust and will be incorporated into the India Basin Open Space.

The ordinance affirms the Planning Department's determination under the California Environmental Quality Act and adopt findings that the legislative actions are consistent with the San Francisco General Plan and eight priority policies of San Francisco Planning Code section 101.1. The ordinance also authorizes official acts in connection with its implementation, such as transmittal of the ordinance by the Clerk of the Board of Supervisors to the Assessor Recorder for recording.

Background Information

The Board of Supervisors approved a series of entitlements for the India Basin Project in 2018, including a Development Agreement which anticipated the vacation of certain streets within the project site, in order to fulfill the public benefits to be obtained through the Development Agreement. This ordinance implements the Development Agreement.

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LEGEND

APN	ASSESSOR'S PARCEL NUMBER
POB	POINT OF BEGINNING
P.	PARCEL
(R)	RADIAL BEARING

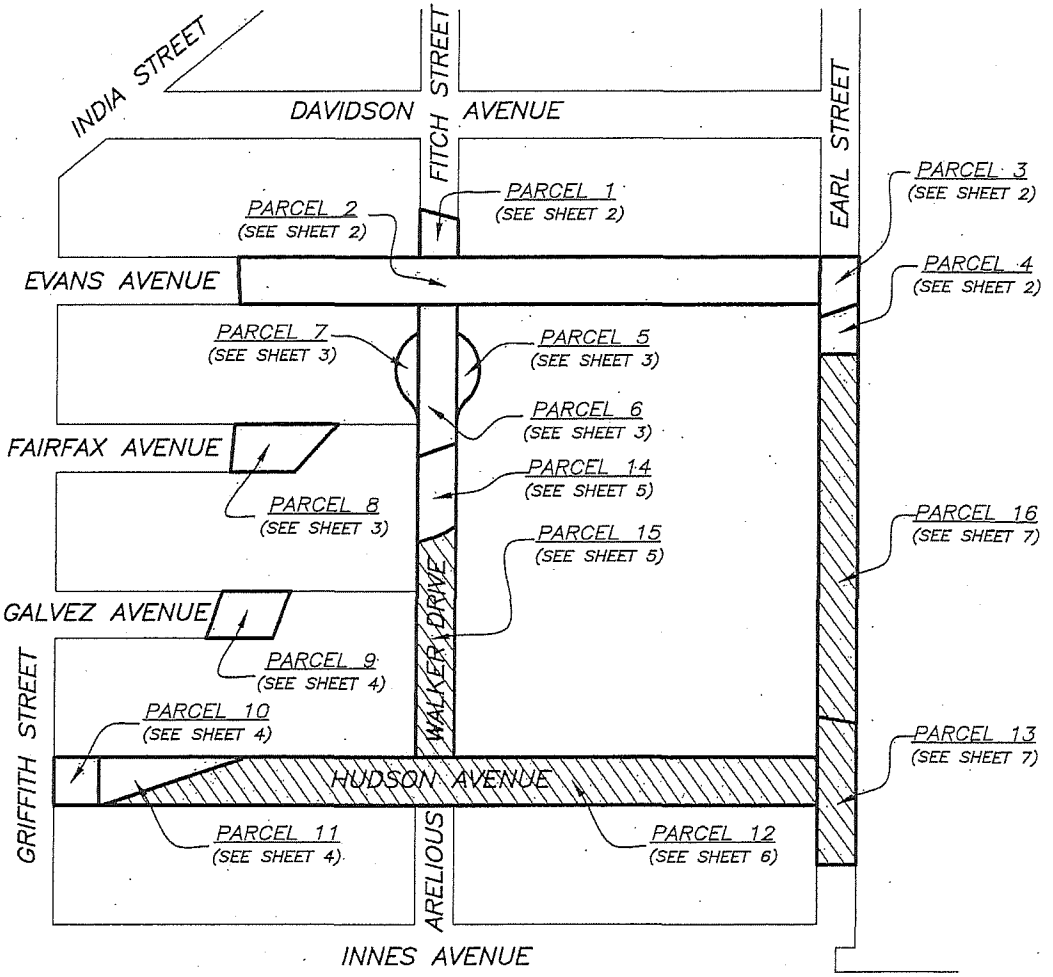
STREET RIGHT OF WAY AREA TO BE VACATED AND RETAINED BY THE CITY

STREET RIGHT OF WAY AREA TO BE VACATED AND CONVEYED

N

0 100 200 400

GRAPHIC SCALE



NOTES

1. ALL ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
2. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

MAP REFERENCES

1. RECORD OF SURVEY NO. 8059 RECORDED AUGUST 15, 2017 IN BOOK GG OF SURVEY MAPS AT PAGES 182–183, SAN FRANCISCO COUNTY RECORDS.

2. "MAP OF EAST INDIA BASIN BUSINESS PARK" FILED MAY 4, 1988 IN BOOK "Y" OF MAPS, AT PAGES 18 AND 19, SAN FRANCISCO COUNTY RECORDS.

3. "MAP OF LANDS TRANSFERRED IN TRUST TO THE CITY AND COUNTY OF SAN FRANCISCO", FILED IN BOOK "W" OF MAPS, PAGES 66 THROUGH 72, SAN FRANCISCO COUNTY RECORDS.

ARELIOUS WALKER DRIVE NOTE

FITCH STREET WAS RENAMED ARELIOUS WALKER DRIVE PER RESOLUTION NO. 1012–95 OF THE BOARD OF SUPERVISORS FOR THE CITY AND COUNTY OF SAN FRANCISCO, APPROVED BY THE MAYOR, DECEMBER 7, 1995.

BASIS OF BEARINGS

THE NORTHEASTERLY LINE OF HUDSON AVENUE IS TAKEN TO BE N54°28'21"W FOR THE BASIS OF BEARINGS AS SHOWN ON "MAP OF EAST INDIA BASIN BUSINESS PARK" FILED MAY 4, 1988 IN BOOK "Y" OF MAPS, AT PAGES 18 AND 19, OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO.

APN TABLE

Parcel No.	Square Feet	APN
1	4,602	4596-027
2	76,953	4607-026
3	5,835	4607-027
4	4,725	4607-028
5	3,460	4607-029
6	15,556	4607-030
7	3,460	4606-101
8	11,069	4606-102
9	8,859	4630-103
10	6,000	4630-102
11	10,154	4630-101
12	84,966	4631-004
13	15,454	4631-003
14	9,153	4620-003
15	23,931	4631-005
16	39,266	4631-006

PROFESSIONAL LAND SURVEYOR
BRUCE R. STORRS
NO. 6914
STATE OF CALIFORNIA

APPROVED:

BRUCE R. STORRS
CITY & COUNTY SURVEYOR

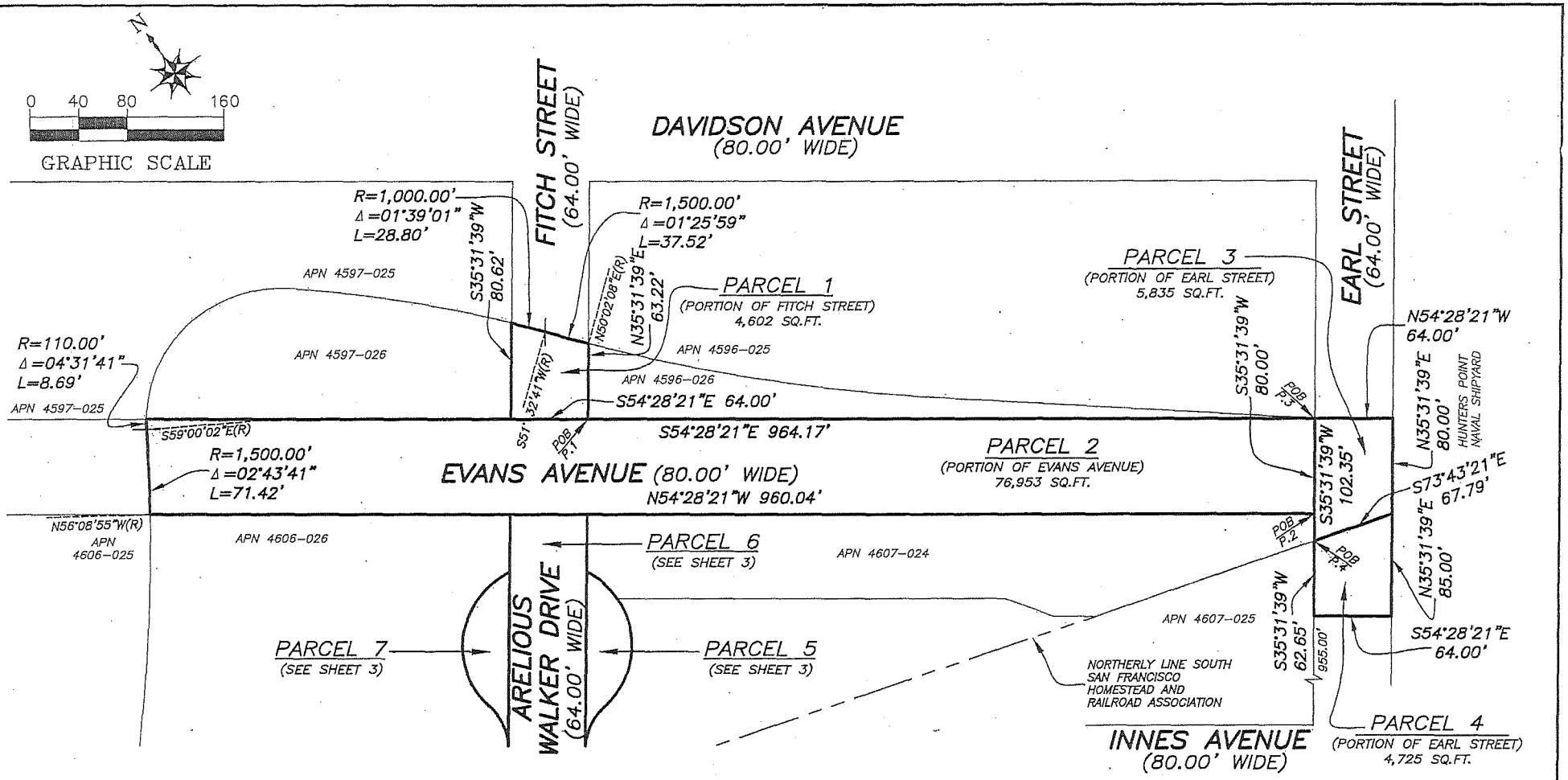
9/20/19
DATE

CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS

SUBDIVISION AND MAPPING

MAP TITLE VACATION OF A PORTION OF ARELIOUS WALKER DRIVE, HUDSON AVENUE, GALVEZ AVENUE, FAIRFAX AVENUE, EVANS AVENUE, FITCH STREET AND EARL STREET

FILE:	SHEET	SCALE:	REVISION
SUR 2019–004	1 OF 7	1:200	



SEE SHEET 1 FOR NOTES & LEGEND

PROFESSIONAL LAND SURVEYOR
BRUCE R. STORRS
NO. 6914
STATE OF CALIFORNIA

APPROVED:

See Page 1
BRUCE R. STORRS
CITY & COUNTY SURVEYOR

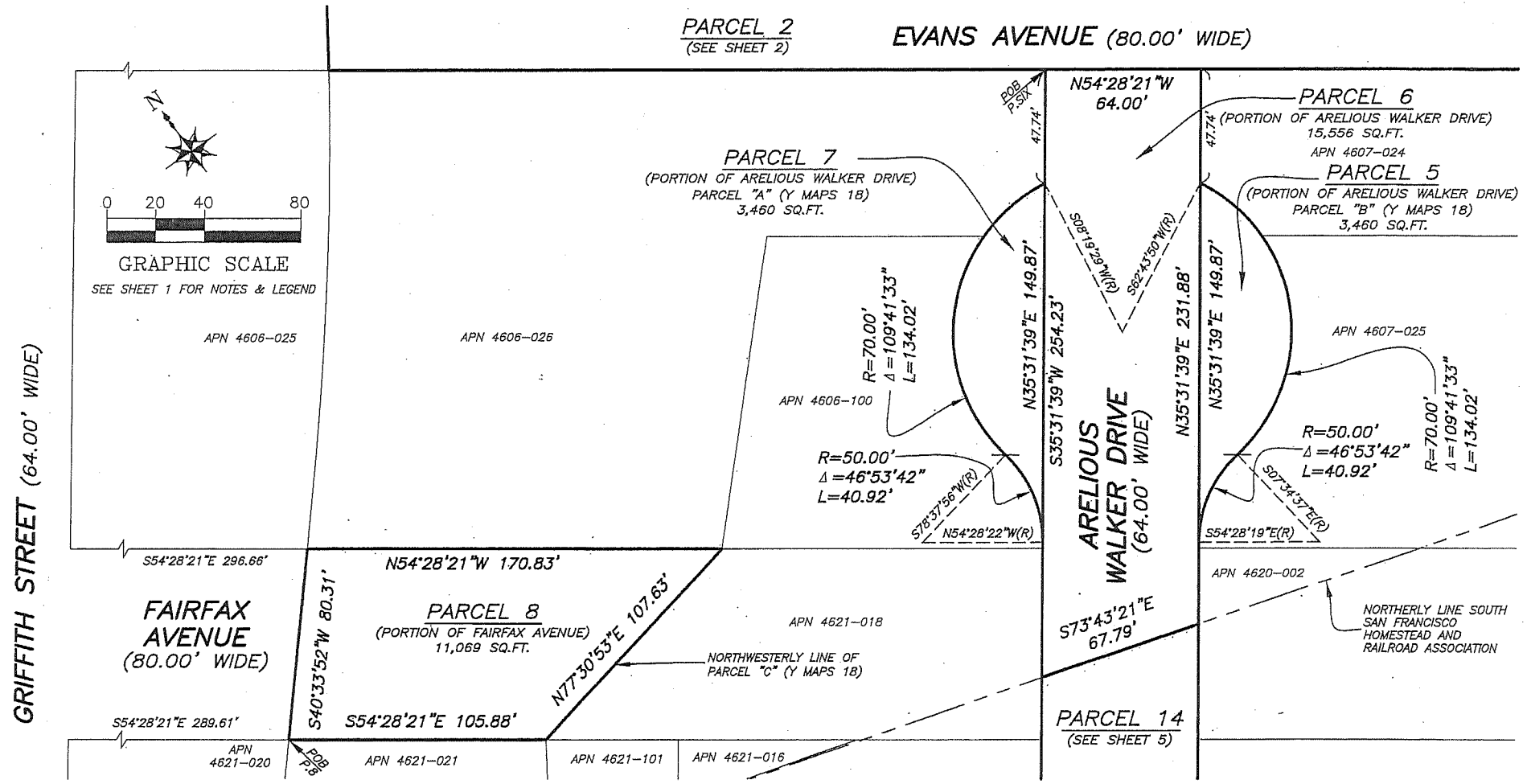
9/20/19
DATE

CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
SUBDIVISION AND MAPPING

MAP TITLE VACATION OF A PORTION OF ARELIOUS WALKER DRIVE, HUDSON AVENUE, GALVEZ AVENUE; FAIRFAX AVENUE, EVANS AVENUE, FITCH STREET AND EARL STREET

FILE: SUR 2019-004	SHEET 2 OF 7	SCALE: 1:80	REVISION

S-8484 Street Vacation Exhibits.dwg



PROFESSIONAL LAND SURVEYOR
BRUCE R. STORRS
NO. 6914
STATE OF CALIFORNIA

APPROVED:

See Page 1

BRUCE R. STORRS
CITY & COUNTY SURVEYOR

9/20/19
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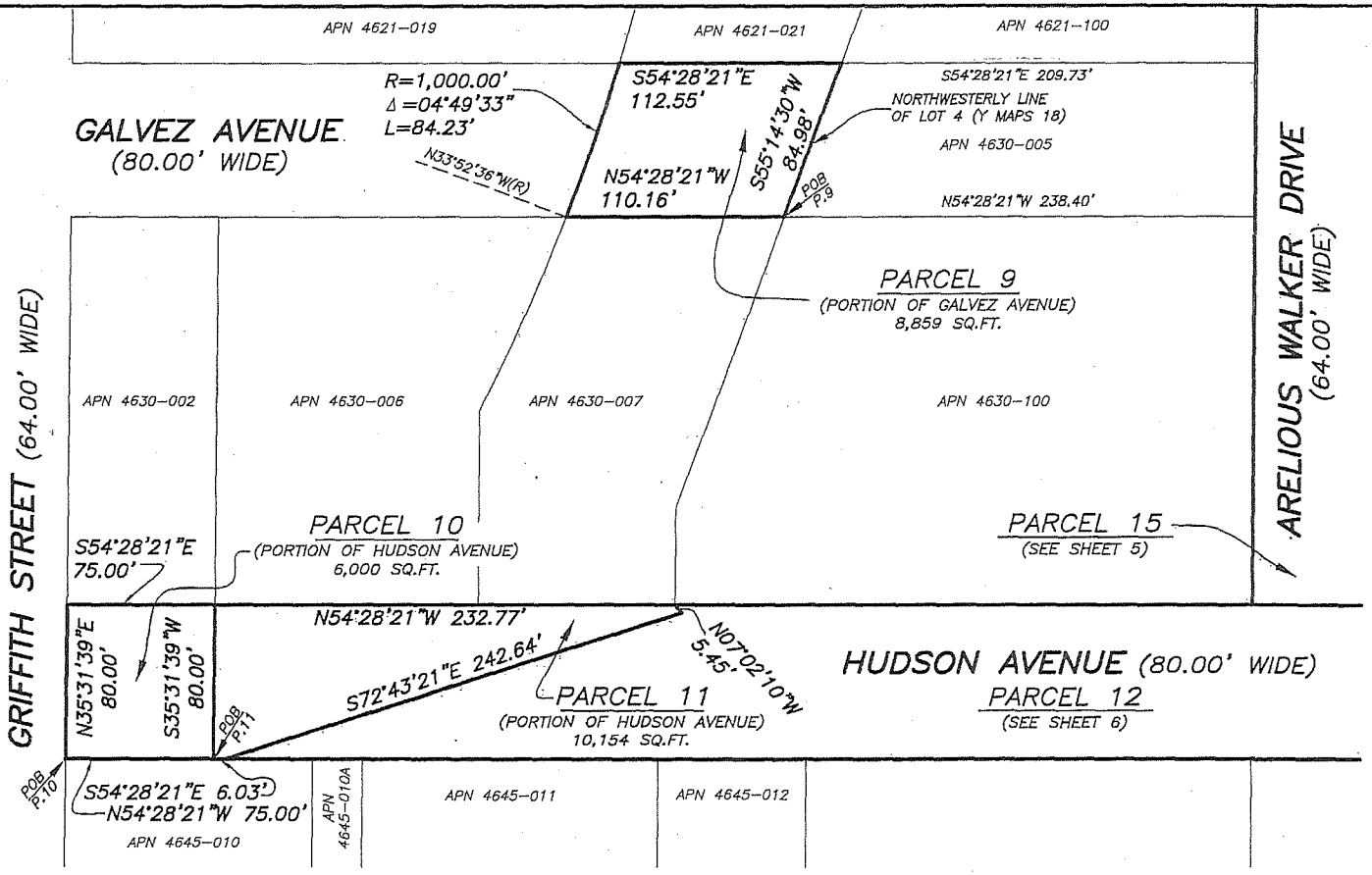
CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
SUBDIVISION AND MAPPING

MAP TITLE VACATION OF A PORTION OF ARELIOUS WALKER DRIVE, HUDSON AVENUE, GALVEZ AVENUE, FAIRFAX AVENUE, EVANS AVENUE, FITCH STREET AND EARL STREET

FILE: SUR 2019-004	SHEET 3 OF 7	SCALE: 1:40	REVISION



SEE SHEET 1 FOR NOTES & LEGEND

PROFESSIONAL LAND SURVEYOR
BRUCE R. STORRS
NO. 6914
STATE OF CALIFORNIA

APPROVED:

See Page 1
BRUCE R. STORRS
CITY & COUNTY SURVEYOR

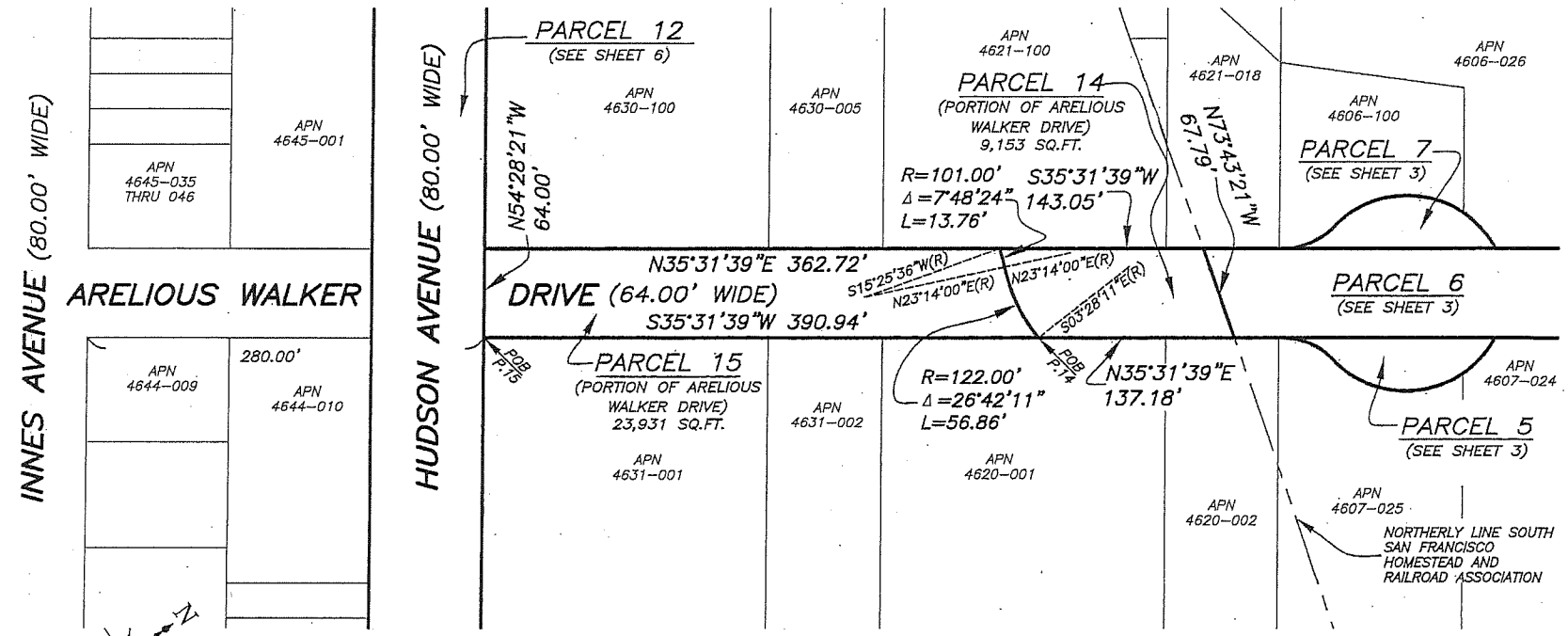
9/20/19
DATE

CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
SUBDIVISION AND MAPPING

MAP TITLE VACATION OF A PORTION OF ARELIOUS WALKER DRIVE, HUDSON AVENUE, GALVEZ AVENUE, FAIRFAX AVENUE, EVANS AVENUE, FITCH STREET AND EARL STREET

FILE: SUR 2019–004	SHEET 4 OF 7	SCALE: 1:60	REVISION

S-8464 Street Vacation Exhibits.dwg



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PROFESSIONAL LAND SURVEYOR
BRUCE R. STORRS
NO. 6914
STATE OF CALIFORNIA

APPROVED:

See Page 1

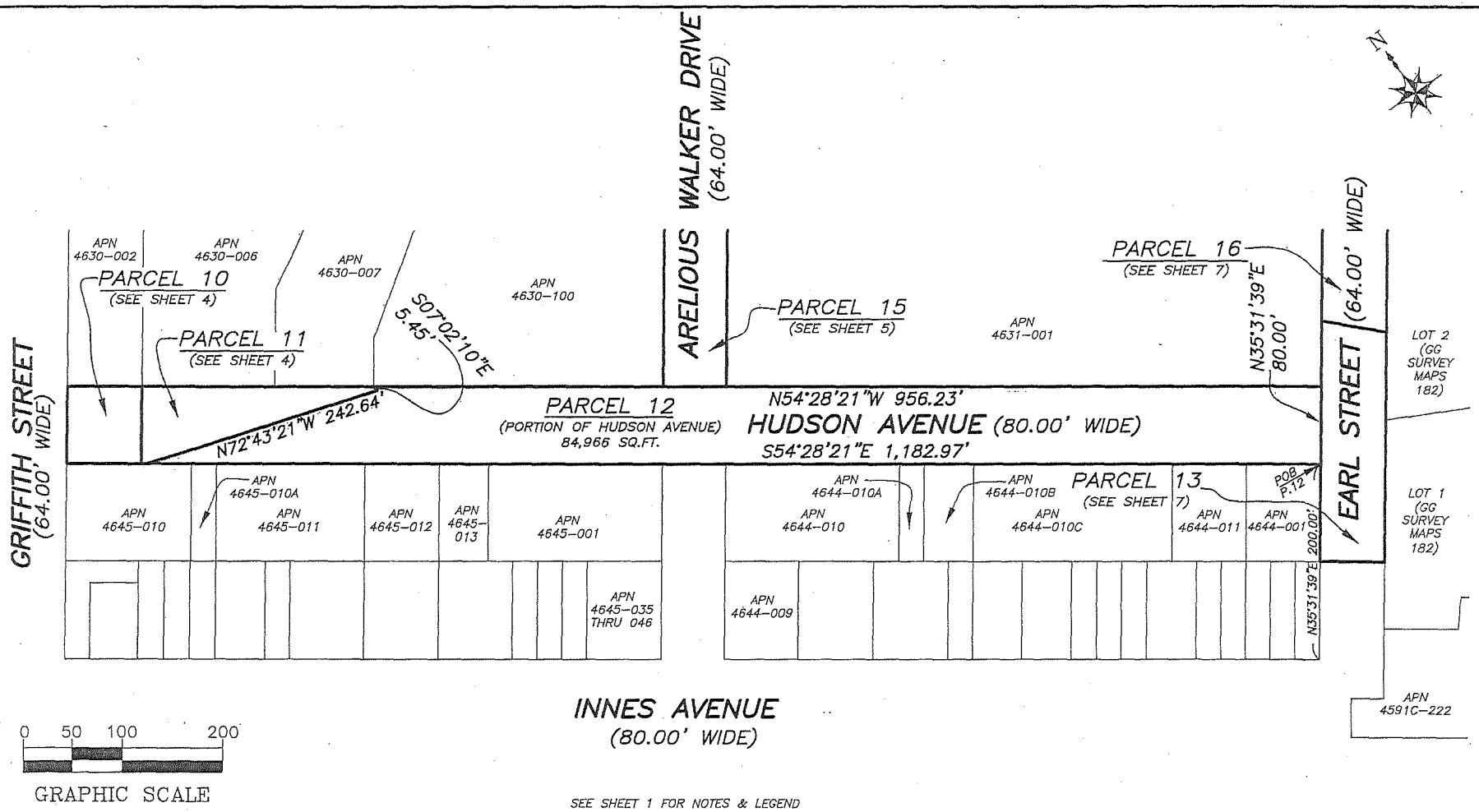
BRUCE R. STORRS
CITY & COUNTY SURVEYOR

9/20/19
DATE

CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
SUBDIVISION AND MAPPING

MAP TITLE: VACATION OF A PORTION OF ARELIOUS WALKER DRIVE, HUDSON AVENUE, GALVEZ AVENUE, FAIRFAX AVENUE, EVANS AVENUE, FITCH STREET AND EARL STREET

FILE: SUR 2019-004	SHEET 5 OF 7	SCALE: 1:80	REVISION



SEE SHEET 1 FOR NOTES & LEGEND

PROFESSIONAL LAND SURVEYOR
BRUCE R. STORRS
NO. 6914
STATE OF CALIFORNIA

APPROVED:

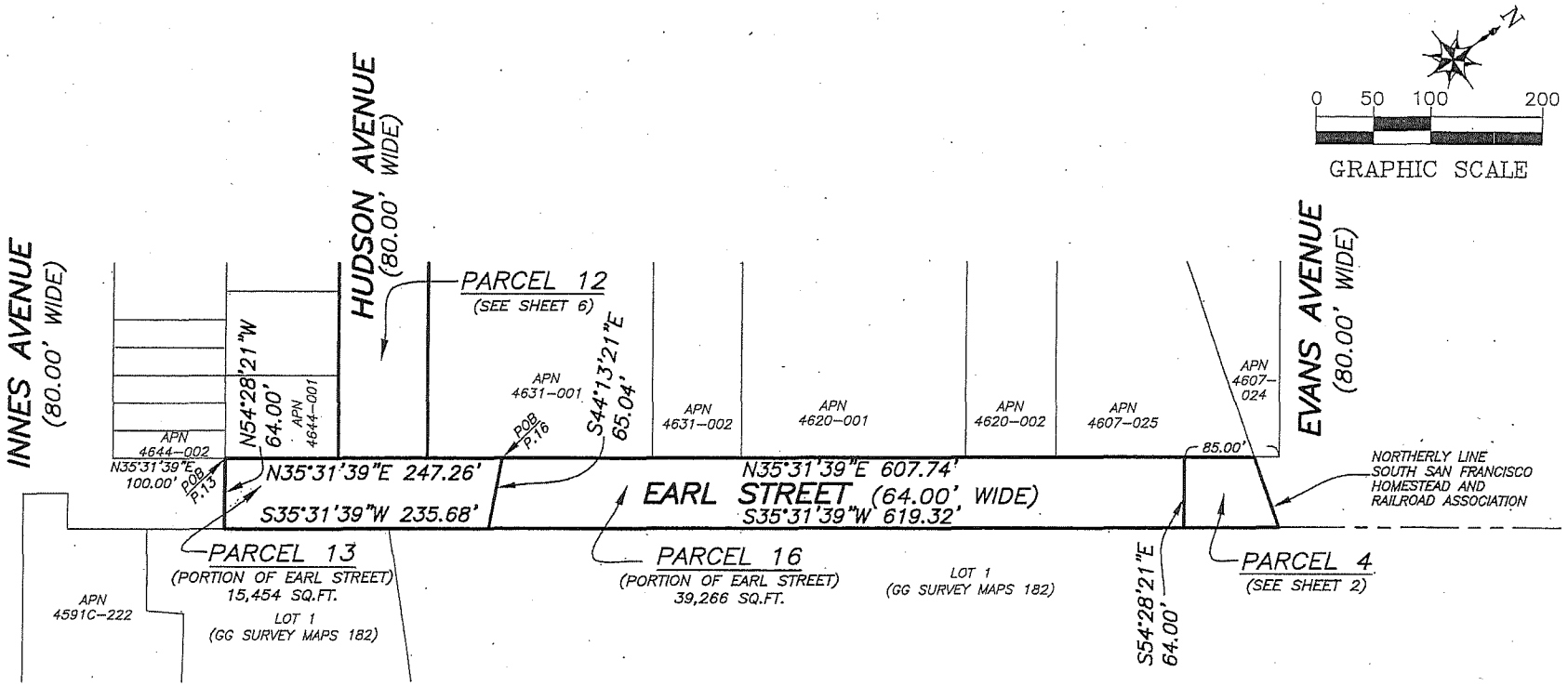
See Page 1
BRUCE R. STORRS
CITY & COUNTY SURVEYOR

9/20/19
DATE

CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
SUBDIVISION AND MAPPING

MAP TITLE VACATION OF A PORTION OF ARELIOUS WALKER DRIVE, HUDSON AVENUE, GALVEZ AVENUE, FAIRFAX AVENUE, EVANS AVENUE, FITCH STREET AND EARL STREET

FILE: SUR 2019-004	SHEET 6 OF 7	SCALE: 1:100	REVISION



SEE SHEET 1 FOR NOTES & LEGEND

PROFESSIONAL LAND SURVEYOR
BRUCE R. STORRS
NO. 6914
STATE OF CALIFORNIA

APPROVED:

See Page 1

BRUCE R. STORRS
CITY & COUNTY SURVEYOR

9/20/19
DATE

CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
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MAP TITLE VACATION OF A PORTION OF ARELIOUS WALKER DRIVE, HUDSON AVENUE, GALVEZ AVENUE, FAIRFAX AVENUE, EVANS AVENUE, FITCH STREET AND EARL STREET

FILE: SUR 2019–004	SHEET 7 OF 7	SCALE: 1:100	REVISION

QUITCLAIM DEED

RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:

Real Estate Division
City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, California 94102
Attn: Director of Property

MAIL TAX STATEMENTS TO:

_____
_____
_____
Attn: _____

The undersigned hereby declares this instrument to be exempt from Recording Fees (CA Govt. Code § 27383) and Documentary Transfer Tax (CA Rev. & Tax Code § 11922 and S.F. Bus. & Tax Reg. Code § 1105)

(Space above this line reserved for Recorder's use only)

Documentary Transfer Tax of $_____ based upon full market value of the property without deduction for any lien or encumbrance

QUITCLAIM DEED
[(Assessor's Parcel No. _____)]

FOR VALUABLE CONSIDERATION, receipt and adequacy of which are hereby acknowledged, the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (the "**City**"), pursuant to Ordinance No. _____, adopted by the Board of Supervisors on _____, 2019 and approved by the Mayor on _____, 2019, subject to the reservations in their Quitclaim Deed hereby RELEASES, REMISES AND QUITCLAIMS to India Basin Investment LLC, a California limited liability company, any and all right, title and interest City may have in and to the real property located in the City and County of San Francisco, State of California, described on Exhibit A attached hereto and made a part hereof (the "**Property**").

Executed as of this _____ day of _____, 201__.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By: _____
Andrico Penick
Director of Property

Board of Supervisors Ordinance No. _____

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By: _____
[NAME OF DEPUTY]
Deputy City Attorney

[If required: DESCRIPTION
CHECKED/APPROVED:]

By: _____
[NAME]
City Engineer

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)ss
County of San Francisco)

On _____, before me, _____, a notary public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A

Legal Description

[To be inserted.]

City and County of San Francisco

San Francisco Public Works

GENERAL - DIRECTOR'S OFFICE
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 ■ www.SFPublicWorks.org

London N. Breed, Mayor
Mohammed Nuru, Director

Public Works Order No: 201923

Determination to recommend conditionally vacating streets in the India Basin Project site, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline.

WHEREAS, The City and County of San Francisco has fee title ownership of property underlying most public right-of-ways, which includes streets and sidewalks; and

WHEREAS, The area to be vacated consists of the following (collectively, the "Vacation Area"):

1. Portions of Hudson Avenue, Earl Street and Arelious Walker Drive that are identified as Parcels 12, 13, 15 and 16 on the Public Works ("PW") SUR Map No. 2019-004, dated September 20, 2019 (the "IB SUR Map") (collectively, the "Development Parcels").

2. Portions of Fairfax Avenue, Evans Avenue, Earl Street, Arelious Walker Drive and Fitch Street, that are identified as Parcels 1, 2, 3, 6 and 8 on the IB SUR Map (collectively, the "Port Parcels").

3. Portions of Hudson Avenue, Arelious Walker Drive, Galvez Avenue and Earl Street that are identified as Parcels 4, 5, 7, 9, 10, 11 and 14 on the IB SUR Map (collectively, the "City Future Trust Parcels").

WHEREAS, On July 26, 2018, by Motion No. 20247, the Planning Commission certified the Final Environmental Impact Report ("FEIR") for the India Basin Project (Planning Case No.2014-002541ENV) as accurate, complete and in compliance with the California Environmental Quality Act (California Public Resources Code, Sections 21000 et seq., "CEQA") and Administrative Code, Chapter 31; and

WHEREAS, On July 26, 2018, by Motion No. 20248, the Planning Commission approved CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program for approval of the India Basin Project; and

WHEREAS, On July 26, 2018, by Motion No. 20251, the Planning Commission adopted findings establishing the India Basin Project, on balance, consistent with the General Plan, and Planning Code, Section 101.1; and

WHEREAS, On July 26, 2018 by adopting Resolution Nos. 20250, and 20261, the Planning Commission recommended to the Board of Supervisors that the Board approve General Plan

Amendments, Planning Code Text Amendments, Planning Code Map Amendments, and a Development Agreement between the City, and India Basin Investments LLC, respectively; and

WHEREAS, On October 23, 2018, the Board of Supervisors upheld certification of the FEIR (Motion M18-136, File No. 180842) and adopted Ordinance Nos. 251-18, 252-18 and 261-18 (File Nos. 180680, 180681 and 180816, respectively), approving Planning Code Text Amendments and Zoning Map Amendments, a General Plan Amendment and the Development Agreement respectively; and

WHEREAS, In a letter dated November 26, 2018 ("Planning Letter"), the Planning Department determined that the proposed vacation of the Vacation Area and other actions contemplated in this ordinance are consistent with the General Plan and priority policies of Planning Code Section 101.1. Also in the Planning Letter, the Planning Department has determined that the actions contemplated in this ordinance comply with CEQA; and

WHEREAS, As provided under Section 6.2 and Exhibit V of the Development Agreement and contemplated by Ordinance No. 252-18, the City agreed to vacate the Development Parcels and, following the vacation and satisfaction of any applicable City conditions, to convey the underlying land to India Basin Investment, LLC ("Developer"), the developer under the Development Agreement, in connection with the land assembly required for the Project. In return, Developer is obligated under the Development Agreement to convey certain land to the City for future streets and parks that will be of equal or greater square footage than that conveyed to Developer, including (i) approximately 2.6 acres of land that will be conveyed to the City for parks and open space in connection with the implementation of the public trust exchange (the "Public Trust Exchange"), as authorized under that certain Public Trust Exchange Agreement approved by the Board of Supervisors by Ordinance No. 252-18; and (ii) approximately 3.8 acres of Developer-owned property that will be dedicated to the City for future right-of-ways and that will be accepted by the City upon completion of the applicable street improvements; and

WHEREAS, The vacation of the Vacation Area is necessary to fulfill the objectives of the India Basin Project, as approved on October 23, 2018, pursuant to the Ordinances and Board Files described above; and

WHEREAS, Pursuant to the California Streets and Highway Code Sections 8300 et seq. and Public Works Code Section 787(a), Public Works, Bureau of Street Use and Mapping (the "Department") has initiated the process to vacate the Vacation Area; and

WHEREAS, The Department sent notice of the proposed street vacation, draft SUR drawing, a copy of the petition letter, and a Public Works referral letter to the Department of Technology, San Francisco Municipal Transportation Agency, AT&T, Sprint, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, the Public Utilities Commission ("PUC") and the United States of America acting by and through the Department of the Navy (the "Navy"). No public or private utility company or agency objected to the proposed vacation; consequently, Public Works finds the Vacation Area is unnecessary for the City's present or prospective public street purposes; and

WHEREAS, The applicant is the owner of all of the property adjacent to the Vacation Area except for a portion along SUR Parcel Nos. 3, 4, 13 and 16, which abuts property owned by the Navy;

WHEREAS, The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 *et seq*, and section 787 of the San Francisco Public Works Code; and

WHEREAS, The public interest, convenience, and necessity require that the City reserve the following rights:

1. The reservation of rights for existing PG&E gas facilities in Arelious Walker Drive and existing overhead electric facilities in a portion of SUR Parcel No. 13, which will terminate effective automatically with no requirement for further action on the earlier to occur of (i) the relocation or removal of the facilities, with concurrence of PG&E, (ii) termination of service to customers through the facilities, or (iii) City's acceptance for City maintenance and liability of new public right of ways within the India Basin Project that include equivalent or better gas and electric facilities.

2. Non-exclusive easements for the City to maintain an existing 8-inch water main and four hydrants within the portion of the Developer Conveyance Area that lies within the existing Arelious Walker cul-de-sac. The reserved easements will be extinguished by quitclaim deed upon acceptance of the replacement facilities or earlier at the Director's discretion based on consultation with the affected City departments.

3. A temporary non-exclusive easement for right-of-ways over SUR Parcel Nos. 15 and 16, comprising approximately 1.5 acres of the Vacation Area, which easement will terminate automatically upon (i) the Director's issuance of Determination of Completion for at least 1.3 acres of public right-of-ways within Phase 1 of the India Basin Project in accordance with the Development Agreement; or (ii) such earlier date at the Director's discretion.

WHEREAS, In accordance with Streets and Highways Code Section 892 and 8314, the Vacation Area is no longer useful as a nonmotorized transportation facility; and

WHEREAS, The City proposes to take the following actions with respect to the Vacation Area, as contemplated in the Development Agreement and the Public Trust Exchange Agreement: (i) quitclaim the City's interests in the Development Parcels to Developer; and (ii) quitclaim the City's interest in the City Future Trust Parcels in connection with the Public Trust Exchange to the State, which City Future Trust Parcels will be re-conveyed to the City, in trust, to be held by the Port for use within India Basin Open Space and managed by the Recreation and Park Department;

WHEREAS, Through its approvals of the Public Trust Exchange Agreement and the Ordinances approving the India Basin Project, the Board of Supervisors has provided prior authorization for the quitclaims of the Vacation Area contemplated under this Order.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to vacate the Vacation Area as shown on Department of Public Works drawing SUR 2019-004.

2. Vacation Area SUR Map No. 2019-004, dated September 20, 2019.

The Director recommends that the Board of Supervisors move forward with the legislation to vacate said Vacation Area, subject to the reservations described above, and to authorize the quitclaims, as described above.

The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, Port Director, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable to effectuate the purpose and intent of this Ordinance.

X DocuSigned by: Bruce Storrs
97ABC41507B0494...

Storrs, Bruce
County Surveyor

X DocuSigned by: Nuru, Mohammed
81145AB17F474FA...

Nuru, Mohammed
Director

SAN FRANCISCO
PLANNING DEPARTMENT

General Plan Referral

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	November 26, 2018
Case No.	**Case No. 2014-002541GPR** **700 Innes Street Vacation**
Block/Lot No.:	2916-015, 2916-016, 2936B-025
Project Sponsor:	India Basin Investment, LLC San Francisco Public Utilities Commission 315 Linden Street San Francisco, CA 94102
Applicant:	India Basin Investment, LLC San Francisco Public Utilities Commission 315 Linden Street San Francisco, CA 94102 (415) 551-7626 courtney@bldsf.com
Staff Contact:	Seung Yen Hong – (415) 575-9026 *seungyen.hong@sfgov.org*
Recommendation:	Finding the project, on balance, is in **conformity** with the General Plan
Recommended By:	John Rahaim, Director of Planning

PROJECT DESCRIPTION

The General Plan Application is for the vacation of public rights-of-ways (ROWs) within the India Basin Mixed Use Project site (700 Innes Avenue). The ROWs of Evans Avenue, Fairfax Avenue, a portion of Arelious Walker Drive, portions of Hudson Avenue, a portion of Earl Street will be vacated. The Arelious Walker right-of-way immediately north of Hudson Street will shift to the northeast to connect to New Hudson Street, and Hudson Street ROW between Earl Street and India Basin Cove will be re-aligned and become New Hudson Street (see attached street vacation diagrams).

The India Basin site consists of 30 generally undeveloped land parcels (excluding the approximately 9 underwater parcels), totaling 17.12 acres, plus 5.94 acres of mostly unimproved

public rights-of-ways (the "Site"). The proposed India Basin Mixed Use Project will be built in three major phases with residential, retail, office, and open space and a new street network (the "Project"). BUILD will also redevelop 6.2 acres of RPD property located between the San Francisco Bay and the Site into enhanced wetlands, a boardwalk, and a beach ("India Basin Open Space").

The proposal consists of up to 3,500,000 gross square feet of total new development, including: 1,500,000 gsf of residential space (up to 1,575 units), 209,000 gsf of non-residential space, up to 1,800 vehicle spaces and 1,575 bicycle spaces, and approximately 14 acres of new or improved publicly accessible open space, including the new approximately 4-acre "Big Green" and an enhanced India Basin Open Space, among other public plazas, promenades and open areas. The commercial space could include office development, possible community / institutional uses, smaller scale PDR, and retail uses.

The submittal is for a General Plan Referral to recommend whether the Project is in conformity with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

ENVIRONMENTAL REVIEW

The project received CEQA clearance under the India Basin Mixed-Use Project EIR, certified by the Planning Commission on July 26, 2018, Motion No. 20247, Case No. 2014-002541ENV.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

On July 26, 2018, the Planning Commission took the following actions regarding the India Basin Mixed Use Project:

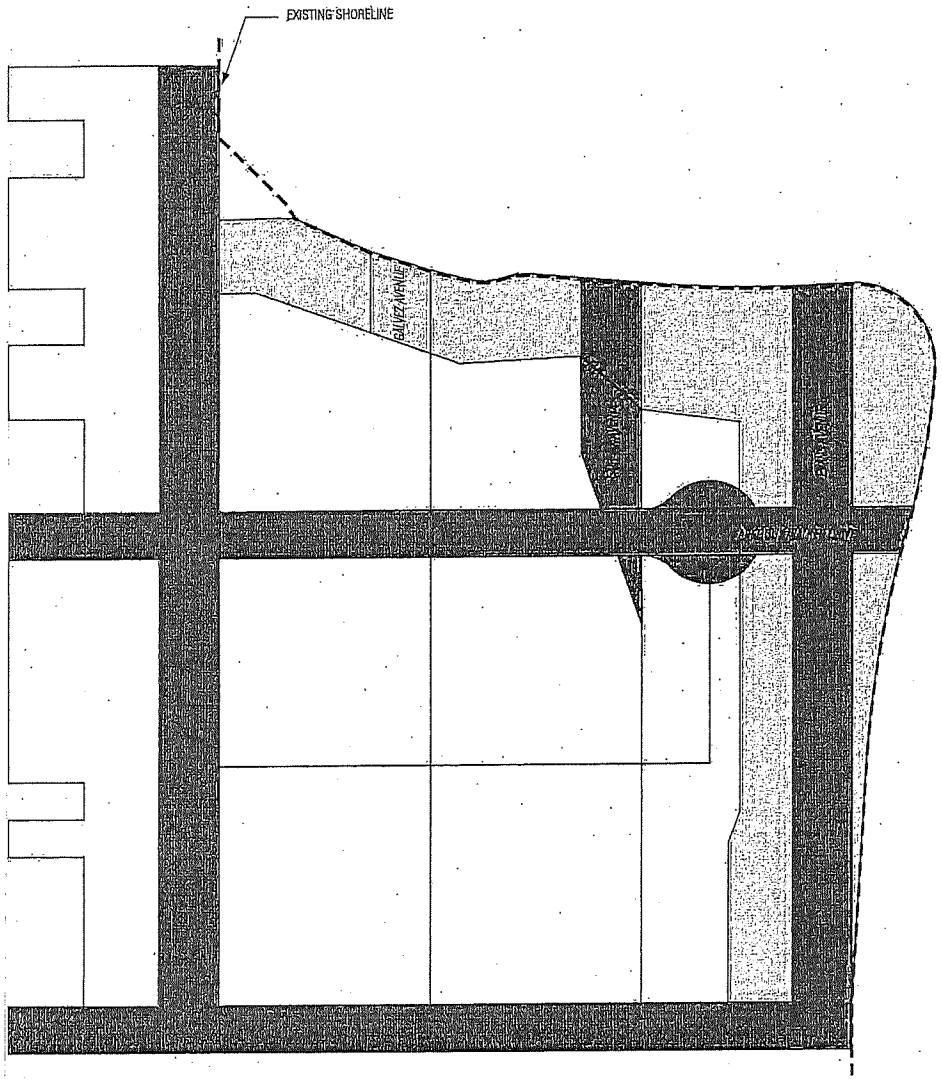
- Certified the Final Environmental Impact Report (Motion No. 20248)
- Adopted CEQA Finding including a statement of overriding considerations (Motion No. 20248)
- Adopted Findings of Consistency with the General Plan and Planning Code Section 101.1 (Motion No. 20250)

Because the vacation of public rights-of-ways (ROWs) within the India Basin Project site would further the Project, the Planning Commission's actions regarding CEQA consistency with the General Plan and Planning Code Section 101.1 are applied here.

RECOMMENDATION:	**Finding the Project, on balance, in-conformity with the General Plan**

Attachments

Street Vacation Diagrams
Planning Commission Motion 20250



MAP 1A: PUBLIC-PRIVATE LAND TRANSFER
EXISTING OWNERSHIP

OWNERSHIP	CURRENT	COLOR
PUBLIC (PARKS)	4.2	
PUBLIC (RIGHT-OF-WAYS)	8.0	
PRIVATE	16.6	

PUBLIC SUBTOTAL	12.2
PRIVATE SUBTOTAL	16.6

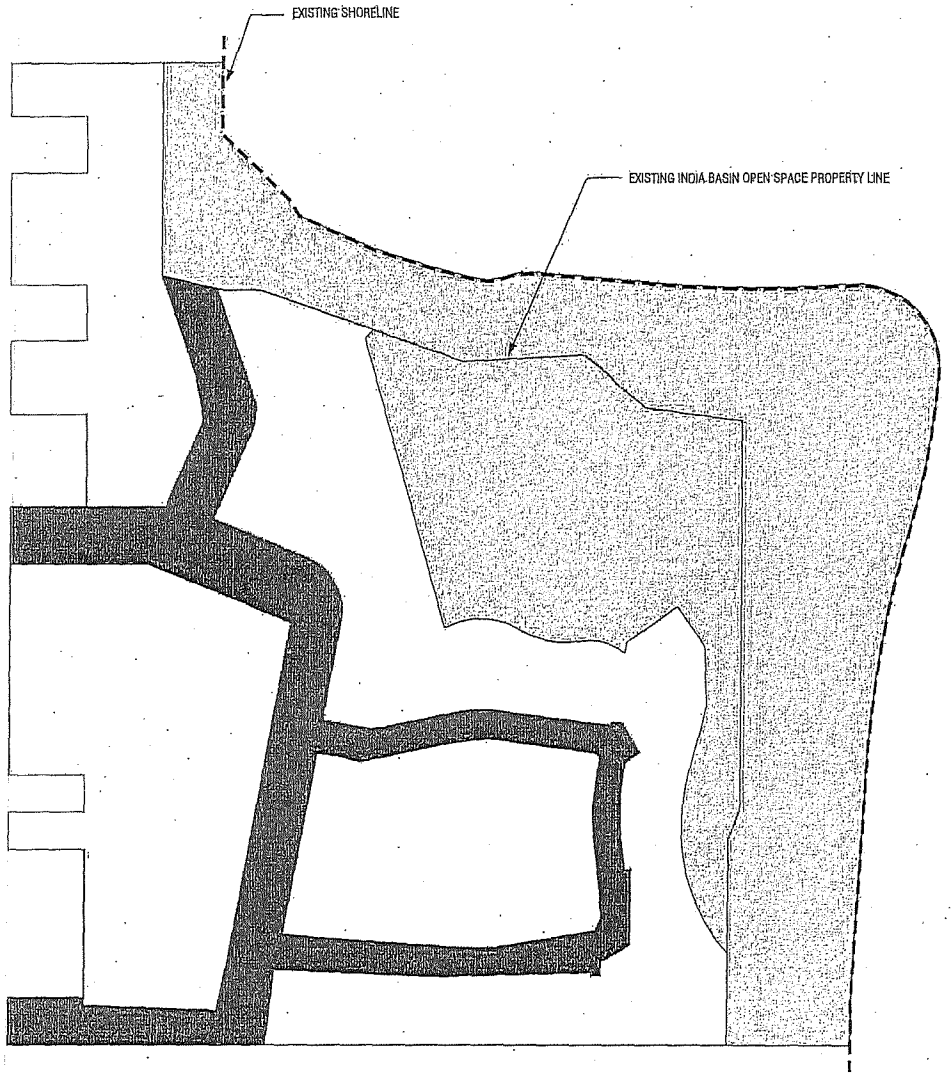
TOTAL	28.8

* CHART IN ACRES

DATE	9.14.2018
CLIENT	BUILD INC.

bionic

MAP 1B: PUBLIC-PRIVATE LAND TRANSFER
FUTURE OWNERSHIP



OWNERSHIP	CURRENT	PROPOSED	CHANGE	COLOR
PUBLIC (PARKS)	4.2	11.4	+7.2	
PUBLIC (RIGHT-OF-WAYS)	8.0	3.7	-4.3	
PRIVATE	16.6	13.7	-2.9	

PUBLIC SUBTOTAL	12.2	15.1	+2.9	} +2.9 PUBLIC ACRES
PRIVATE SUBTOTAL	16.6	13.7	-2.9	
TOTAL	28.8	28.8	0	

* CHART IN ACRES

200 400 800
scale (feet)

DATE 9.14.2018

CLIENT BUILD INC.

bionic

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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.
Staff Contact:	Mathew Snyder – (415) 575-6891 Mathew.Snyder@sfgov.org

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. 2014-002541ENVDVAGPAMAPPCASHD, 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. 2014-002541ENVDVAGPAMAPPCASHD 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. <u>BUILD Development</u>

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.

l. **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.

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

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 ("PM_{10}"), 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, and3.7-42 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, PM_{10}, 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 $\mu g/m^3$ and the project and variant contribution threshold of 0.2 $\mu g/m^3$. 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.

ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM

AUTHORITY

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to California Environmental Quality Act (known as CEQA [Public Resources Code Sections 21000 et seq.]) Section 21081.6 to provide for the monitoring of mitigation measures required of the India Basin Mixed-Use Project, as set forth in the Draft Environmental Impact Report (Draft EIR) prepared for the Project. This report will be kept on file in the offices of the San Francisco Planning Department (Planning Department), 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103.

If any mitigation measures are not being implemented as to any property within the project site, the Agency and/or City may pursue corrective action against the responsible party for such property identified in Table 1 of this MMRP. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) criminal prosecution and/or administrative fines; (6) forfeiture of security bonds or other guarantees; and (7) revocation of permits or other entitlements. These corrective actions shall only be applied against the applicable responsible party identified in Table 1 of this MMRP. To the extent any mitigation measure applies to all project sponsors, the corrective actions shall only be applied against the applicable project sponsor for the affected property for which the mitigation measure is not being implemented.

MONITORING SCHEDULE

Prior to the issuance of building permits, while detailed development plans are being prepared for approval by Agency and/or City staff, Agency and/or City staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project construction, development, and design phases. Agency and/or City staff will prepare or cause to be prepared reports identifying compliance with mitigation measures. Once construction has begun and is underway, monitoring of the mitigation measures associated with construction will be included in the responsibilities of designated Agency and/or City staff, who shall prepare or cause to be prepared reports of such monitoring no less than once a month until construction has been completed. Once construction has been completed, the Agency and/or City will monitor the project as deemed necessary.

CHANGES TO MITIGATION MEASURES

Any substantive change in the monitoring and reporting plan made by Agency and/or Planning Department staff shall be reported in writing to the City Environmental Review Officer. Reference to such changes shall be made in the monthly/yearly Environmental Mitigation Monitoring Report prepared by Planning Department staff. Modifications to the mitigation measures may be made by Planning Department staff subject to one of the following findings, documented by evidence included in the record:

1. The mitigation measure included in the Draft EIR and the Mitigation Monitoring and Reporting Program is no longer required because the significant environmental impact identified in the Draft EIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

OR

2. The modified or substitute mitigation measure to be included in the Mitigation Monitoring and Reporting Program either provides corrections to text without any substantive change in the intention or meaning of the original mitigation measure, or provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Draft EIR and the Mitigation Monitoring and Reporting Program; and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the responsible hearing bodies in their decisions on the Final EIR and the proposed project; and the modified or substitute mitigation measures are feasible, and the Planning Department, through measures included in the Mitigation Monitoring and Reporting Program or other City procedures, can assure their implementation.

FORMAT OF MITIGATION MONITORING MATRIX

Table 1: Mitigation Monitoring and Reporting Program on the following pages identifies the environmental issue areas for which monitoring is required, the required mitigation measures, the timeframe for monitoring, and the responsible implementing and monitoring agencies. Table 2: Improvement Measure Monitoring and Reporting Program outlines optional measures that are intended to improve an impact that was found by the Planning Department to be less than significant. Improvement measures are not requirements, however, the project sponsors or the Planning Department may elect to implement them.

DEFINITIONS

City's Environmental Review Officer—The Environmental Review Officer at the San Francisco Planning Department, referred to herein as "ERO."

Project sponsors—BUILD, the San Francisco Recreation and Parks Department (RPD), or any other individual who or business that constructs urban land uses. This term shall be construed to mean the subsequent developer(s) who constructs or extends urban land uses through subdivision of land and construction or alteration of structures.

Table 1: Mitigation Monitoring and Reporting Program

NOTE: Each mitigation measure in this document applies to the proposed project and variant, unless noted otherwise. Furthermore, each responsible project sponsor as identified in this Table 1 shall only be responsible for implementation of the applicable mitigation measure related to their particular property within the project site.

Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
MITIGATION MEASURES FOR THE INDIA BASIN MIXED-USE PROJECT				
Aesthetics Mitigation Measures				
Mitigation Measure M-AE-3: Implement Good Lighting Practices The project sponsor of the 700 Innes property shall develop a lighting plan for that property, subject to approval by the Planning Department, to address light spillover during operation of the proposed project or variant. The lighting plan shall include the following measures, which would reduce the impact of new lighting sources at the 700 Innes property: • Professionally recommended lighting levels for each activity shall be designed by a professional electrical consulting engineer to meet minimum illumination levels while preventing over-lighting and reducing electricity consumption. • The location, height, cutoff, and angle of all lighting shall be correctly focused on the project site to avoid directing light at neighboring areas. • Shielded fixtures with efficient light bulbs shall be used in uncovered parking areas to prevent any glare and light spillage beyond the property line.	Project sponsor of 700 Innes property and contractor	Before the issuance of first temporary certificate of occupancy.	Planning Department to approve lighting plan, Department of Building Inspection to monitor contractor compliance.	Considered complete after construction activities for the applicable project sponsor have ended and the Department of Building Inspection has signed off on implementation of the final approved lighting plan.
Cultural Resources Mitigation Measures				
Mitigation Measure M-CR-1a: Prepare and Implement Historic Preservation Plans and Ensure that Rehabilitation Plans Meet Performance Criteria The project sponsors shall retain a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History and is on the Planning Department's qualified consultant list. This professional shall prepare, and the project sponsors shall implement, a historic preservation plan (HPP) for each of the three historical resources identified on the project site. Each HPP shall consider the historic resource evaluation reports prepared for this project. The HPPs shall incorporate rehabilitation recommendations for protecting character-defining features of the historical resources to be retained and shall include the following elements: • **Historic Preservation Protective Measures.** Each HPP shall be prepared and implemented to aid in preserving those portions of the historical resource that would be retained and/or rehabilitated as part of the project. The HPP shall establish measures to protect the character-defining features from construction equipment that may inadvertently come in contact with the resource. If deemed necessary upon further assessment of the resource's condition, the plan shall include the preliminary stabilization before	Project sponsors/ qualified engineer and/or architectural historian consultant at the direction of the ERO.	Prior to issuance of applicable site permits for each identified historical resource, a HPP shall be prepared. Planning Department Preservation staff shall review and approve the HPP.	A professional architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards and is on the Planning Department's qualified consultant list shall provide progress reports on the implementation of the HPP to the Planning Department throughout the construction period. In addition, the project sponsors shall ensure that the contractor(s) follows the HPP.	Considered complete with regard to each applicable historic resource after construction activities implementing approved HPP for the affected historic resources have ended and the final progress report has been submitted and approved by the Planning Department.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
construction to prevent further deterioration or damage. Specifically, the protection measures shall incorporate construction specifications for the proposed project that require the construction contractor(s) to use all feasible means to avoid damage to historical resources, including but not necessarily limited to the following: – staging equipment and materials as far as possible from historic buildings to avoid direct impact damage; – maintaining a buffer zone when possible between heavy equipment and historical resource(s) as identified by the Planning Department; – appropriately shoring excavation sidewalls to prevent movement of adjacent structures; – ensuring adequate drainage; and ensuring appropriate security to minimize risks of vandalism and fire. • **Relocation Plan for 702 Earl Street.** The HPP for 702 Earl Street shall include a relocation plan to be reviewed and approved by the Planning Department to ensure that character-defining features of the building will be retained. The relocation plan shall include required qualifications for the building relocation company ensuring that the relocation is undertaken by a company that is experienced in moving historic buildings of a similar size and/or structural system as 702 Earl Street. The relocation plan shall ensure that the building will be moved without disassembly and that the building will be separated from its existing foundation without irreparably damaging the character-defining historic fabric of the building. • **Rehabilitation and Retention Plan for India Basin Scow Schooner Cultural Landscape.** The HPP for the cultural landscape shall finalize the designs for the Shipwright's Cottage, and the Tool Shed interpretative structure, if included in the final design. It shall also include a plan for rehabilitation of the Marineway rails. • **New Construction and Maintenance Guidelines for the India Basin Scow Schooner Cultural Landscape.** The HPPs for the India Basin Scow Schooner Cultural Landscape shall establish protocols for the ongoing protection of the character-defining features of the cultural landscape and guidelines to evaluate all future development proposals within the cultural landscape. These guidelines shall include the following: – New construction and site development within or adjacent to the India Basin Scow Schooner Boatyard Vernacular Cultural Landscape shall be compatible with the character of the cultural landscape and shall				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
maintain and support the landscape's character-defining features. – New construction shall draw its form, materials, and color palette from the historic texture and materials of the cultural landscape. – New construction shall be contextually appropriate in terms of massing, size, scale, and architectural features, not only with the remaining historic buildings, but with one another. – New construction shall comply with the Secretary of the Interior's Rehabilitation Standard No. 9: "New Addition, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the integrity of the property and its environment." – A building and structural maintenance plan shall be developed to ensure that the character-defining structures of the cultural landscape are maintained. – A planting and landscape maintenance plan shall be developed to provide ongoing protection of character-defining landscape features of the cultural landscape that will be rehabilitated and/or protected by the project, such as open areas and circulation routes. The plan shall provide guidelines for landscape design within the cultural landscape that maintains the historic and industrial character of the landscape. • **Salvage.** Each HPP for the Shipwright's Cottage and the India Basin Scow Schooner Cultural Landscape shall further investigate and incorporate preservation recommendations regarding the salvage of historic materials for reuse and/or interpretation. The recommendations in the HPPs shall include but not be limited to the following: – Materials to be salvaged from the interior of the Shipwright's Cottage and recommendations for reusing those materials. – Materials to be salvaged from both contributing and noncontributing features of the India Basin Scow Schooner Boatyard Vernacular Cultural landscape, and recommendations for either incorporating such materials into the proposed new construction on the India Basin Shoreline Park property or otherwise reusing those materials. For each HPP, the HPP, including any specifications, monitoring schedule, and other supporting documents, shall be incorporated into the site permit application's plan sets. Planning Department Preservation staff shall review and approve the HPP before a site permit, demolition permit, or any other permit is issued by the San Francisco Department of Building Inspection for				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
the rehabilitation of historical resources. The Planning Department shall not issue building permits associated with historical resources until Preservation staff concur that the designs conform to the SOI Standards for Rehabilitation, except for the Tool Shed interpretive structure and the Boatyard Office Building, if included in the final design. Should alternative materials be proposed for replacement of historic materials, they shall be in keeping with the size, scale, color, texture, and general appearance, and shall be approved by Planning Department Preservation staff. The performance criteria shall ensure retention of the character-defining features of each historical resource, as identified in the HPP, which in turn shall be developed in accordance with the HRE developed for the project (San Francisco, 2017b). The project sponsors shall ensure that the contractor(s) follows the HPP. Furthermore, in accordance with the HPP's reporting and monitoring requirements, the consultant architectural historian shall conduct regular periodic inspections of the historical resources under rehabilitation during project construction activities to ensure compliance with the HPP and adherence to the SOI Standards for Rehabilitation. The consultant architectural historian shall provide progress reports to the Planning Department throughout the construction period.				
Mitigation Measure M-CR-1b: Document Historical Resources To reduce adverse effects on historical resources, before the start of demolition, rehabilitation, or relocation, the project sponsors shall retain a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History. This professional shall prepare written and photographic documentation of the three historical resources identified on the project site. The specific scope of the documentation shall be reviewed and approved by the Planning Department but shall include the following elements: • **Measured Drawings.** A set of measured drawings shall be prepared that depict the existing size, scale, and dimension of the historical resources. Planning Department Preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (e.g., plan, section, elevation). Planning Department Preservation staff will assist the consultant in determining the appropriate level of measured drawings. • **Historic American Buildings/Historic American Landscape Survey–Level Photograph.** Either Historic American Buildings/Historic American Landscape Survey (HABS/HALS) standard large-format or digital	Project sponsors/ qualified architectural historian consultant at the direction of the ERO.	Before demolition or site permits are issued for each project sponsor.	All documentation will be reviewed and approved by the Planning Department's Preservation coordinator before any demolition or site permit is granted for the affected historical resource.	Considered complete as to each affected historic resource after all documentation has been reviewed and approved by the Planning Department and final written and photographic documentation is submitted to interested parties for the affected historic resource. This will be done before the demolition or site permits are issued for each affected historic resource.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
photography shall be used. The scope of the digital photographs shall be reviewed by Planning Department Preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service (NPS) standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS photography. Photograph views for the data set shall include: – contextual views; – views of each side of the building and interior views, where possible; – oblique views of the building; and – detail views of character-defining features, including features on the interior. All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the data set. • **HABS/HALS Historical Report.** A written historical narrative and report shall be provided in accordance with the HABS Historical Report Guidelines. In addition, video recordation shall be undertaken before demolition or site permits are issued. The project sponsor shall undertake video documentation of the affected historical resource and its setting. The documentation shall be conducted by a professional videographer, one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations Part 61). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, and historic context of the historical resource. Archival copies of the video documentation shall be submitted to the Planning Department, and to repositories including but not limited to the San Francisco Public Library, the Northwest Information Center of the California Historical Information Resource System, and the California Historical Society. Further, a Print-on-Demand softcover book shall be produced that includes the content from the historical report, historical photographs, HABS/HALS photography, measured drawings, and field notes. The Print-on-Demand book shall be made available to the public for distribution. The project sponsor shall transmit such documentation to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, the				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Planning Department, the San Francisco Maritime National Historic Park, and the Northwest Information Center. The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the projects sponsors will conduct outreach to identify other interested groups. All documentation will be reviewed and approved by the Planning Department's Preservation coordinator before any demolition or site permit is granted for the affected historical resource.				
Mitigation Measure M-CR-1c: Develop and Implement an Interpretative Plan The project sponsors shall facilitate the development of an interpretive program focused on the history and environmental setting of each historical resource identified on the project site. This program shall be initially outlined in an interpretive plan subject to review and approval by the Planning Department. The interpretative program shall include but not be limited to the installation of permanent on-site interpretive displays or screens in publicly accessible locations. The plan shall include the proposed format and location of the interpretive content, as well as high-quality graphics and written narratives to be incorporated. Historical photographs, including some of the large-format photographs required by Mitigation Measure M-CR-1b, may be used to illustrate the history. Salvaged materials as required by Mitigation Measure M-CR-1a should also contribute to the interpretative program. The interpretative program should also coordinate with other interpretative displays currently proposed along the Bay, specifically those that focus on shipbuilding at Potrero Point to the north. The interpretative program should also coordinate with maritime or other relevant interpretation programs in San Francisco, such as the San Francisco Maritime National Historic Park and its sailing program that includes the 1891 scow schooner Alma. The interpretative plan should also explore contributing to digital platforms that are publicly accessible, such as the History Pin website or an iPhone application. The primary goal is to educate visitors about the property's historical themes, associations, and lost contributing features within broader historical, social, and physical landscape contexts.	Project sponsors/ qualified architectural historian consultant at the direction of the ERO.	Before demolition or site permits are issued for each project sponsor.	Interpretive plan shall be subject to review and approval by the Planning Department.	Considered complete after the interpretive program has been installed and approved by the Planning Department.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-CR-1d: Retain the Boatyard Office Building If feasible, character-defining features of the Boatyard Office building shall be retained by RPD in order to ensure that the building remains a significant feature of the cultural landscape. This would 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. For example, this may include retention of an open-frame or partially open-frame roof structure with wide eaves supported by a wood frame structure with a portion of the structure clad in retained or replaced-in-kind wood cladding. If possible, the porthole openings on the southeast and southwest façade shall be retained. The amount of the wood cladding and roof structure to be retained will depend upon additional condition assessments of the building, public safety concerns, seismic requirements, visibility and sight lines in relation to park design, and RPD programming.	Project sponsor for the 900 Innes property/ qualified structural engineer and/or architectural historian consultant at the direction of the ERO.	Before demolition or site permits are issued.	Planning Department to monitor RPD and project contractor compliance.	Considered complete after construction activities have ended.
Mitigation Measure M-CR-1e: Vibration Protection Plan Where construction activity involving pile driving and other heavy equipment and vehicles would occur in proximity to any historical resources, the project sponsors shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program, which shall apply within 150 feet where pile driving would be used and within 35 feet of other heavy equipment operation, shall include the following components: Prior to the start of any ground-disturbing activity, the project sponsors shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of historical resource(s) identified by the San Francisco Planning Department within 150 feet of planned construction to document and photograph the buildings' existing conditions. The qualified consultant shall conduct regular periodic inspections of each historical resource within 150 feet of planned construction during ground-disturbing activity on the project site in concert with a qualified acoustical/vibration consultant or structural engineer and shall submit monitoring reports to San Francisco Planning Department Preservation staff. The qualified consultant shall submit an existing conditions documentation scope and vibration monitoring plan to San Francisco Planning Department Preservation staff for review and approval. Based on the construction and condition of the resource(s), a structural engineer or other qualified entity shall establish a maximum vibration level that shall not be exceeded at each historical resource, based on existing	Project sponsors/ qualified acoustical/ vibration consultant at the direction of the Planning Department Preservation staff.	Before demolition or site permits are issued and during construction.	The qualified consultant shall conduct regular periodic inspections of each historical resource within 150 feet of planned construction during ground-disturbing activity on the project site in concert with a qualified acoustical/vibration consultant or structural engineer and shall submit monitoring reports to San Francisco Planning Department Preservation staff.	Considered complete as to each project sponsor after construction activities for the applicable Project Sponsor have ended and the final monitoring report has been submitted.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
conditions, character-defining features, soils conditions and anticipated construction practices in use at the time (0.12 inch per second, peak particle velocity [PPV], consistent with Federal Transit Administration guidance). To ensure that vibration levels do not exceed the established standard, a qualified acoustical/vibration consultant shall monitor vibration levels at each historical resource within 150 feet of planned construction and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard. Should vibration levels be observed in excess of the standard, construction shall be halted and alternative construction techniques put in practice. (For example, pre-drilled piles could be substituted for driven piles, if soil conditions allow; smaller, lighter equipment could possibly also be used in some cases.) The consultant shall conduct regular periodic inspections of each historical resource within 150 feet of planned construction during ground-disturbing activity on the project site. Should damage to a historical resource occur as a result of ground-disturbing activity on the site, the building(s) shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity on the site.				
Mitigation Measure M-CR-2a: Undertake an Archeological Testing Program Based on the results of the archeological investigation completed for the proposed project and variant, the remains of two ships, the *Bay City* and the *Caroline*, occur within the study area. Both sets of remains are contributing elements to the India Basin Scow Schooner Boatyard Vernacular Cultural Landscape. The proposed Marineway would cross over the identified remains of the *Caroline*, and the viewing platform would be placed over the remains of the *Bay City*. The foundation system of the Marineway and viewing platform have not been fully developed, but the potential exists for piles required for the structure to be driven through the buried vessels. There is also a reasonable presumption that additional archeological resources beyond the remains of the *Bay City* and *Caroline* may be present in the study area. Such currently undiscovered resources could include other ship hulks associated with the Hunters Point Ship Graveyard (which in turn would be contributing elements to the vernacular cultural landscape) and both prehistoric and historic-period archeological sites. As such, the following measures shall be undertaken to avoid any significant adverse effect from the proposed project or variant on buried archeological resources. The project sponsors shall retain the services of an archeological consultant from	Project sponsors/ qualified archeological consultant at the direction of the ERO.	Prior to the issuance of site permits and initiation of construction, during construction, and after the conclusion of all construction activities.	The ERO to review and approve an archeological testing plan and a final archeological resources report.	The ERO to review and approve an archeological testing plan for the applicable project site before the start of construction. Depending on the findings of the archeological testing program, intermittent reports may be submitted by the qualified archeological consultant for each phase of construction within the applicable project site. The final archeological resources report will be submitted after the conclusion of all construction activities.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
the rotational Qualified Archeological Consultants List (QACL), maintained by the Planning Department's archeologist. The project sponsors shall contact the Planning Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program, if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend project construction for up to 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce the potential effects on a significant archeological resource, as defined in State CEQA Guidelines Sections 15064.5(a) and 15064.5(c), to less than significant with mitigation. **Consultation with Descendant Communities**. Upon discovery of an archeological site associated with Native Americans, the overseas Chinese, or other potentially interested descendant groups, an appropriate representative of the descendant group and the ERO shall be contacted. The descendant group's representative shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, data recovered from the site, and if applicable, any interpretative treatment of the associated archeological site. A copy of the final archeological resources report shall be provided to the representative of the descendant group. **Archeological Testing Plan**. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that could be adversely affected by the proposed project or variant, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program shall be to determine the presence or absence of archeological resources to the extent possible, and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.				

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At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If the archeological consultant finds, based on the archeological testing program, that significant archeological resources may be present, the ERO acting in consultation with the archeological consultant shall determine whether additional measures are warranted. Additional measures that may be undertaken include further archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the proposed project or variant could adversely affect the resource, then one of the following measures shall be implemented, at the discretion of the project sponsors, depending on the location of the resource: • The proposed project or variant shall be redesigned to avoid any adverse effect on the significant archeological resource. OR • A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater significance for interpretation than for research and that interpretive use of the resource is feasible. **Archeological Monitoring Program.** If the ERO acting in consultation with the archeological consultant determines that an archeological monitoring program (AMP) shall be implemented, the archeological monitoring program shall include the following provisions, at a minimum: • The archeological consultant, the project sponsors (depending on the location of the resource and/or area of concern), and the ERO shall meet and consult on the scope of the archeological monitoring program a reasonable amount of time before the start of any project-related soil-disturbing activities. The ERO, in consultation with the archeological consultant, shall determine which project activities shall be subject to archeological monitoring. A single AMP or multiple AMPs may be produced to be consistent with project phasing. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, installation of utilities, foundation work, pile driving (e.g., foundation, shoring), and site remediation, shall require archeological monitoring because of the risk these activities pose to potential archeological resources and their depositional context. • The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), shall explain how to identify evidence of the expected resource(s), and shall identify the appropriate protocol in case of the apparent discovery of an archeological resource.				

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• The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits. • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. • If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition, excavation, pile driving, and other construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (e.g., foundation, shoring) the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO. Intermittent reports shall be submitted for each phase of construction. **Archeological Data Recovery Program.** The archeological data recovery program shall be conducted in accordance with an archeological data recovery plan (ADRP). The archeological consultant, project sponsors (dependent on location of resource requiring implementation of this mitigation measure), and ERO shall meet and agree regarding the scope of the ADRP before preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO for each phase of construction or for the overall construction effort. The ADRP shall identify how the proposed data recovery program would preserve the significant information the archeological resource is expected to contain. That is, the ADRP shall identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, will be limited to the portions of the historical property that can be adversely affected by the proposed project or				

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
variant. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical. The scope of the ADRP shall include: • descriptions of proposed field strategies, procedures, and operations; • a description of the selected cataloguing system and artifact analysis procedures; • a description of and rationale for field and post-field discard and deaccession policies; • consideration of an on-site/off-site public interpretive program during the course of the ADRP; • recommended security measures to protect the archeological resource from vandalism, looting, and unintentionally damaging activities; • a description of the proposed report format and distribution of results; and • a description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. **Final Archeological Resources Report.** The archeological consultant shall submit a draft final archeological resources report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The FARR will be submitted after the conclusion of all construction activities that are required for the entire project. Information that can put any archeological resource at risk shall be provided in a separate removable insert within the final report. Once approved by the ERO, copies of the FARR shall be distributed as follows: • The Northwest Information Center shall receive one copy. • The ERO shall receive a copy of the transmittal of the FARR to the Northwest Information Center. • The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-CR-3a: Implement Legally Required Measures in the Event of Inadvertent Discovery of Human Remains The following measures shall be implemented in the event of the discovery, or anticipated discovery, of human remains and associated burial-related cultural materials. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and the ERO, and in the event of the Coroner's determination that the human remains are Native American remains, notification of the Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archeological consultant, project sponsors, ERO, and MLD shall have up to but not beyond 6 days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (State CEQA Guidelines Section 15064.5([d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.	Project sponsors/ construction contractor/ archeological consultant, at the direction of the ERO.	During construction in the event of the discovery, or anticipated discovery, of human remains and associated burial-related cultural materials.	The Planning Department to monitor sponsor and contractor compliance.	In the event of the discovery of human remains and associated burial-related cultural materials, considered complete after reburial or permanent disposition of any discovered human remains and burial-related cultural materials and approval of the final archeological resources report.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-CR-4a: Implement Tribal Cultural Resources Interpretive Program If the ERO determines that preservation in place of the tribal cultural resource pursuant to Mitigation Measure M-CR-2a, "Undertake an Archeological Testing Program," is both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP). Implementation of the approved ARPP by the archeological consultant shall be required when feasible. If the ERO determines that preservation in place of the tribal cultural resource is not a sufficient or feasible option, then the project sponsors shall implement an interpretive program of the tribal cultural resource in consultation with affiliated Native American tribal representatives. An interpretive plan produced in consultation with affiliated Native American tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.	Project Sponsors and qualified archeological consultant.	During construction.	Planning Department.	Considered complete after the archeological resource preservation plan or interpretive plan of the tribal cultural resource in consultation with affiliated Native American tribal representatives have been approved by the ERO and implementation of preservation or interpretive program.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Transportation and Circulation Mitigation Measures				
Mitigation Measure M-TR-3P: Implement Transit Capacity Improvements (Proposed Project) The project sponsors of the 700 Innes property shall fund and/or implement transit capacity improvements as described below. Implementation of one of the two options described below would mitigate the transit capacity impact of the proposed project to less than significant. • **Option 1—Fund Temporary Transit Service Improvements Until the Applicable Portion of the Candlestick Point/Hunters Point Shipyard Phase II Transportation Plan is in Operation** The project sponsors of the 700 Innes property shall fund, and SFMTA shall provide, temporary increased frequencies on the 44 O'Shaughnessy for the period of time until similar improvements required as part of the CPHPS Transportation Plan are in operation. Specifically, the frequency of the 44 O'Shaughnessy shall be increased from every 8 minutes to every 6.5 minutes in the a.m. peak period and from every 9 minutes to every 7.5 minutes in the p.m. peak period. This increased frequency is set at the level where project-generated transit trips would no longer result in a significant transit capacity impact. The project sponsors' funding contributions are based on the cost to serve the relative proportion of transit trips generated by each of the four properties that make up the project site, and would include the cost to requisition and operate any additional buses needed to increase the frequencies as specified. Under the project-level analysis for the proposed project, all transit trips generated at the project site result from the proposed development at the 700 Innes property. Under Option 1, the increased frequency on the 44 O'Shaughnessy would result in increased passenger capacity along the route (because more buses would be provided per hour), thereby lowering the average passenger load per bus below the 85 percent capacity utilization threshold. Mitigation Measure M-TR-3P, Option 1 would be implemented prior to the issuance of the building permits for the incremental amount of development at the 700 Innes property (20 transit trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour) that would cause the significant impact. This incremental amount of development would be a subset of the first phase of construction.	Project sponsor of 700 Innes property (Option 2) and SFMTA (Option 1)	Option 1 would be implemented prior to the issuance of the building permits for the incremental amount of development at the 700 Innes property under the first phase of construction that would cause the significant impact (20 transit trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour). Option 2 would be implemented prior to the issuance of the Temporary Certificates of Occupancy (TCO) for the incremental amount of development at the 700 Innes property under the first phase of construction that would cause the	SFMTA (Option 1) or project sponsor of the 700 Innes property (Option 2). Under Option 2, the project sponsor for the 700 Innes property shall also be required to monitor ridership on the shuttle annually and produce a report to SFMTA describing the level of service provided and associated ridership.	Considered complete upon payment of fair share contribution to SFMTA (Option 1) or after shuttle service has been implemented and is in operation for the period of time until similar improvements required as part of the CPHPS Transportation Plan are in operation (Option 2). Under Option 2, the project sponsor for the 700 Innes property shall also be required to conduct annual monitoring and reporting activities for the shuttle for the period of time until improvements required as part of the CPHPS Transportation Plan are in operation.

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
• **Option 2—Implement a Temporary Shuttle Service Until the Applicable Portion of the Candlestick Point–Hunters Point Shipyard Phase II Transportation Plan is in Operation** If for any reason SFMTA determines that providing increased transit frequency as described under Option 1 is not feasible at the time its implementation would be required, the project sponsors for the 700 Innes property shall implement a temporary shuttle service to supplement existing nearby transit service by providing connections to local and regional rail service. The shuttle would connect the project site (at a stop on Innes Avenue at Arelious Walker Drive or a stop on New Hudson Avenue/New Griffith Street near Innes Avenue) with Muni light rail (T Third Street), Caltrain, and BART. A shuttle service operating at 20-minute headways in the a.m. and p.m. peak periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., respectively) could accommodate the estimated demand, although a maximum headway of 15 minutes is recommended in order to provide an adequate level of service for urban commuters. Shuttle operations would be extended outside of these defined periods, if necessary, to adequately serve the peak period of project travel demand. The shuttle would be required to operate only until the CPHPS Transportation Plan's transit service improvements are in place. If Option 2 is implemented, the shuttle shall operate within all applicable SFMTA and City regulations and programs. The project sponsors for the 700 Innes property shall be required to monitor ridership on the shuttle annually and produce a report to SFMTA describing the level of service provided and associated ridership. If ridership on the overcrowded Muni route is more than 85 percent of overall service capacity as routinely monitored by the SFMTA, additional shuttle frequency shall be provided by the project sponsors for the 700 Innes property to reduce passenger loads to below 85 percent utilization on the corresponding Muni route. Under Option 2, the shuttle service would supplement existing transit routes by providing sufficient capacity to accommodate the demand generated by the proposed project above the 85 percent utilization threshold, with a 20 percent contingency factor. Mitigation Measure M-TR-3P, Option 2 would be implemented prior to the issuance of the Temporary Certificates of Occupancy (TCO) for the incremental amount of development at the 700 Innes property (20 transit trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour) that would cause the significant impact. This incremental amount of development would be a subset of the first phase of construction.		significant impact (20 transit trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour)		

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-TR-3V: Implement Transit Capacity Improvements (Variant) The project sponsors of the 700 Innes property shall fund and/or implement transit capacity improvements as described below. Implementation of one of the two options described would mitigate the transit capacity impact of the variant to less than significant. • **Option 1—Fund Temporary Transit Service Improvements Until the Applicable Portion of the Candlestick Point–Hunters Point Shipyard Phase II Transportation Plan is in Operation** The project sponsors of the 700 Innes property shall fund, and SFMTA shall provide, temporary increased frequencies on the 44 O'Shaughnessy and 48 Quintara–24th Street (which will replace the 19 Polk's route along Evans Avenue, Hunters Point Boulevard, and Innes Avenue) for the period of time until similar improvements required as part of the CPHPS Transportation Plan are in operation. Specifically, the frequency of the 44 O'Shaughnessy shall be increased from every 8 minutes to every 6.5 minutes in the a.m. peak period and from every 9 minutes to every 7.5 minutes in the p.m. peak period. The frequency of the 48 Quintara–24th Street shall be increased from every 15 minutes to every 10 minutes during both the a.m. and p.m. peak periods. These increased frequencies are set at the level where project-generated transit trips would no longer result in a significant transit capacity impact. The project sponsors' funding contributions are based on the cost to serve the relative proportion of transit trips generated by each of the four properties that make up the project site, and would include the cost to requisition and operate any additional buses needed to increase the frequencies as specified. Under the project-level analysis for the variant, all transit trips generated at the project site result from the proposed development at the 700 Innes property. Under Option 1, the increased frequency on the 44 O'Shaughnessy and 48 Quintara–24th Street would result in increased passenger capacity along these routes (because more buses would be provided per hour), thereby lowering the average passenger load per bus below the 85 percent capacity utilization threshold. Mitigation Measure M-TR-3V, Option 1 would be implemented prior to the issuance of building permits for the incremental amount of development at the 700 Innes property (187 transit trips inbound to the project site on the 19 Polk during the weekday a.m. peak hour, 152 transit trips outbound from the project site on the 19 Polk during the weekday p.m. peak hour, 20 transit	Project sponsor of 700 Innes property (Option 2) and SFMTA (Option 1)	Option I would be implemented prior to the issuance of the building permits for the incremental amount of development at the 700 Innes property under the first phase of construction that would cause the significant impact (187 transit trips inbound to the project site on the 19 Polk during the weekday a.m. peak hour, 152 transit trips outbound from the project site on the 19 Polk during the weekday p.m. peak hour, 20 transit trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour, or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour). Option 2 would be implemented prior to the issuance of the Temporary	SFMTA (Option 1) or project sponsor of 700 Innes property (Option 2). Under Option 2, the project sponsors for the 700 Innes property shall also be required to monitor ridership on the shuttle annually and produce a report to SFMTA describing the level of service provided and associated ridership.	Considered complete upon payment of fair share contribution to SFMTA (Option 1) or after shuttle service has been implemented and is in operation for the period of time until similar improvements required as part of the CPHPS Transportation Plan are in operation (Option 2). Under Option 2, the project sponsors for the 700 Innes property shall also conduct annual monitoring and reporting activities for the shuttle for the period of time until improvements required as part of the CPHPS Transportation Plan are in operation.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour, or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour) that would cause the significant impact. This incremental amount of development would be a subset of the first phase of construction. • **Option 2—Implement a Temporary Shuttle Service Until the Applicable Portion of the Candlestick Point–Hunters Point Shipyard Phase II Transportation Plan is in Operation** If for any reason SFMTA determines that providing increased transit frequency as described under Option 1 is not feasible at the time its implementation would be required,, the project sponsors for the 700 Innes property shall implement a temporary shuttle service to supplement existing nearby transit service by providing connections to local and regional rail service. The shuttle would connect the project site (at a stop on Innes Avenue at Arelious Walker Drive or a stop on New Hudson Avenue/New Griffith Street near Innes Avenue) with Muni light rail (T Third Street), Caltrain, and BART. A shuttle service operating at 20-minute headways in the a.m. and p.m. peak periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., respectively) could accommodate the estimated demand, although a maximum headway of 15 minutes is recommended in order to provide an adequate level of service for urban commuters. Shuttle operations would be extended outside of these defined periods, if necessary, to adequately serve the peak period of project travel demand. The shuttle would be required to operate only until the CPHPS Transportation Plan's transit service improvements are in place. If Option 2 is implemented, the shuttle shall operate within all applicable SFMTA and City regulations and programs. The project sponsors for the 700 Innes property shall be required to monitor ridership on the shuttle annually and produce a report to SFMTA describing the level of service provided and associated ridership. If ridership on the overcrowded Muni routes is more than 85 percent of overall service capacity as routinely monitored by the SFMTA, additional shuttle frequency shall be provided by the project sponsors of the 700 Innes property to reduce passenger loads to below 85 percent utilization on the corresponding Muni routes. Under Option 2, the shuttle service would supplement existing transit routes by providing sufficient capacity to accommodate the demand generated by the variant above the 85 percent utilization threshold, with a 20 percent contingency factor.		Certificates of Occupancy (TCO) for the incremental amount of development at the 700 Innes property under the first phase of construction that would cause the significant impact (187 transit trips inbound to the project site on the 19 Polk during the weekday a.m. peak hour, 152 transit trips outbound from the project site on the 19 Polk during the weekday p.m. peak hour, 20 transit trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour, or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour)		

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Mitigation Measure M-TR-3V, Option 2 would be implemented prior to the issuance of the Temporary Certificates of Occupancy (TCO) for the incremental amount of development at the 700 Innes property (187 transit trips inbound to the project site on the 19 Polk during the weekday a.m. peak hour, 152 transit trips outbound from the project site on the 19 Polk during the weekday p.m. peak hour, 20 transit trips outbound from the project site on the 44 O'Shaughnessy during the weekday a.m. peak hour, or 18 transit trips inbound to the project site on the 44 O'Shaughnessy during the weekday p.m. peak hour) that would cause the significant impact. This incremental amount of development would be a subset of the first phase of construction.				
Mitigation Measure M-TR-8V: Implement Passenger Loading Strategies for the School (Variant) Once school enrollment reaches 22 students, the school proposed for the 700 Innes property under the variant shall provide and enforce a pick-up/drop-off plan subject to review and approval by SFMTA to minimize disruptions to traffic, bicycle, and pedestrian circulation associated with school pick-up/drop-off activities and ensure safety for all modes. This plan shall include elements such as the size and location of loading zone(s), parking monitors, staggered drop-offs, a number system for cars, one-way circulation, encouragement of carpools/ride-sharing, and a safety education program. The safety education program shall be targeted at school students, guardians, and staff, as well as residents and businesses near the school site. Informational materials targeted to guardians and nearby residents and employees shall focus on the importance of vehicular safety, locations of school crossings, and school zone speed limits and hours.	Project sponsor for 700 Innes property and school administrator.	Once school enrollment reaches 22 students, the project sponsors and school administrator are required to submit a pick-up/drop-off plan to SFMTA for approval.	School administrator and SFMTA.	Plan is required once school enrollment reaches 22 students and is deemed complete once the plan is approved by SFMTA and the plan is implemented and enforced.

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Mitigation Measure M-C-TR-2: Implement Transit-Only Lanes SFMTA shall convert one of the two travel lanes in each direction of the Evans Avenue–Hunters Point Boulevard–Innes Avenue–Donohue Avenue corridor from a mixed-flow lane to a transit-only lane between the Jennings Street/ Evans Avenue/Middle Point Road and Donahue Street/Robinson Street intersections. The transit-only lanes would be located in the curbside lanes, similar to those identified for Evans Avenue between Third Street and Jennings Street as part of the CPHPS EIR, and would improve bus travel speed and travel time reliability along the corridor. The project sponsors shall fund, and the SFMTA shall implement, this measure prior to the time the proposed project or variant would result in an increase in transit travel time to 18 minutes, 14 seconds during the weekday a.m. peak hour or 18 minutes, 39 seconds during the weekday p.m. peak hour, whichever comes first. The SFMTA shall monitor transit service and travel time along the corridor to assess when this threshold is met and the project sponsors shall pay their respective fair share amounts after invoicing by SFMTA. The project sponsors' fair-share portion of this cumulative mitigation measure under either the proposed project or the variant shall be based on the relative proportion of vehicle-trips contributed by the proposed project or the variant to cumulative traffic conditions such that mitigation would be needed. In this case, the fair share was determined by calculating the ratio of the total trips added by the project at the three study intersections adjacent to the 700 Innes property to the sum of eastbound and westbound through traffic without the project. Since the impact would occur during both the weekday a.m. and p.m. peak periods, the higher of the ratios for each individual peak period was conservatively selected to determine the fair-share contribution. This fair-share contribution would be 38 percent for the proposed project and 50 percent for the variant. Responsibility among the project sponsors for the four properties would then be further subdivided based on the relative proportion of vehicle-trips generated by each of the four properties. In this case, 1 percent of the vehicle-trips would be generated by the India Basin Shoreline Park property, 0 percent would be generated by the 900 Innes property, 1 percent would be generated by the India Basin Open Space property, and 98 percent would be generated by the 700 Innes property.	SFMTA	The project sponsors shall fund, and the SFMTA shall implement, this measure prior to the time the proposed project or variant would result in an increase in transit travel time to 18 minutes, 14 seconds during the weekday a.m. peak hour or 18 minutes, 39 seconds during the weekday p.m. peak hour, whichever comes first.	SFMTA	The SFMTA shall monitor transit service and travel time along the corridor to assess when the threshold in M-C-TR-2 is met and the project sponsors shall pay their respective fair share amounts after invoicing by SFMTA.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Noise Mitigation Measures				
Mitigation Measure M-NO-2a: Implement Noise Control Measures during Project Construction The project sponsor shall include in all construction contracts a requirement to implement the following noise control measures at all project site properties during construction: • Power construction equipment shall be equipped with best available state-of-the-art noise-shielding and muffling devices. All equipment shall be properly maintained to prevent the generation of additional noise attributable to worn or improperly maintained parts. • Stationary-source construction equipment that may have a flexible location on-site (e.g., generators and compressors) shall be located to maintain the greatest feasible distance from sensitive land uses, and unnecessary idling of equipment shall be prohibited. • Where construction activities are to occur within 100 feet of a noise-sensitive receptor, either an existing off-site receptor or a future on-site receptor, a temporary noise barrier that will break the line of sight between the construction equipment and the sensitive receptor shall be placed to provide a minimum of 3-5 dBA noise reduction at the exterior of the noise-sensitive receptor.	Project sponsors and construction contractors.	Prior to the issuance of building permits and on-going during construction.	Planning Department	Considered complete after Planning Department reviews all construction contracts with contractors to ensure compliance with this measure.
Mitigation Measure M-NO-2b: Implement Noise Control Measures for Pile Driving The project sponsor shall include in all construction contracts a requirement to implement the following noise control measures for pile driving at all project site properties during construction: • When pile driving is to occur within 600 feet of a noise-sensitive receptor (e.g., residential use), alternative quiet-pile driving techniques (i.e., non-impact type) shall be applied in lieu of conventional impact pile driving where feasible (based on soil/strata and other conditions as reviewed by and approved by the project engineer). Alternative quiet-pile driving techniques shall include but are not limited to methods such as screw, auger cast-in-place, or drilled-displacement. At the noise-sensitive receptor, noise from non-impact type pile-driving methodology shall not exceed an hourly L_{eq} equal to the applicable ambient + 10 dBA standard. • When applied within 600 feet of a noise-sensitive receptor (e.g., residential use), impact-type pile driving equipment shall be properly fitted with an intake and exhaust muffler and a sound-attenuating shroud, as specified by	Project sponsors and construction contractors.	Prior to the issuance of building permits and on-going during construction.	Planning Department	Considered complete after Planning Department reviews all construction contracts with contractors to ensure compliance with this measure.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
the manufacturer. The net effect of these noise control and sound-attenuating measures, which can also include a temporary sound barrier, shall provide sufficient noise reduction, relative to a non-shrouded operating impact pile-driving process, so that hourly L_{eq} noise from the pile-driving equipment at the noise-sensitive receptor does not exceed the applicable ambient + 10 dBA standard.				
Mitigation Measure M-NO-3: Design Future Noise-Generating Uses near Residential Uses to Minimize the Potential for Noise Conflicts Future noise-generating land uses shall be designed to minimize the potential for sleep disturbance at any future nearby residential uses (700 Innes) or existing nearby offsite residential receptors. Design approaches such as the following could be incorporated into future development plans for future noise-generating land uses to minimize the potential for noise conflicts from such uses with on-site sensitive receptors. • **Design of Future Noise-Generating Uses.** To reduce potential conflicts between sensitive receptors and new noise-generating land uses located adjacent or nearby to these receptors, exterior facilities such as loading areas/docks, trash enclosures, and surface parking lots shall be located on the sides of buildings facing away from existing or planned sensitive receptors (residences). If this is not feasible, these types of facilities shall be enclosed or equipped with appropriate noise shielding. • **Stationary Equipment Noise Controls.** Noise attenuation measures shall be incorporated into all stationary equipment (including HVAC equipment, and emergency generators if present) installed on all buildings that include such stationary equipment. These noise attenuation measures shall be incorporated as necessary to meet noise limits specified in Section 2909 of the Police Code. Interior noise limits shall be met under both existing and future noise conditions, accounting for foreseeable changes in noise conditions in the future (i.e., changes in on-site building configurations). Noise attenuation measures can include providing sound enclosures/barriers, adding roof parapets to block noise, increasing setback distances from sensitive receptors, providing louvered vent openings, locating vent openings away from adjacent commercial uses, and restricting generator testing to the daytime hours.	Project sponsors and construction contractor.	Prior to the issuance of a building permit for each commercial/office building.	Planning Department	Considered complete after submittal and approval of construction plans by the Planning Department.

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-NO-6: Implement Vibration Mitigation Measure for Pile Driving The project sponsor shall implement the following vibration control measure for pile driving during project construction: • When pile driving is to occur within 150 feet of a noise-sensitive receptor (e.g., residential use), alternative low-vibration driving techniques (i.e., non-impact type) shall be applied in lieu of conventional impact pile driving where feasible, based on soil/strata and other conditions as reviewed by and approved by the project engineer. Alternative pile driving techniques shall include but are not limited to methods such as screw, auger cast-in-place, or drilled displacement. • If the receiving land use is a historic structure, the project sponsor shall implement vibration monitoring during the vibration-causing process and/or equipment to ensure that measured levels (e.g., vibration velocity) at the receptor are compliant with the 0.12 in/sec peak particle velocity (PPV) standard. If measured vibration levels are found to exceed this standard, the process shall be suspended to assess the occurrence of damage and implement vibration isolation enhancements (e.g., trenches, shoring, etc.) as deemed necessary to enable compliant vibration levels upon resumption of activity. If damage to a building(s) occurs, the building(s) shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity.	Project sponsors/ project engineer/ construction contractor, and Planning Department.	Prior to pile-driving activities on the 900 Innes property, India Basin Open Space, and 700 Innes properties.	Planning Department	Considered complete after the completion of all pile-driving activities.

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Air Quality Mitigation Measures				
Mitigation Measure M-AQ-1a: Minimize Off-Road Construction Equipment Emissions The project sponsors shall comply with the following requirements: A. **Construction Emissions Minimization Plan.** Before a construction permit is issued for each project phase or property, as applicable, the project sponsors shall submit construction emissions minimization plans to the Environmental Review Officer (ERO) or the ERO's designated representative for review and approval. The construction emissions minimization plans shall detail compliance with the following requirements: (1) All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: a) Where access to alternative sources of power is reasonably available, portable diesel engines shall be prohibited. b) Where portable diesel engines are required because alternative sources of power are not reasonably available, all off-road equipment shall have engines that meet either EPA or ARB Tier 4 Final off-road emission standards. If engines that comply with Tier 4 Final off-road emission standards are not commercially available, then the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step-down schedules in Table M-AQ-1a-1. i. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines taking into consideration factors such as (i) critical-path timing of construction; (ii) geographic proximity to the project site of equipment; and (iii) geographic proximity of access to off-haul deposit sites. ii. The project sponsor shall maintain records concerning its efforts to comply with this requirement.	Project sponsors and ERO or ERO's designated representative.	The construction emissions minimization plan shall be submitted and approved before a construction permit is issued for each project phase or property.	The Planning Department, ERO, or the ERO's designated representative for review and approval.	Considered complete after review and approval of Construction Emissions Minimization Plan, ongoing review and approval of quarterly reports, review and approval of a final report.

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule

TABLE M-AQ-1a-1
OFF-ROAD EQUIPMENT COMPLIANCE STEP-DOWN SCHEDULE

Compliance Alternative	*Engine Emissions Standard*	*Emissions Control*
1	*Tier 4 Interim*	*N/A*
2	*Tier 3*	*ARB Level 3 VDECS*
3	*Tier 2*	*ARB Level 3 VDECS*

How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met, etc.

(2) The project sponsor shall require in its construction contracts that the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable State regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, and Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

(3) The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.

(4) The construction emissions minimization plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include but are not

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used. (5) The project sponsor shall keep the construction emissions minimization plan available for public review on-site during working hours. The project sponsor shall post at the perimeter of the project site a legible and visible sign summarizing the requirements of the plan. The sign shall also state that the public may ask to inspect the construction emissions minimization plan at any time during working hours, and shall explain how to request inspection of the plan. Signs shall be posted on all sides of the construction site that face a public right-of-way. The project sponsor shall provide copies of the construction emissions minimization plan to members of the public as requested. B. **Reporting.** Quarterly reports shall be submitted to the ERO or the ERO's designated representative indicating the construction phase and off-road equipment information used during each phase, including the information required in A(4). (1) Within 6 months of the completion of construction activities, the project sponsor shall submit to the ERO or the ERO's designated representative a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). C. **Certification Statement and On-site Requirements.** Before the start of construction activities, the project sponsor must certify that it is in compliance with the construction emissions minimization plan, and that all applicable requirements of the plan have been incorporated into contract specifications.				

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-AQ-1b: Minimize On-Road Construction Equipment Emissions The project sponsors shall include in all construction contracts a requirement for construction contractors to implement the following measures to reduce construction haul truck emissions, to the extent commercially available (taking into consideration such factors as critical-path timing and geographic proximity). **A. Engine Requirements** 1) All on-road heavy-duty diesel trucks with a gross vehicle weight rating of 19,500 pounds or greater used in connection with the project site (such as haul trucks, water trucks, dump trucks, and concrete trucks) shall be model year 2010 or newer, where feasible in light of commercial availability. **B. Construction Emissions Minimization Plan.** As part of the construction emissions minimization plan identified above in Mitigation Measure M-AQ-1a, Section A, the construction contract shall state, in reasonable detail, how the contractor shall meet the requirements of Section A. 1) The construction emissions minimization plan shall include the model year of the heavy-duty trucks with a gross vehicle weight rating of 19,500 pounds or greater and estimates of the expected fuel usage (or miles traveled or hours of operation, as relevant) for the on-road haul truck fleet. For on-road trucks using alternative fuels, the description shall also specify the type of alternative fuel being used. 2) See Mitigation Measure M-AQ-1a, Section A, Part 5. **C. Reporting.** See Mitigation Measure M-AQ-1a, Section B. **D. Monitoring.** See Mitigation Measure M-AQ-1a, Section C.	Project sponsors, construction contractors, and ERO or ERO's designated representative.	Prior to the issuance of building permits and on-going during construction.	Planning Department.	Considered complete after review and approval of Construction Emissions Minimization Plan, ongoing review and approval of quarterly reports, review and approval of a final report.

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-AQ-1c: Utilize Best Available Control Technology for In-Water Construction Equipment The project sponsors shall include in construction contracts a requirement to implement the following measures to reduce emissions from in-water equipment: A. **Engine Requirements** 1) The construction barge shall have engines that meet or exceed EPA marine engine Tier 3 emissions standards, if commercially available (taking into consideration such factors such as critical-path timing and geographic proximity). 2) The project sponsors shall also ensure that the construction work boat engines shall be model year 2005 or newer or meet NO_X and PM emissions standards for that model year, if commercially available (taking into consideration such factors such as critical-path timing and geographic proximity). B. **Construction Emissions Minimization Plan.** As part of the construction emissions minimization plan identified above under Mitigation Measure M-AQ-1a, Section A, the contractor shall state, in reasonable detail, how the contractor shall meet the requirements of Section A. 1) The construction emissions minimization plan shall include estimates of the construction timeline by phase, with a description of how each piece of in-water equipment (e.g., barge engines, work boats) required for every construction phase will comply with the engine requirements stated above. The plan shall also include expected fuel usage and hours of operation for in-water equipment. For in-water equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2) See Mitigation Measure M-AQ-1a, Section A, Part 5. C. **Reporting.** See Mitigation Measure M-AQ-1a, Section B. D. **Monitoring.** See Mitigation Measure M-AQ-1a, Section C.	Project sponsors, construction contractors, and ERO or ERO's designated representative.	Prior to the issuance of building permits and on-going during construction.	Planning Department.	Considered complete after review and approval of Construction Emissions Minimization Plan, ongoing review and approval of quarterly reports, review and approval of a final report.

Table 1: Mitigation Monitoring and Reporting Program

NOTE: Each mitigation measure in this document applies to the proposed project and variant, unless noted otherwise. Furthermore, each responsible project sponsor as identified in this Table 1 shall only be responsible for implementation of the applicable mitigation measure related to their particular property within the project site.

Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-AQ-1d: Offset Emissions for Construction and Operational Ozone Precursor (NOx and ROG) Emissions Before the first construction permit is issued, the project sponsors, with oversight of the ERO or the ERO's designated representative, shall implement one of the following measures: (1) Directly fund or implement specific emissions offset project(s) within the SFBAAB to achieve the one-time reduction of 6 tons of ozone precursor emissions. This amount is intended to offset the maximum emissions year during construction or operations (or overlapping construction and operations) that would exceed the 10 tons per year thresholds for each NOx and ROG, which would occur during operations of the fully built project. Specifically, the worst-case mitigated operational emissions are associated with the variant and are estimated at 11.96 tons per year of ROG emissions and 14 tons per year of NOx emissions, which would exceed the 10-tons NOx and ROG annual thresholds by 1.96 tons and 4 tons, respectively. Thus, the combined ozone precursor emissions (NOx and ROG) would exceed the annual 10-tons threshold in total by 5.96 tons and requires an offset of 6 tons of NOx and ROG emissions. To qualify under this mitigation measure, the specific offset project(s) shall result in 6 tons of NOx and ROG emissions reductions within the SFBAAB that would not otherwise be achieved through compliance with existing regulatory requirements. Preferred offset project(s) are implemented locally within the City and County of San Francisco. Before implementation of the offset project(s), the project sponsors shall obtain the ERO's approval of the offset project(s) by providing documentation of the associated estimated reduction amount of NO_X and ROG emissions (in tons per year) within the SFBAAB. The project sponsors shall also notify the ERO within 6 months of completion of the offset project(s) for verification. or (2) Pay a one-time mitigation emissions offset fee to the BAAQMD Bay Area Clean Air Foundation to fund BAAQMD's reduction effort in the SFBAAB of 6 tons of ozone precursor emissions. Specifically, the worst-case mitigation offset fee is associated with the variant offset amount of 6 annual tons of combined NO_X and ROG emissions and will be at a cost per ton consistent with Appendix G of the Carl Moyer grant guidelines in effect at the date of the first construction permit issuance . This fee is currently estimated to be $30,000 per weighted ton per year of ozone precursor emissions (plus a 5 percent administrative fee). The mitigation offset fee shall fund one or more emissions reduction projects within the SFBAAB.	Project sponsors and the ERO or the ERO's designated representative.	Prior to the issuance of the first construction permit.	Planning Department, ERO, or the ERO's designated representative.	Considered complete once the project sponsors notify the ERO within 6 months of completion of the offset project(s) for verification, or after the project sponsors provide documentation of offset fee payment to the ERO.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
This one-time fee is intended to fund reduction project(s) for purposes of offsetting the estimated annual tonnage of combined construction and operational emissions under the variant buildout scenario, which is conservatively assumed to occur in 2022. The project sponsors shall also provide documentation of offset fee payment to the ERO. Acceptance of this fee by BAAQMD shall serve as acknowledgment and a commitment by BAAQMD to one or more emissions reduction project(s) within one year of receipt of the mitigation fee to achieve the emissions reduction objectives specified above. BAAQMD shall provide documentation to the ERO and to the project sponsors describing the emission reduction project(s) funded by the mitigation fee, including the amount of emissions of ROG and NO_X reduced (in tons per year) within the SFBAAB from the emissions reduction project(s). If any portion of the mitigation offset fee remains unspent after implementation of the emission reduction project(s), the project sponsors shall be entitled to a refund in that amount from BAAQMD. To qualify under this mitigation measure, the specific emissions reduction project(s) shall result in emission reductions within the SFBAAB that would not otherwise be achieved through compliance with existing regulatory requirements. If the project sponsors commit to the land use assumptions consistent with the proposed project (rather than with the variant) for the term of the development agreement, the one-time reduction of 6 tons of ozone precursor emissions listed above under (1) and (2) shall be reduced to a one-time reduction of 3 tons of ozone precursor emissions. This 3 tons reduction amount is intended to offset the maximum emissions year conservatively assumed to occur during the second year of proposed project construction in 2019. Specifically, the mitigated construction related NOx emissions for the proposed project are estimated at 12.60 tons, which would exceed the 10-tons threshold by 2.6 tons and require an offset of 3 tons of NOx.				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-AQ-1e: Implement Best Available Control Technology for Operational Diesel Generators To reduce operational NO_X and PM emissions under the proposed project or variant, the project sponsors, as applicable, shall require in applicable contracts that the operational backup diesel generators: (1) comply with ARB Airborne Toxic Control Measure emissions standards for model year 2008 or newer engines; and (2) meet or exceed one of the following emission standards for particulate matter: (A) Tier 4 final certified engine or (B) Tier 4 interim or Tier 3 certified engine that is equipped with an ARB Level 3 VDECS. A nonverified diesel emissions control strategy may be used if the filter has the same PM reduction as the identical ARB-verified model and BAAQMD approves of its use. The project sponsors, as applicable, shall submit documentation of compliance with the BAAQMD NSR permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emissions standard requirement of this measure to the Planning Department for review and approval before a permit for a backup diesel generator is issued by any City agency. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator. The facility operator shall provide this information for review to the Planning Department within 3 months of a request for such information.	Project sponsor and construction contractor.	Prior to issuance of a permit for each backup diesel generator.	Project sponsor shall submit documentation of compliance to the Planning Department for review and approval within 3 months of a request for such information.	Considered complete upon review and approval of documentation by Planning Department staff.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-AQ-1f: Prepare and Implement Transportation Demand Management To reduce operational mobile source emissions, the project sponsors shall prepare and implement a transportation demand management (TDM) plan. The TDM plan shall have a goal of reducing estimated aggregate daily one-way vehicle trips associated with the 700 Innes and India Basin Open Space properties by at least 15 percent compared to the aggregate daily one-way vehicle trips identified in the project-related Transportation Impact Study dated July 2017 and the Supplement to the Transportation Impact Study, dated April 27, 2018, (together, the "Final Transportation Impact Study") and included in EIR Appendix D as calculated before the imposition of TDM measures. To ensure that this reduction goal could be reasonably achieved, the project sponsors shall have a TDM plan with a goal of reducing the daily one-way vehicle trips to and from the project site by 15 percent for all buildings that have received a certificate of occupancy and that are at least 75 percent occupied, relative to the aggregate daily one-way vehicle trips anticipated for those buildings based on the trip generation rates contained within the Final Transportation Impact Study as calculated before the imposition of TDM measure. The calculations shall use the baseline scenario trip generation rates contained in the Final Transportation Impact Study until the point at which SFMTA provides 1,000 passenger capacity per weekday PM peak hour along Innes Avenue, at which point the calculations shall use the Cumulative scenario trip rates in the Final Transportation Impact Study. There shall be a transportation management association that would be responsible for the administration, monitoring, and adjustment of the TDM plan. The project sponsors shall be responsible for monitoring implementation of the TDM plan and proposing adjustments to the plan if its goal is not being achieved, in accordance with the following provisions. The TDM plan may include but is not limited to the types of measures summarized below by way of example. Actual TDM measures selected should include those from the City's adopted TDM Program Standards, which describe the scope and applicability of candidate measures in detail and include: • **Active Transportation:** Streetscape improvements to encourage walking, secure bicycle parking, shower and locker facilities for cyclists, subsidized bikeshare memberships for project occupants, bicycle repair and maintenance services, and other bicycle-related services.	Project sponsors of 700 Innes and India Basin Open Space properties and transportation consultant to prepare the TDM Plan, which will be implemented by the TDM Coordinator and building management and will be binding on all development parcels within 700 Innes and India Basin Open Space properties.	TDM Coordinator and/or project sponsors to prepare TDM Plan and submit to Planning Department and SFMTA staff prior to approval of the site permit application for first building. The TDM plan shall have been approved by the Planning Department before site permit application for the first building, and the plan shall be implemented for each new building upon the issuance of the certificate of occupancy for that building. The TDM plan shall remain a component of the proposed project and variant to be implemented for the duration of the proposed project or variant.	TDM Coordinator to submit the TDM Plan to Planning Department And SFMTA staff for review and approval. Transportation Coordinator to submit monitoring report per reporting periods to Planning Department staff and implement TDM Plan Adjustments (if required).	The TDM Plan is required for the duration of the proposed project or variant. Monitoring reports would be on-going during project buildout, or until eight consecutive reporting periods show that the fully-built project has met its reduction goals. If after eight reporting periods the sponsor achieves TDM Plan reduction goal, the eighth monitoring report can be deemed the final TDM Plan report. However, if the TDM Plan reductions cannot be met, the project sponsors can elect to pay an additional offset fee. Specifically, in addition to paying the emission offset fees set forth in Mitigation Measure M-AQ-1d, the project sponsors may pay an additional offset fee in accordance with Mitigation Measure M-AQ-1d. This additional offset fee would be the amount required to address both the shortfall in reduction during the previously monitored years and the anticipated shortfall in the remaining expected years of project operations.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
• **Car-Share**: Car-share parking spaces and subsidized memberships for project occupants. • **Delivery**: Amenities and services to support delivery of goods to project occupants. • **Family-Oriented Measures**: On-site childcare and other amenities to support the use of sustainable transportation modes by families. • **High-Occupancy Vehicles**: Carpooling/vanpooling incentives and shuttle bus service. • **Information and Communications**: Multimodal wayfinding signage, transportation information displays, and tailored transportation marketing services. • **Land Use**: On-site affordable housing and healthy food retail services in underserved areas. • **Parking**: Unbundled parking, short-term daily parking, parking cash-out offers, and reduced off-street parking supply. The TDM plan shall describe each measure, including the degree of implementation (e.g., how long will it be in place, how many tenants or visitors it will benefit, on which locations within the site it will be placed) and the population that each measure is intended to serve (e.g., residential tenants, retail visitors, employees of tenants, visitors). The TDM plan shall commit to monitoring of vehicle trips to and from the project site to determine the plan's effectiveness, as described in "TDM Plan Monitoring and Reporting" below. The TDM plan shall have been approved by the Planning Department before site permit application for the first building, and the plan shall be implemented for each new building upon the issuance of the certificate of occupancy for that building. The TDM plan shall be submitted to the Planning Department for approval to ensure that components of the plan intended to meet the reduction target are shown in the plan and/or ready to be implemented upon the issuance of each certificate of occupancy. The TDM plan shall remain a component of the proposed project and variant to be implemented for the duration of the proposed project or variant. **TDM Plan Monitoring and Reporting**: The TDM Coordinator shall collect data, prepare monitoring reports, and submit them to the Planning Department. To ensure that the goal of reducing by at least 15 percent the aggregate daily one-way vehicle trips is reasonably achievable, the project sponsor shall				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
monitor daily one-way vehicle trips for all buildings that have received a certificate of occupancy and that are at least 75 percent occupied, and shall compare these vehicle trips to the aggregate daily one-way vehicle trips anticipated for those buildings based on the trip generation rates contained within the project's Final Transportation Impact Study. **Timing.** The TDM Coordinator shall collect monitoring data and shall begin submitting monitoring reports to the Planning Department 18 months after issuance of the first certificate of occupancy for buildings that are at least 75 percent occupied on the 700 Innes property that include off-street parking or the establishment of surface parking lots or garages. Thereafter, annual monitoring reports shall be submitted (referred to as "reporting periods") until five consecutive reporting periods show that the fully built project has met the reduction goal. From that point on, monitoring data shall be submitted to the Planning Department once every three years. Each trip count and survey (see below for description) shall be completed within 30 days after the end of the applicable reporting period. Each monitoring report shall be completed within 90 days after the applicable reporting period. The timing of monitoring reports shall be modified so that a new monitoring report is submitted 12 months after adjustments are made to the TDM plan to meet the reduction goal, as may be required under the "TDM Plan Adjustments" heading, below. In addition, the Planning Department may modify the timing of monitoring reports as needed to consolidate this requirement with other monitoring and/or reporting requirements for the proposed project or variant, such as annual reporting under the proposed project's or variant's development agreement. **Term.** The project sponsors shall monitor, submit monitoring reports, and make plan adjustments until the earlier of: (i) the expiration of the development agreement, or (ii) the date the Planning Department determines that the reduction goal has been met for up to eight consecutive reporting periods. **Components:** The monitoring and reporting, including trip counts, surveys and travel demand information, shall include the following components or comparable alternative methodology and components, as approved, accepted or provided by Planning Department staff: (1) Trip Count and Intercept Survey: Provide a site-wide trip count and intercept survey of persons and vehicles arriving and leaving the project site for no less than two days during the reporting period between 6:00 a.m. and 8:00 p.m. One day shall be a Tuesday, Wednesday, or Thursday on which San Francisco public schools are in session during one week				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
without federally recognized holidays, and another day shall be a Tuesday, Wednesday, or Thursday on which San Francisco public schools are in session during another week without federally recognized holidays. The trip count and intercept survey shall be prepared by a qualified transportation or survey consultant, and the Planning Department shall approve the methodology prior to the Project Sponsors conducting the components of the trip count and intercept survey. The Planning Department anticipates it will have a standard trip count and intercept survey methodology developed and available to project sponsors at the time of data collection.				
(2) Travel Demand Information: The above trip count and survey information shall be able to provide the travel demand analysis characteristics (work and non-work trip counts, origins and destinations of trips to/from the project site, and modal split information), as outlined in the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review, October 2002, or subsequent updates in effect at the time of the survey.				
(3) Documentation of Plan Implementation: The TDM coordinator shall work in conjunction with the Planning Department to develop a survey (online or paper) that can be reasonably completed by the TDM coordinator and/or Transportation Management Association (TMA) staff members to document implementation of TDM program elements and other basic information during the reporting period. The project sponsors shall include this survey in the monitoring report submitted to the Planning Department.				
(4) Assistance and Confidentiality: The Planning Department will assist the TDM coordinator with questions regarding the components of the monitoring report and will assist the TDM coordinator in determining ways to protect the identity of individual survey responders.				
TDM Plan Adjustments. The project sponsors shall adjust the TDM plan based on the monitoring results if three consecutive reporting periods demonstrate that measures in the TDM plan are not achieving the reduction goal. The TDM plan adjustments shall be made in consultation with Planning Department staff and may require refinements to existing measures (e.g., change to subsidies, increased bicycle parking), inclusion of new measures (e.g., a new technology), or removal of existing measures (e.g., measures shown to be ineffective or induce vehicle trips). If the Planning Department determines that the reduction goal has been met for eight consecutive reporting				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
periods, the TDM Plan in place at the time of the eighth consecutive successful reporting period shall be considered the final TDM Plan. If the monitoring results from three consecutive reporting periods demonstrate that measures in the TDM plan are not achieving the reduction goal, the TDM plan adjustments shall occur within 270 days after the last consecutive reporting period. The TDM plan adjustments shall occur until the monitoring results of three consecutive reporting periods demonstrate that the reduction goal is achieved. If after implementing TDM plan adjustments, the project sponsors have not met the reduction goal for up to eight consecutive reporting periods, as determined by the Planning Department, then the project sponsors may, at any time thereafter, elect to use another means to address the shortfall in meeting the TDM plan reduction target. Specifically, in addition to paying the emission offset fees set forth in Mitigation Measure M-AQ-1d, the project sponsors may pay an additional offset fee in accordance with Mitigation Measure M-AQ-1d. This additional offset fee would be the amount required to address both the shortfall in reduction during the previously monitored years and the anticipated shortfall in the remaining expected years of project operations. The anticipated shortfall shall be based on the shortfall that occurred in the most recently monitored year. Calculations of emissions to be offset shall be based on the total amount of emissions anticipated to be reduced by achieving the 15 percent TDM goal, adjusted for the actual percentage of aggregate daily one-way vehicle trip reduction achieved in the most recently monitored year. After paying this additional offset fee, the project sponsors shall continue to monitor, report and adjust their TDM Plan in accordance to this Mitigation Measure M-AQ-1f, to ensure that the shortfall from the reduction goal does not increase significantly over time for the duration of the term defined herein. At the end of that term, the project sponsors' monitoring, reporting, and adjusting obligations of MM-AQ-1f shall terminate, but the project sponsors shall continue to implement the final TDM Plan for the life of the project. The final TDM Plan shall be either a) the TDM Plan that met the reduction goal for eight consecutive reporting periods; or b) if the project sponsors have paid an additional offset fee, the TDM plan that achieved the highest reduction goal for any reporting period.				

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Wind Mitigation Measures				
Mitigation Measure M-WI-1a: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height During Partial Buildout With the goal of preventing a net increase in hazardous wind hours beyond those identified by prior wind tunnel testing conducted for this EIR during project construction, prior to obtaining a building permit for any project or variant building within the project site proposed to be at least 100 feet in height, the project sponsors shall undertake or cause their construction contractor(s) to undertake a wind impact analysis for such proposed building. a. The wind impact analysis shall be conducted by a qualified wind consultant approved by the Planning Department's Environmental Review Officer (ERO). The wind consultant shall review the proposed building design taking into account the building design and feasible mitigation required by Mitigation M-WI-1c. The wind consultant shall provide a qualitative analysis of whether the building could result in a net increase in hazardous wind hours under partial build-out conditions that are beyond those identified for full build-out conditions by prior wind tunnel testing conducted for this EIR. The analysis shall compare the exposure, massing, and orientation of the proposed building to the same building in the representative massing models for the proposed project or variant. The comparison shall also analyze the potential wind impacts of the proposed building relative to existing conditions, those identified in the discussion of operational wind hazards, and to the City's wind hazard criterion. The existing conditions in this analysis shall be considered to include any existing buildings at the site, the as-built designs of all previously completed structures, and the then-current designs of approved but as-yet-unbuilt structures that would be completed by the time of occupancy of the subject building. b. If the qualified wind consultant determines that the building could result in a net increase in hazardous wind hours under partial build-out conditions that are beyond those identified for full build-out conditions by prior wind tunnel testing conducted for this EIR, but in the consultant's professional judgment, temporary measures would reduce such impact, the consultant shall notify the ERO and the building applicant. The consultant's professional judgment may be informed by the use of "desktop" analytical tools, such as computer tools relying on results of prior wind tunnel testing for the proposed project and other projects (i.e., "desktop" analysis does not include new wind tunnel testing). The analysis shall include consideration	Project sponsors, construction contractor, wind consultant, and Planning Department.	Prior to permit issuance for a building permit for any building within the project site at least 100 feet tall.	Planning Department, project sponsors, and wind consultant.	Considered complete when the wind consultant demonstrates to the satisfaction of the ERO that the modified design, taking into account any temporary measures, would not create a net increase in hazardous wind hours under partial build-out conditions that are beyond those identified for full build-out conditions by prior wind tunnel testing conducted for this EIR and in subsequent wind analysis required by mitigation measure M-WI-1a. If the qualified wind consultant is unable to demonstrate that wind mitigation measures would reduce wind hazard impacts to less-than-significant levels after wind tunnel testing or an equivalent method of quantitative evaluation, the building applicant shall provide a Wind Safety Plan to the Planning Department for review and approval by the ERO, and this mitigation measure shall be considered complete upon the Planning Department and ERO's review and approval of the Wind Safety Plan.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
of wind location, duration, and speed of wind. The building applicant shall propose temporary measures to reduce wind hazards under partial build-out conditions to the extent feasible. Such temporary measures include but are not limited to the following measures: • At building corners, introduce hard landscaping such as localized porous/ solid screens, soft landscaping such as localized trees, or hedge plantings. • Install semi-permanent windscreens or temporary landscaping features (such as shrubs in large planters) that provide some wind sheltering and also direct pedestrian and bicycle traffic around hazardous areas. • Introduce solid/porous screens and soft landscaping to create localized pockets suitable for use as recreational space or for lengthy use as outdoor seating. • Introduce temporary canopies and cabanas at outdoor seating areas. The wind consultant shall then reevaluate the building design(s) taking into account the temporary measures. If the wind consultant demonstrates to the satisfaction of the ERO that the modified design, taking into account any temporary measures, would not create a net increase in hazardous wind hours under partial build-out conditions that are beyond those identified for full build-out conditions by prior wind tunnel testing conducted for this EIR and in subsequent wind analysis required by this mitigation measure, no further review would be required.				
c. If the qualified wind consultant is unable to demonstrate that temporary measures would reduce wind hazard impacts under partial build-out conditions to less-than-significant levels, then wind tunnel testing or an equivalent method of quantitative evaluation shall be required. The proposed building shall be wind tunnel tested using a model that represents the proposed building in the context of existing partial build-out conditions. The testing shall include test points deemed appropriate by the consultant and agreed upon by the Planning Department to determine the wind performance of the building, such as building entrances and sidewalks. If the wind tunnel testing determines that the building's design, including temporary measures, would increase the hours of wind hazard or the extent of area subject to hazardous winds under partial build-out conditions beyond those identified for full build-out conditions by prior wind testing conducted for this EIR, the wind consultant shall notify the Planning Department and the building applicant. The building applicant shall propose feasible mitigation strategies including any of the above measures to reduce				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
wind hazards. If the wind consultant demonstrates to the satisfaction of the ERO that the modified design would not create a net increase in hazardous wind hours or locations under partial build-out conditions beyond those identified for full build-out conditions by prior wind tunnel testing conducted for this EIR, no further review would be required. d. If the qualified wind consultant is unable to demonstrate that wind mitigation measures would reduce wind hazard impacts to less-than-significant levels after wind tunnel testing or an equivalent method of quantitative evaluation, the building applicant shall provide a Wind Safety Plan to the Planning Department and the ERO. The Wind Safety Plan shall include recommendations for site safety precautions for times when very strong winds occur on-site or may be expected, such as when high-wind watches or warnings are announced by the National Weather Service. Site safety precautions can include, but not be limited to any of the following: • warning pedestrians and bicyclists of hazardous winds by placing weighted warning signs; and • identifying alternative pedestrian and bicycle routes that avoid areas likely to be exposed to hazardous winds. The project sponsors shall ensure by conditions of approval for any construction activity, and the Planning Department shall ensure by conditions of approval for building permits and site permits, that the project sponsors and the subsequent building developer(s) cooperate to implement and maintain all measures and precautions identified by the wind consultant.				
Mitigation Measure M-WI-1b: Temporary Wind Reduction Measures during Construction For the active construction areas, the wind consultant may identify those construction sites that would be especially exposed to strong winds. The consultant may recommend construction site safety precautions for times when very strong winds occur on-site or may be expected, such as when high-wind watches or warnings are announced by the National Weather Service. The objective of these precautions shall be to minimize risks and prevent injuries to workers and the public from stacked materials, such as shingles and sheets of plywood, that can be picked up and carried by strong winds, and from temporary signage, siding or roofing, or light structures that could be detached and carried by the wind. As part of construction site safety planning, the project sponsors shall require, as a condition of contracts, that contractors consider all potential wind-related risks to the public from their construction activities, and shall develop a safety	Project sponsors and construction contractor.	Wind safety plan would be prepared prior to issuance of grading, excavation, or demolition permits. The wind safety plan shall be in effect during construction activities and until the final certificate of occupancy is granted.	Planning Department.	Considered complete after the final certificate of occupancy for the last building is granted.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
plan to address and control all such risks related to their work. The safety plan could include but not be limited to measures such as: • warning pedestrians and bicyclists of hazardous winds by placing weighted warning signs; • identifying alternative pedestrian and bicycle routes that avoid areas likely to be exposed to hazardous winds; and • installing semi-permanent windscreens or temporary landscaping features (such as shrubs in large planters) that provide some wind sheltering and also direct pedestrian and bicycle traffic around hazardous areas.				
Mitigation Measure M-WI-1c: Reduce Effects of Ground-Level Hazardous Winds through Ongoing Review In order to mitigate to the extent feasible new wind hazards created with full build-out under the proposed project or variant identified by prior wind testing, a wind impact analysis by a qualified wind consultant shall be required prior to building permit issuance for any building more than 100 feet tall. The purpose of this supplemental wind impact analysis would be to prevent the total duration of wind hazard exceedances across the project site from exceeding the total duration of wind hazard exceedances under full build-out conditions with the proposed project or variant determined in the Wind Tunnel Report, included in EIR Appendix H, based on the prior wind tunnel testing undertaken by BMT Fluid Mechanics (BMT). Based on the Wind Tunnel Report, the total number of wind hazard exceedance hours shall not exceed 767 hours. • The proposed building(s) shall be wind tunnel tested using a model that represents the current proposed building(s) defined as the building configurations assumed in the Wind Tunnel Report updated to reflect the design of any constructed buildings at the site and the as-built designs of all approved but yet unbuilt structures .The testing shall include the test points previously studied (see Table 3.9-1). If the wind tunnel testing determines that the building's design would increase the total duration of hazardous winds from the conditions identified in the Wind Tunnel Report, the wind consultant shall notify the Planning Department and the building applicant. The building applicant shall then propose feasible mitigation strategies, including any architectural features, to reduce the total duration of wind hazards. – At building corners, introduce hard landscaping such as localized porous/ solid screens, soft landscaping such as localized trees, or hedge plantings.	Project sponsors, construction contractor, wind consultant, and Planning Department.	Prior to permit issuance for a building permit for any building within the project site at least 100 feet tall.	Planning Department, project sponsors, and wind consultant.	Considered complete when the wind consultant demonstrates to the satisfaction of the ERO that the modified design would not exceed the total number of wind hazard exceedance hours (767 hours) identified in prior wind tunnel testing conducted for the proposed project in the EIR.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
– Introduce canopies along building façades at the pedestrian level. – Introduce solid/porous screens and soft landscaping to create localized pockets suitable for use as recreational space or for lengthy use as outdoor seating. – Introduce parapets, canopies, and cabanas at outdoor seating areas. If the wind consultant demonstrates to the satisfaction of the ERO that the modified design would not increase the total duration of hazardous winds identified in prior wind tunnel testing conducted for this EIR, no further design modifications would be required. • If the wind consultant determines that even after the modifications of the design that the building(s) would result in greater than 767 wind hazard exceedance hours, the wind consultant shall work with the project sponsors, architect, and/or landscape architect to identify specific additional feasible measures that may include landscaping features and street furniture that would reduce the total duration of wind hazards to the extent feasible. The ability of the design alterations to reduce the wind hazard to the extent feasible shall be demonstrated by subsequent wind tunnel testing of the modified design and landscaping that compares the modified building design and landscaping to the wind hazard exceedance hours of 767 hours for the proposed project, no further review is required.				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Biological Resources Mitigation Measures				
Mitigation Measure M-BI-1a: Prepare and Implement a Hydroacoustic Monitoring Program for Special-Status Fish and Marine Mammals Before the start of construction, the project sponsors shall prepare a hydroacoustic monitoring plan and obtain approval from NMFS. The plan shall be provided to NMFS for review and approval before construction. The plan shall provide details regarding the estimated underwater sound levels expected, sound attenuation methods, methods used to monitor and verify sound levels during pile-driving activities, and management practices to be taken to reduce pile-driving sound in the marine environment to below NMFS thresholds for injury to fish, as feasible, and below NMFS thresholds for marine mammals. The plan shall include but not be limited to the following measures for special-status fish: • All steel pilings shall be installed with a vibratory pile driver to the deepest depth practicable. An impact pile driver may be used only where necessary to complete installation of the steel pilings, in accordance with seismic safety or other engineering criteria. • The smallest pile driver and minimum force necessary shall be used to complete the work. • The hammer shall be cushioned using a 12-inch-thick wood block during all impact hammer pile-driving operations to the extent feasible. • A bubble-curtain, air barrier, or similar technology shall be employed during all impact pile-driving activities. • A "soft start"[1] technique shall be employed upon initial pile-driving activities every day to allow fish an opportunity to vacate the area. • During impact pile driving, the contractor shall limit the number of strikes per day to the minimum necessary to complete the work. • No pile driving shall occur at night. • During impact pile driving, a qualified fish biologist shall monitor the project site for fish that exhibit signs of distress. If fish are observed rising to the surface, work shall be halted by the biologist, and the cumulative SEL up to	Project sponsors, with direction from NMFS.	Prior to the start of pile driving in the Bay.	Project sponsors to prepare a hydroacoustic monitoring plan and obtain approval from NMFS.	Considered complete upon review and approval of the sound attenuation and monitoring plan by NMFS and after the conclusion of all in-water pile driving activities.

[1] Soft starts require an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 1-minute waiting period between subsequent three-strike sets. Soft starts for vibratory hammers initiate noise at 15 seconds at reduced energy, followed by a 1-minute waiting period between subsequent starts. This process should continue for a period of no less than 20 minutes.

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that point shall be examined. If the cumulative SEL is close to or exceeds the threshold, then pile-driving activities will cease until the next day. • All pile-driving and pile-removal activity shall be monitored by a NMFS-approved biological monitor before and during all pile driving. The biological monitor shall maintain a monitoring log of daily pile-driving activities, any field sound measurements, fish sightings, and implementation of soft-start and shutdown requirements. A monitoring report shall be prepared for submission to NMFS (submitted monthly and at the completion of all pile-driving/pile removal activities). • The hydroacoustic monitoring program shall incorporate NMFS-recommended work windows to avoid impacts on special-status fish species that have the potential to occur at the project site during only certain portions of the year. This includes limiting work between December 1 and May 31 to avoid impacts on steelhead and green sturgeon, and monitoring for herring spawning events in the vicinity of the project site between December 1 and February 29. In the event that monitoring identifies a herring spawning event that could be affected by project-related construction activities, all in-water work shall be temporarily halted. In-water work shall not resume until a qualified biologist determines that no additional impact on spawning herring would occur. The project sponsors shall coordinate with the NMFS Office of Protected Resources pursuant to the Marine Mammal Protection Act to develop an appropriate plan and monitoring program for potential effects to species during noise generating work. The plan shall include but not be limited to the following measures for marine mammals: • Zones of influence shall be based on the estimated NMFS injury threshold contours for the different marine mammals. These zones of influence may be modified, based on subsequent analysis of the actually proposed piles, equipment, and activity before construction, but only with the approval of NMFS. • Hydroacoustic monitoring according to the hydroacoustic monitoring plan shall be completed during initial pile driving to verify projected isopleths for pile driving and removal. The plan shall require real-time hydroacoustic monitoring for a sufficient number of piles to determine and verify modeled noise isopleths. The safety zones established before construction may be modified, based on field measurements of different pile-driving activity, if the field measurements indicate different threshold contours than estimated				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
before construction, but only with the approval of NMFS. • During pile-driving and pile-removal activity, a NMFS-approved marine mammal observer would monitor the work area for marine mammal presence. If a marine mammal is observed in or swimming into an unauthorized zone of influence, work would stop until the animal was observed, or determined to be, outside of the area of potential injury. • A "soft start"[2] technique shall be employed each day upon commencement of pile-driving activity, any time after pile-driving activity ceases for more than 1 hour, and any time after pile-driving activity shuts down because a marine mammal has entered a safety zone. • All pile-driving and pile-removal activity shall be monitored by an NMFS-approved biological monitor before and during all pile driving to inspect the work zone and adjacent Bay waters for marine mammals and implement the safety zone requirements described above. The biological monitor shall maintain a monitoring log of daily pile-driving activities; any field sound measurements; marine mammal sightings; and implementation of soft-start, shutdown, and safety-zone requirements. A monitoring report shall be prepared for submission to NMFS (submitted monthly and at the completion of all pile-driving/pile-removal activities).				
Mitigation Measure M-BI-1b: Implement Avoidance and Minimization Measures for Special-Status Species The project sponsors and the project construction contractor(s) they procure shall implement the following avoidance and minimization measures for special-status species: • **Implement a Worker Environmental Awareness Program (WEAP):** An education program shall be developed and implemented by a qualified biologist and attended by all construction personnel performing demolition or ground-disturbing work before such work commences on-site. Upon completion of the program, employees shall sign a form stating that they attended the training session and understand all conservation and protection measures. All future construction personnel shall be required to attend the presentation (either an in-person presentation or a recording of the prior presentation) and sign the form before beginning work on the project site. The signed forms shall be kept on file for the duration of construction and	Project sponsors, construction contractor, and qualified wildlife biologist.	Worker Environmental Awareness Program shall be developed and implemented prior to receiving a grading, demolition, or excavation permit. Other measures ongoing during construction.	Planning Department.	Considered complete after the conclusion of construction activities and after the Worker Environmental Awareness Program attendance forms are provided to the Planning Department.

[2] Soft starts require an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 1-minute waiting period between subsequent three-strike sets. Soft starts for vibratory hammers will initiate noise at 15 seconds at reduced energy, followed by a 1-minute waiting period between subsequent starts. This process should continue for a period of no less than 15 minutes.

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provided to the City and County of San Francisco upon request. The WEAP shall include but not be limited to education on: (a) applicable State and federal laws, environmental regulations, project permit conditions, and penalties for noncompliance; (b) special-status plant and animal species with the potential to be encountered on or in the vicinity of the project site during construction; (c) avoidance measures and a protocol for encountering special-status species, including a communication chain; (d) preconstruction surveys and biological monitoring requirements associated with each phase of work and at specific locations within the project site (e.g., shoreline work), as biological resources and protection measures will vary depending on the location of work on the site, the time of year, and the type of construction activity; (e) known sensitive resource areas in the project vicinity that are to be avoided and/or protected, as well as approved project work areas, access roads, and staging areas; and (f) BMPs (e.g., straw wattles or spill kits) and their locations around the project site for erosion and species exclusion, in addition to general housekeeping requirements. • **Avoid Attracting Predators:** To eliminate attractions for predators, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in solid, closed containers (trash cans) and removed from the entire construction site at the end of each working day. • **Avoid Entanglement:** Tightly woven fiber netting or similar material shall be used at the project site for erosion control or other purposes to ensure that individuals are not trapped. This limitation shall be communicated to the contractor through use of special provisions included in the bid solicitation package. Plastic monofilament netting (erosion control matting) or similar material shall not be used at the project site because special-status species may become entangled or trapped in it.				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-BI-1c: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation • To restore temporarily affected habitat, the project sponsors shall prepare and implement a vegetation restoration plan with detailed specifications for minimizing the introduction of invasive weeds and restoring all temporarily disturbed areas, and shall ensure that the contractor successfully implements the plan. The plan shall indicate the best time of year for seeding to occur. To facilitate preparation of the plan, the project sponsors shall ensure that, before construction, a botanist (experienced in identifying sensitive plant species in the project area) performs additional preconstruction surveys of the areas to collect more detailed vegetation composition data, including species occurrence, vegetation characterization (e.g., tree diameter size), and percent cover of plant species. Photo documentation shall be used to show pre-project conditions. The minimum weed control and restoration measures and the success criteria to be included in the vegetation restoration plan are described below. **Invasive Weed Control Measures** Invasive weeds readily colonize soils that have been disturbed by grading or other mechanical disturbance. The project sponsors shall incorporate the following measures into the construction plans and specifications to prevent the spread of invasive weeds into nearby areas: (a) Construction equipment shall arrive at the project area free of soil, seed, and plant parts to reduce the likelihood of introducing new weed species. (b) Any imported fill material, soil amendments, gravel, etc., required for construction and/or restoration activities that would be placed within the upper 12 inches of the ground surface shall be free of vegetation and plant material. (c) Certified, weed-free, imported erosion-control materials (or rice straw in upland areas) shall be used exclusively, as applicable (this measure concerns biological material and does not preclude the use of silt fences and other measures). (d) The environmental awareness training program for construction personnel shall include an orientation regarding the importance of preventing the spread of invasive weeds. (e) To reduce the seed bank in weed-dominated ruderal areas, the	Project sponsors, qualified botanist (experienced in identifying sensitive plant species in the project area), and USFWS/CDFW, if necessary.	Ongoing during construction.	Planning Department to review and approve a vegetation restoration plan.	Considered complete after the vegetation restoration plan is reviewed and approved by the Planning Department, after permanently affected areas have been mitigated at a ratio of no less than 1:1, unless otherwise approved by USFWS and/or CDFW, and after a qualified biologist has monitored the re-vegetated areas for a period of 5 years, or as otherwise determined by the applicable resource agencies.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
contractor shall mow, disk, apply spot-applications of herbicide to weeds, and/or remove weeds, as appropriate (i.e., before seed set and dispersal) and before surface clearing and site preparation. (f) Before tracked and heavy construction equipment leaves the project area, any accumulation of plant debris, soil, and mud shall be washed off the equipment or otherwise removed on-site, and air filters shall be blown out. (g) No invasive species shall be used in any restoration seeding. (h) Implementation of these measures during construction and site restoration activities shall be verified and documented by a biological or environmental monitor. **Minimum Restoration Measures** Restoration areas are portions of the project area that would be disturbed during project-related construction activities but would subsequently be restored to their preconstruction conditions, or better. No soil containing plant materials may be used for revegetation to avoid inadvertent introduction of nonnative plant pathogens like phytophthora (*Phytophthora* sp.). To restore temporarily disturbed areas, the project sponsors shall ensure the following: (a) Native coastal scrub and tidal marshland areas shall be reseeded with a native seed mix or replanted with native stock. (b) For any tree to be removed, RPD and BUILD shall ensure that replacement trees are planted within or in the vicinity of the project area as follows: • Trees shall be replaced within the first year after the completion of construction or as soon as possible in an area where construction is completed, during a favorable time of year as determined by an arborist or biologist with experience in restoration. • Selection of replacement sites and installation of replacement plantings shall be supervised by an arborist or biologist with experience in restoration. Irrigation of tree plantings during the initial establishment period shall be provided as deemed necessary by an arborist or biologist with experience in restoration. • An arborist or biologist with experience in restoration shall monitor new plantings at least once a year for 5 years or as otherwise determined by the applicable resource agencies.				

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• Any replacement plantings installed as remediation for failed plantings shall be planted as stipulated here for original plantings, and shall be monitored for 5 years after installation, or as otherwise determined by the applicable resource agencies. **Minimum Success Criteria** Unless the applicable resource agencies determine that different but equivalent or more stringent criteria should be applied, the success criteria for restoring temporarily disturbed areas shall be as follows: (a) All temporarily disturbed areas shall be restored to approximately their baseline condition. Vegetation cover shall be at least 70 percent of the baseline; that is, absolute cover of the revegetation site shall be no less than 70 percent of the baseline absolute cover of native and naturalized species (i.e., excluding target invasives). Cover in the revegetation site shall contain no more than 10 percent absolute cover of target invasives or no more cover of invasives than the baseline, whichever is greater. (b) Vegetation in restoration areas shall be functional, fully established, and self-sustaining as evidenced by successive years of healthy vegetative growth; observed increase in vegetative cover, canopy cover, and/or plant height; and successful flowering, seed set, and/or vegetative reproduction over the 5-year monitoring period. (c) Revegetation work shall start within 1 year of construction completion. (d) Revegetation shall be monitored at least once a year for 5 years or as otherwise determined by the applicable resource agencies. (e) Individual native trees shall have 65 percent survivorship by the fifth monitoring year. (f) Restoration areas shall be monitored for target invasive plants quarterly in the first 5 years after replanting. If invasive plants are found during the 5-year monitoring period, they shall be removed as necessary to support meeting the cover and vegetation composition success criteria. (g) Monitoring and maintenance shall continue until the minimum success criteria specified in parts (a) through (e) are met, or as otherwise determined by the applicable resource agencies. **Compensatory Mitigation** The project sponsors shall fully compensate for permanent losses of developed open water, open water, seasonal wetland, wetland swale, tidal marsh including areas of bare ground and beach, and nonwetland waters				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
(2.11 acres total) as defined in Table 3.1-5. In addition, the project sponsors shall fully compensate the permanent loss of native coastal scrub (0.77 acre). Compensatory mitigation may occur through the creation of habitat on-site at any of the four project site properties, or through purchase of credits at an off-site mitigation bank. Permanently affected areas shall be mitigated at a ratio of no less than 1:1, unless otherwise approved by USFWS and/or CDFW.				
Mitigation Measure M-BI-1d: Avoid Ridgway's Rail Habitat During the Nesting Season To the extent feasible, the start of construction activities within 700 feet of Heron's Head Park shall be scheduled to avoid the Ridgway's rail nesting season. The nesting season for Ridgway's rail extends from February 1 through August 31. If construction must occur during the Ridgway's rail nesting season, the following measures shall be implemented: (a) A USFWS-approved protocol-level survey for Ridgway's rail (following the June 2015 USFWS Survey Protocol) shall be conducted in Ridgway's rail habitat (Heron's Head Park) within 700 feet of planned construction activities. (b) If Ridgway's rail activity centers are detected, the findings shall be reported to USFWS and project activities occurring within 700 feet of Ridgway's rail activity centers shall be limited to the period from September 1 through January 31, outside of the Ridgway's rail nesting season.	Project sponsors and a qualified wildlife biologist (if necessary).	Ongoing during construction within 700 feet of Heron's Head Park between February 1 and August 31.	USFWS and Planning Department	If construction activities within 700 feet of Heron's Head Park occurs between September 1 and January 31, M-BI-1d shall be considered complete upon review and approval of construction schedule by Planning Department. If construction activities within 700 feet of Heron's Head Park occurs between February 1 and August 3, M-BI-1d shall be considered complete upon reporting the findings of a USFWS-approved protocol-level survey for Ridgway's rail to USFWS prior to the start of construction.

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-BI-1e: Avoid Nests during Bird Nesting Season To the extent feasible, the start of construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors, extends from February 1 through August 31. If construction must occur during the nesting season, the following measures shall be implemented: (a) Preconstruction surveys for nesting birds shall be conducted by a qualified biologist no more than 14 days before the initiation of construction and demolition activities. During these surveys, the qualified biologist shall inspect all potential nesting habitats (e.g., trees, shrubs, grasslands, and buildings) within 300 feet of impact areas for raptor nests and within 100 feet of impact areas for nests of nonraptors. If an active nest (i.e., a nest with eggs or young, or any completed raptor nest attended by adults) is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist shall determine the extent of a disturbance-free buffer zone to be established around the nest until the young are fledged or the nest is otherwise abandoned as determined by a qualified biologist (typically 250 feet for raptors and 50–100 feet for other species), to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Game Code would be disturbed during project implementation. (b) If construction activities are not initiated until after the start of the nesting season, potential nesting substrate (e.g., bushes, trees, grasses, and other vegetation) that is scheduled to be removed by the project may be removed before the start of the nesting season (e.g., before February 1) to reduce the potential for initiation of nests.	Project sponsors, construction contractor, and a qualified wildlife biologist (with CDFW/ USFWS consultation, if necessary).	Ongoing during construction between February 1 and August 31.	Contractor/wildlife biologist/Planning Department: Contractor to provide detailed construction schedule to Planning Department to confirm affected activities fall outside nesting season or removal of trees and/or structures occurs outside breeding season. If necessary, wildlife biologist to complete a memorandum detailing the survey effort and results and submit the memorandum to the project sponsors and Planning Department staff within 7 days of survey completion and no more than 14 days before the initiation of construction and demolition activities. Planning Department staff to review and approve report.	If construction would occur outside of nesting bird season, M-BI-1e shall be considered complete upon review and approval of construction schedule by Planning Department. If construction would occur during nesting bird season, M-BI-1e shall be considered complete upon review and approval of nesting surveys by Planning Department.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Hydrology and Water Quality Mitigation Measures				
Mitigation Measure M-HY-1a: Monitor Turbidity during Construction The project sponsors shall require their construction contractor to monitor turbidity associated with construction of the pier and floating dock and removal of piles and old piers. The contractor shall prepare a turbidity monitoring plan, including product information on monitoring equipment, proposed monitoring locations, and procedures to follow if turbidity increases above background levels. The turbidity monitoring plan shall include the following provisions: (1) Before beginning work, the contractor shall monitor turbidity and light levels at the level of the eelgrass, or other as deemed appropriate by the resource agencies if no eelgrass is present, to establish a baseline. The contractor shall also set buoys out to establish background water quality monitoring points upstream and downstream of the site (based on existing currents and tides at the site). The contractor shall monitor turbidity and light at low, middle, and high tides during typical work hours for several days before beginning work. The project sponsor's contract owner's representative will review and approve the background monitoring station locations before monitoring. (2) During removal of the piles, the contractor shall monitor turbidity and light levels no less than daily or as required by the project's or variant's 401 water quality certification issued by the San Francisco Bay RWQCB or other applicable permits, at the same locations as required for baseline monitoring, as well as within the work area. The contractor shall notify the lead inspector or other on-site individual overseeing the contractor immediately when there is an exceedance of the required water quality criteria (turbidity and light levels) that have been established either in the 401 water quality certification or with the San Francisco Bay RWQCB. If the lead inspector or other identified individual determines, in coordination with the environmental compliance manager, that water quality criteria have been exceeded, demolition activities must cease until turbidity is reduced to meet the criteria. In the event an exceedance occurs, a silt curtain or floating debris booms may be deployed to contain suspended materials and prevent their broader dispersal. The deployment of these additional measures shall be contingent on whether conditions (e.g., water depth, substrate materials, wave action) are appropriate, as determined by the lead inspector.	Project sponsors and construction contractor, through coordination with the RWQCB.	Contractor shall monitor turbidity and light levels of the water prior to receiving a grading, demolition, or excavation permit. Other monitoring activities shall be ongoing during construction.	Planning Department or other City agency, in consultation with the RWQCB, to review and approve the turbidity monitoring plan.	Considered complete when the turbidity monitoring plan has been reviewed and approved by the Planning Department and after the end of construction activities.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-HY-1b: Implement Pile Removal Best Management Practices One of the following two separate procedures shall be utilized to remove piles based on information regarding local sediment conditions: • If there is reason to believe that the sediment is contaminated beyond the typical ambient levels of various in-Bay pollutants other than creosote, which is inferred to be present, the construction contractor shall cut the piling at the mudline. • If there is no reason to believe the sediment is contaminated beyond typical ambient levels, the contractor shall attempt to remove each piling in its entirety by pulling the piling straight out. The decision regarding the method of removal also depends on the condition of the piling. Generally, the construction contractor shall be prohibited from using vibration or a back-and-forth, rocking movement intended to snap the piling because this generally increases turbidity. Moreover: • If, before the contractor attempts to remove an entire piling, visual inspection of the pilings indicates that the pilings lack the necessary integrity to be pulled without splintering, crumbling, or otherwise disintegrating, the contractor shall instead cut the remaining pile to a level 2–3 feet below the surrounding existing sediment or mudline. • If, during attempts to use direct pulls on the piling to remove it, the piling breaks at a level higher than 2 feet below the mudline, the contractor shall cut the remaining pile to a level 2–3 feet below the surrounding existing sediment or mudline. Because the condition of the piles' structural integrity is not fully nor precisely known, RPD or, for the 700 Innes property, BUILD shall investigate pile integrity after submitting the various permitting documents to the regulatory agencies. A brief memorandum on that investigation (referred to below as the "removal memo") shall be delivered to the agencies to inform them of the pile conditions and the expectation of whether pilings can be removed by pulling without crumbling. The following practices shall be followed during pile removal efforts: • Pilings and other debris may be removed from land or require removal from the water using barge-mounted equipment. For non-land-based removal of piles, the following measures shall be implemented to the extent feasible:	Project sponsors and construction contractor, RWQCB, USACE.	Ongoing during pile removal activities.	Planning Department or other City agency, in consultation with the RWQCB, USACE, or U.S. Coast Guard, to review and approve the methodology for the post-demolition diver survey.	Considered complete after the Planning Department has reviewed and approved the post-demolition diver survey results.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
– Removal of the pilings and other debris shall be carried out using an excavator mounted on a shallow-draft barge equipped with both grappling and shearing attachments. Shallow-draft barges generally require at least 5 feet of water above the sea floor or any submerged debris. Depending on specific site conditions and the construction barge chosen, it may be possible to float the barge into position at high tides, let it settle on the intertidal mudflats to continue working at low tides, and then be lifted by the next high tide. – Existing eelgrass or oyster beds shall be avoided. – The barge shall be designed to prohibit sediment or debris from falling back into the water. The work surface on the barge deck shall include a containment basin for piles, concrete, and any mud or sediment removed during pulling. Upon removal from substrate, the piles shall be moved expeditiously from the water into the containment basin. – When depths limit access to barges or sensitive resources are present, piles may be manually cut by divers using a pneumatic or hydraulic saw or shears. – Once the piles are cut, they may be towed out to deeper water to a waiting barge or to a landside staging area for loading and removal. • The holes left after pile removal shall not be actively filled. Attempting to fill the holes would lead to increased sediment disturbance and unnecessary increases in turbidity. It is expected that sediment deposition will rapidly fill in any holes that are left. • The removed piles, as well as any decking or other materials, shall be loaded onto a barge and/or transported back to the contractor's staging area where the concrete shall be separated from the other materials and recycled or disposed of off-site as appropriate at a permitted facility. • Once the removed debris is on land, the pilings and planks shall be cut to 5-foot lengths and dried out before being hauled to a landfill for disposal. • The removed piles shall be placed into containment basins that will collect the water, residual creosote, and other materials that may drain off of them. The collected water will eventually evaporate, and the residual creosote and other materials shall be placed into barrels for disposal at an appropriate Class 2 landfill. • The removal method(s) utilized for each site shall be described in the removal memo.				

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• Jetting away the sediments around the piles is prohibited. Where the method selected is expected to generate concrete chips or dust in the water, a special curtain shall be deployed around the individual pile so the contractor may capture any concrete pieces for off-site disposal. • Intentional breaking of timber piles above the mudline is prohibited. • The piles shall not be shaken, hosed off, stripped or scraped off, or left hanging to drip, nor shall any other action be taken with the intent of cleaning or removing adhering material from the pile. • Any sediment accumulated from the pile removal operations shall be assumed to contain creosote and shall be contained and eventually tested and disposed off-site in an appropriate landfill. • Upon completion of demolition and removal of the pilings (and any associated wharfing or decking), the contractor shall perform a post-demolition diver survey in the project area. The survey shall document the quantity and type of pilings stubs above the mudline and the condition of the Bay floor, and shall identify the quantities and types of debris from previous operations and/or from the demolition activities that remain on the Bay floor. • The contractor shall submit the results of the survey to RPD or, for the 700 Innes property, to BUILD for approval, with descriptions of its approach to removal of the piling stubs and debris. RPD (or BUILD) may elect to leave some debris in place if it has established eelgrass growing on it. After this submittal is approved, the contractor can proceed with removal of piling stubs and debris. • Identified piling stubs shall be cut off at 2–3 feet below the mudline if possible. • Bay floor debris including fallen timber piles, steel piping, concrete, and other miscellaneous items shall be removed as they are encountered during demolition activities. • All Bay floor debris within the project limits that is not treated with creosote shall be removed unless such removal would involve disturbing eelgrass. Timber piles that are not shown on the design plans but are encountered during operations shall be removed. Other items not shown on the design plans or mentioned in the specifications, but that are encountered during the contractor's operations, shall be brought to the attention of the lead engineer. The lead engineer shall determine the disposition of the items. • All removed debris shall be transported to the contractor's staging area and recycled or disposed at a permitted landfill facility.				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
• The contractor owner shall confirm that Bay floor debris has been removed by conducting a post-construction side-scan sonar study. • Existing concrete slabs and concrete debris along the shoreline shall be left in place to avoid destabilizing the embankment. All other timber and metal debris along shoreline shall be removed and disposed. • The following BMPs shall be used to prevent the release of hazardous wastes and minimize creosote release, sediment disturbance, and generation of total suspended solids during demolition operations: – Install a floating surface boom to capture floating surface debris. – Keep all equipment (e.g., bucket, steel cable) out of the water and grip piles above the waterline. – Slowly lift the pile from the sediment and through the water column. – Dispose of all removed timber piles, floating surface debris, sediment spilled on work surfaces, and all containment supplies at a permitted upland disposal site that accepts creosote-treated wood and materials contaminated with creosote. • The following BMPs shall be implemented by the construction contractor for handling creosote-containing materials, spill prevention and containment, erosion and sedimentation prevention, and monitoring requirements: – During demolition activities, a floating boom and skirt shall be deployed around the project site and absorbent booms and pads shall be provided on marine vessels on-site. – Silt fences, straw wattles, and other measures determined appropriate for erosion and sediment control shall be implemented in upland areas. – Waste at the demolition site, such as discarded demolition materials, chemicals, litter, and sanitary waste, shall be properly controlled. – Vessel fueling shall be required at the contractor's staging area or at an approved docking facility. No cross-vessel fueling shall be allowed. Marine vessels generally shall contain petroleum products within tankage that is internal to the hulls of the vessels. All deck equipment shall be equipped with drip pans to contain leaks and spills. All fuels and lubricants aboard the work vessels shall have a double containment system. Chemicals used in the project area and on marine vessels shall be stored using secondary containment.				

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Mitigation Measure M-HY-1c: Use Clamshell Dredges To reduce resuspension of sediments and impacts on water quality when conducting dredging activities, clamshell dredges shall be used for all dredging activities. Using clamshell dredges causes dredged material to descend rapidly through the water column to the Bay bottom, with only a small amount of sediment remaining suspended, thus resulting in minimal turbidity impacts.	Project sponsors and construction contractor.	Prior to obtaining a grading, excavation, and demolition permit, and ongoing during construction.	Planning Department or other City agency to ensure compliance with this measure prior to approving a grading, excavation, and demolition permit.	Considered complete once the project sponsors and contractor demonstrate to the satisfaction of the Planning Department that Clamshell Dredges will be used.
Hazards and Hazardous Materials Mitigation Measures				
Mitigation Measure M-HZ-2a: Prepare and Implement a Site Mitigation Plan for Areas Above the Mean High-Water Line Before obtaining a site permit, building permit, or other permit from the City for development activities involving subsurface disturbance landward of the MHW line, the project sponsors shall comply with the requirements of San Francisco Health Code Article 22A, by causing a qualified person to prepare and submit a site mitigation plan to DPH for review and approval. The project sponsors shall implement the approved site mitigation plan. At a minimum, the site mitigation plan shall: • Establish appropriate site-specific cleanup targets, to be reviewed and approved by DPH, that are protective of human health and environment based on the proposed future land use(s). At a minimum, these targets shall be equal to, or more protective, than the following: – For the India Basin Shoreline Park, 900 Innes, and India Basin Open Space properties: The HHSLs (for land to be used for recreational purposes) or the EHSLs (for land to be used for tidal marsh or wetlands) as established in the draft site mitigation plan (RPD, 2017a). – For the 700 Innes property: San Francisco Bay RWQCB ESLs for residential use. • Delineate the extent of soil and/or groundwater contamination at levels exceeding the plan's cleanup levels. Identify and implement measures such as excavation, containment, or treatment of the hazardous materials to achieve the plan's cleanup levels. The site mitigation plan should include figures and drawings showing areas and depths of soil excavation or treatment, soil waste classifications, and any mitigating measures. • Implement procedures for safe handling and transportation of the excavated materials, consistent with the requirements set forth in Article 22A, including:	Project sponsors and construction contractor.	Prior to obtaining a site permit, building permit, or other permit from the City for development activities involving subsurface disturbance landward of the MHW line.	Department of Public Health to review and approve the plans listed in M-HZ-2a.	Considered complete once the final project report documenting implementation of the site mitigation plan and its provisions after site earthwork has been completed and any required mitigating measures have been installed.

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
– Removal of soil and materials shall be performed by a licensed engineering contractor with a Class A license and hazardous-substance removal certification. A California-licensed engineer shall provide field oversight on behalf of the project sponsors to document the origin and destination of all removed materials. If necessary, removed materials shall be temporarily stockpiled and covered with plastic sheeting pending relocation, segregation, or off-haul. – If excess materials are off-hauled, waste profiling of the material shall be completed and documented. Materials classified as nonhazardous waste shall be transported under a bill of lading. Materials classified as non-RCRA hazardous waste shall be transported under a hazardous waste manifest. All materials shall be disposed of at an appropriately licensed landfill or facility. – Trucking operations shall comply with Caltrans and any other applicable regulations, and all trucks shall be licensed and permitted to carry the appropriate waste classification. The tracking of dirt by trucks leaving the project site shall be minimized by cleaning the wheels upon exit and cleaning the loading zone and exit area as needed. – If materials require dewatering before off-hauling, a dewatering plan shall be prepared, specifying methods of water collection, transport, treatment, and discharge of all water produced by dewatering. • Describe post-excavation confirmation sampling. If residual contamination remains at the site above the site-specific cleanup targets, include appropriate controls, including institutional controls where and if necessary, to assure that activities by future users do not expose them to unacceptable health and safety risks. Such controls may include but are not limited to visual barriers over contaminated soil, followed by a cap of clean soil or hard surface materials; operation and maintenance protocols for any disturbance of contaminated soils; and recording of deed restrictions, such as activity and use limitations, with the San Francisco Recorder's Office to assure that the remedy is maintained. • Require preparation and implementation of a site-specific health and safety plan (HASP) to minimize impacts on public health, worker health, and the environment. The HASP shall be prepared in accordance with State and federal OSHA regulations (29 CFR 1910.120) and approved by a certified industrial hygienist. Development of the plan shall be required as a condition of any applicable permit. Copies of the HASP shall be made available to construction workers for review during their orientation and/or				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
regular health and safety meetings, and to the project sponsors. The HASP shall be submitted to DPH at least 2 weeks before the beginning of construction activities. The HASP shall identify chemicals of concern, potential hazards, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall be amended, as necessary, if new information becomes available that could affect implementation of the plan. • Require preparation of a deep foundation plan that will specify construction and soil handling methods to prevent potentially contaminated fill materials from being pushed into underlying soil or groundwater, or otherwise cause contaminants to be mobilized, transported, or discharged to the environment. • Require preparation and implementation of required construction-related documents, including odor and noise control measures and a SWPPP. • Require preparation of a dust control plan that shall specify measures to reduce fugitive dust emissions during construction, and that complies with San Francisco Health Code Article 22B. For the India Basin Shoreline Park property only, require preparation of an asbestos dust mitigation plan to be submitted to and approved by BAAQMD, in accordance with 17 CCR Section 93105 and 8 CCR Section 1529. • Require preparation and implementation of a contingency plan to address unanticipated conditions or contaminants encountered during construction and development activities. The conditions of the contingency plan shall be incorporated into the first permit and any applicable permit thereafter. This plan shall establish and describe procedures for responding in the event that unanticipated subsurface hazards or hazardous material releases are discovered during construction, including appropriately notifying nearby property owners, schools, and residents and following appropriate site control procedures. Control procedures would include but not be limited to further investigation and, if necessary, remediation of such hazards or releases, including off-site removal and disposal, containment, or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this contingency plan addressing unknown contaminants shall be followed. The contingency plan shall be amended as necessary if new information becomes available that could affect implementation of the plan.				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
• Include a commitment to prepare and certify a final project report documenting implementation of the site mitigation plan and its provisions after site earthwork has been completed and any required mitigating measures have been installed.				
Mitigation Measure M-HZ-2b: Prepare and Implement a Nearshore Sediment and Materials Management Plan for Areas Below the Mean High-Water Line Before obtaining a permit for any work Bayward of the MHW line, the project sponsors and their construction contractors shall prepare and implement a nearshore sediment and materials management plan. The plan shall identify, as appropriate, such measures as sediment excavation, containment, or treatment of the hazardous materials, monitoring and follow-up testing, and procedures for safe handling and transportation of any materials removed from the nearshore. This plan shall be submitted to the relevant permitting agencies for their review and approval, before work begins below the MHW line. The plan shall: • Establish appropriate site-specific cleanup targets for nearshore sediment that are protective of tidal marsh habitat. The cleanup targets must be approved by the San Francisco Bay RWQCB, USACE, BCDC, and/or another permitting agency. At a minimum, these targets shall be equal to, or more protective, than the EHSLs established in the draft site mitigation plan (RPD, 2017a). • Delineate the extent of nearshore sediment contamination at levels exceeding the plan's cleanup levels. Identify and implement measures such as excavation, containment, or treatment of the hazardous materials to achieve the plan's cleanup levels. The plan should include figures and drawings showing areas and depths of sediment excavation or treatment, waste classifications, and any mitigating measures. • Implement procedures for safe handling and transportation of the excavated materials, consistent with the requirements set forth in Article 22A of the San Francisco Health Code, including: – Removal of sediments and materials shall be performed by a licensed engineering contractor with a Class A license and hazardous-substance removal certification. A California-licensed engineer shall provide field oversight on behalf of the project sponsors to document the origin and destination of all removed materials. If necessary, removed materials shall be temporarily stockpiled and covered with plastic sheeting pending relocation, segregation, or off-haul.	Project sponsors and construction contractors.	A nearshore sediment and materials plan shall be prepared prior to obtaining any permit from the City for development activities involving work Bayward of the MHW line.	San Francisco Bay RWQCB, USACE, BCDC, and/or another permitting agency shall review and approve the nearshore sediment and materials management plan. A licensed industrial hygienist shall review and approve a HASP. BAAQMD shall review and approve an asbestos dust mitigation plan for India Basin Shoreline Park.	Considered complete once the HASP, asbestos dust mitigation plan, and nearshore sediment and materials management plan is reviewed and approved by the San Francisco Bay RWQCB, USACE, BCDC, and/or another permitting agency, and after the final project report documenting implementation of the nearshore sediment and materials management plan and its provisions is reviewed by these agencies.

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– If excess materials are off-hauled, waste profiling of the material shall be completed and documented. Materials classified as nonhazardous waste shall be transported under a bill of lading. Materials classified as non-RCRA hazardous waste shall be transported under a hazardous waste manifest. All materials shall be disposed of at an appropriately licensed landfill or facility. – Trucking operations shall comply with Caltrans and any other applicable regulations, and all trucks shall be licensed and permitted to carry the appropriate waste classification. To minimize the tracking of dirt by trucks leaving the project site, truck wheels shall be cleaned upon exit and the loading zone and exit area shall be cleaned as needed. – If materials require dewatering before off-hauling, a dewatering plan shall be prepared, specifying methods of water collection, transport, treatment, and discharge of all water produced by dewatering. • Describe post-removal confirmation sampling. If residual contamination remains at the site above the site-specific cleanup targets, include appropriate controls, including institutional controls where and if necessary, to assure that activities by future users do not expose them to unacceptable health and safety risks. Such controls may include but are not limited to visual barriers over contaminated sediments, followed by a cap of clean sediments or hard surface materials; operation and maintenance protocols for any disturbance of contaminated sediments; and recording of deed restrictions, such as activity and use limitations, with the San Francisco Recorder's Office to assure that the remedy is maintained. • Require preparation and implementation of a site-specific health and safety plan to minimize impacts on public health, worker health, and the environment. The HASP shall be prepared in accordance with State and federal OSHA regulations (29 CFR 1910.120) and approved by a certified industrial hygienist. Development of the plan shall be required as a condition of any applicable permit. Copies of the HASP shall be made available to construction workers for review during their orientation and/or regular health and safety meetings, and to the project sponsors. The HASP shall identify chemicals of concern, potential hazards, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall be amended, as necessary, if new information becomes available that could affect implementation of the plan.				

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Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
• Require preparation of a dust control plan that shall specify measures to reduce fugitive dust emissions during construction. For the India Basin Shoreline Park property only, require preparation of an asbestos dust mitigation plan to be submitted to and approved by BAAQMD, in accordance with 17 CCR Section 93105 and 8 CCR Section 1529.				
• Require preparation and implementation of required construction-related documents, including odor, dust, and noise control measures and a SWPPP.				
• Require preparation of a deep foundation plan that will specify construction and sediment handling methods to prevent potentially contaminated fill materials from being pushed into underlying sediments or groundwater, or otherwise cause contaminants to be mobilized, transported, or discharged to the environment.				
• Require preparation and implementation of a contingency plan to address unanticipated conditions or contaminants encountered during construction and development activities. The conditions of the contingency plan shall be incorporated into the first permit and any applicable permit thereafter. This plan shall establish and describe procedures for responding in the event that unanticipated subsurface hazards or hazardous material releases are discovered during construction, including appropriately notifying nearby property owners, schools, and residents and following appropriate site control procedures,. Control procedures would include but not be limited to further investigation and, if necessary, remediation of such hazards or releases, including off-site removal and disposal, containment, or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this contingency plan addressing unknown contaminants shall be followed. The contingency plan shall be amended as necessary if new information becomes available that could affect implementation of the plan.				
• Include a commitment to prepare and certify a final project report documenting implementation of the nearshore sediment and materials management plan and its provisions after completion of site earthwork has been completed and any required mitigating measures have been installed.				

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NOTE: Each mitigation measure in this document applies to the proposed project and variant, unless noted otherwise. Furthermore, each responsible project sponsor as identified in this Table 1 shall only be responsible for implementation of the applicable mitigation measure related to their particular property within the project site.

Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
Mitigation Measure M-HZ-2c: Prepare and Implement a Remedial Action Plan for the 900 Innes Property Before obtaining a grading, excavation, site, building, or other permit for development activities at the 900 Innes property, the project sponsors shall prepare and implement a remedial action plan approved by the San Francisco Bay RWQCB. The RAP must specify the actions that will be implemented to remediate the significant environmental or health and safety risks caused or likely to be caused by the presence of the identified release of hazardous materials in light of project activities. All recommendations of the RAP that affect project design shall be implemented and incorporated into the detailed design of the proposed project or variant. As appropriate and consistent with requirements in San Francisco Health Code Articles 22A and 22B and San Francisco Bay RWQCB standards, the plan and its implementation shall at a minimum: • Establish appropriate site-specific cleanup targets that are protective of human health and the environment, based on the proposed future land use(s). At a minimum, the cleanup targets shall be equal to or more protective than the remedial action goals established in the conceptual RAP (RPD, 2017f). In the conceptual RAP, remedial action goals for upland areas are based on HHSL for recreation use; remedial action goals for offshore sediments are based on a review of COPCs identified at the property, comparative ecological screening values, and published action goals that have been adopted at other nearby tidal restoration projects. • Delineate the extent of soil, sediment, and/or groundwater contamination at levels exceeding the plan's cleanup targets. Identify and implement measures such as excavation, containment, or treatment of the hazardous materials to achieve the plan's cleanup levels. The RAP should include figures and drawings showing areas and depths of soil and sediment excavation or treatment, soil waste classifications, and any mitigating measures. • Implement procedures for safe handling and transportation of the excavated materials, including: – Removal of soil, sediment, and other materials shall be performed by a licensed engineering contractor with a Class A license and hazardous substance removal certification. A California-licensed engineer shall provide field oversight on behalf of the project sponsors to document the origin and destination of all removed materials. If necessary, removed materials shall be temporarily stockpiled and covered with plastic	Project sponsor of the 900 Innes property and construction contractor.	Prior to obtaining a grading, excavation, site, building, or other permit for development activities at the 900 Innes property, the project sponsors shall prepare and implement a remedial action plan.	San Francisco Bay RWQCB shall review and approve the remedial action plan.	Considered complete once the final project report documenting implementation of the remedial action plan and its provisions after site earthwork has been completed and any required mitigating measures have been installed.

Table 1: Mitigation Monitoring and Reporting Program

NOTE: Each mitigation measure in this document applies to the proposed project and variant, unless noted otherwise. Furthermore, each responsible project sponsor as identified in this Table 1 shall only be responsible for implementation of the applicable mitigation measure related to their particular property within the project site.

Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
sheeting pending relocation, segregation, or off-haul. – If excess materials are off-hauled, waste profiling of the material shall be completed and documented. Materials classified as nonhazardous waste shall be transported under a bill of lading. Materials classified as non-RCRA hazardous waste shall be transported under a hazardous waste manifest. All materials shall be disposed of at an appropriately licensed landfill or facility. – Trucking operations shall comply with Caltrans and any other applicable regulations, and all trucks shall be licensed and permitted to carry the appropriate waste classification. To minimize the tracking of dirt by trucks leaving the project site, truck wheels shall be cleaned upon exit and the loading zone and exit area shall be cleaned as needed. – If materials require dewatering before off-hauling, a dewatering plan shall be prepared, specifying methods of water collection, transport, treatment, and discharge of all water produced by dewatering. • Describe post-excavation confirmation sampling. If residual contamination remains at the site above the site-specific cleanup targets, include appropriate controls, including institutional controls where and if necessary, to assure that activities by future users do not expose them to unacceptable health and safety risks. Such controls may include but are not limited to visual barriers over contaminated soil/sediment, followed by a cap of clean soil/sediment or hard surface materials; operation and maintenance protocols for any disturbance of contaminated soils/sediment; and recording of deed restrictions, such as activity and use limitations, with the San Francisco Recorder's Office to assure that the remedy is maintained. • Require preparation and implementation of a site-specific health and safety plan to minimize impacts on public health, worker health, and the environment. The HASP shall be prepared in accordance with State and federal OSHA regulations (29 CFR 1910.120) and approved by a certified industrial hygienist. Development of the plan shall be required as a condition of any applicable permit. Copies of the HASP shall be made available to construction workers for review during their orientation and/or regular health and safety meetings, and to the project sponsors. The HASP shall identify chemicals of concern, potential hazards, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall be amended, as necessary, if new information becomes available that could affect implementation of the plan.				

Table 1: Mitigation Monitoring and Reporting Program

NOTE: Each mitigation measure in this document applies to the proposed project and variant, unless noted otherwise. Furthermore, each responsible project sponsor as identified in this Table 1 shall only be responsible for implementation of the applicable mitigation measure related to their particular property within the project site.

Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/Responsibility (Public Agency)	Monitoring Schedule
• Require preparation and implementation of required construction-related documents, including odor, dust, and noise control measures and a SWPPP. • Require preparation of a deep foundation plan that will specify construction and soil/sediment handling methods to prevent potentially contaminated fill materials from being pushed into underlying soil/sediment or groundwater, or otherwise cause contaminants to be mobilized, transported, or discharged to the environment. • Require preparation and implementation of a contingency plan to address unanticipated conditions or contaminants encountered during construction and development activities. The conditions of the contingency plan shall be incorporated into the first permit and any applicable permit thereafter. This plan shall establish and describe procedures for responding in the event that unanticipated subsurface hazards or hazardous material releases are discovered during construction, including appropriately notifying nearby property owners, schools, and residents and following appropriate site control procedures. Control procedures would include but not be limited to further investigation and, if necessary, remediation of such hazards or releases, including off-site removal and disposal, containment, or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this contingency plan addressing unknown contaminants shall be followed. The contingency plan shall be amended as necessary if new information becomes available that could affect implementation of the plan. • Include a commitment to prepare and certify a final project report documenting implementation of the RAP and its provisions after site earthwork has been completed and any required mitigating measures have been installed.				

Table 2: Improvement Monitoring and Reporting Program

NOTE: Each improvement measure in this document applies to the proposed project and variant, unless noted otherwise.

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/ Responsibility (Public Agency)	Monitoring Schedule
Aesthetics Improvement Measure				
Improvement Measure I-AE-1: Prepare and Implement Construction Staging, Access, and Parking Plan to Reduce Impacts on Visual Character/Quality During Construction. As an improvement measure to further reduce impacts of project construction activities on the visual character/quality of the site, construction documents should require all construction contractors to provide for the cleanliness of construction equipment stored or driven outside of the limits of the construction work area. Construction equipment, including equipment used for staging, should be parked on the project site. Staging areas should be screened from view at street level with solid wood fencing or a green fence for areas under construction for extended periods of time. Before the issuance of building permits, the project sponsors (through the construction contractor[s]) should submit a construction staging, access, and parking plan to the San Francisco Department of Building Inspection for review and approval. Construction worker vehicles should not be parked at on-street parking spaces.	Project sponsor and contractor	Before the issuance of building permits and during construction.	Department of Building Inspection to monitor contractor compliance.	Considered complete after construction activities have ended.
Transportation and Circulation Improvement Measures				
Improvement Measure I-TR-2V: Reconfigure Southbound Approach at Jennings Street/Evans Avenue/Middle Point Road under the Variant To improve vehicular mobility at the Jennings Street/Evans Avenue/Middle Point Road intersection under the variant, the project sponsors should fund, and SFMTA should implement, improvements to reconfigure the southbound Jennings Street approach of the Jennings Street/Evans Avenue/Middle Point Road intersection to include a 100-foot left-turn pocket. Adding this turn pocket to the intersection would require that SFMTA restrict parking along the west side of Jennings Street, resulting in the removal of approximately five parking spaces. The project sponsors should fund their fair-share cost of the design and implementation of this improvement. Responsibility for funding the implementation of the improvement measure under the variant would be based on the relative contribution of each of the four project site properties to the increase in traffic volumes at the intersection. At this	SFMTA, in coordination with FivePoint (developer of the Shipyard project).	Fair share payment to SFMTA: Later of (i) issuance of the certificate of occupancy for the first building on the 700 Innes property, or (ii) start of construction of transit improvements described in I-TR-2V	SFMTA	Project sponsor's obligations deemed complete once fair share payment is made. SFMTA's obligations deemed complete once construction activities are finished.

Table 2: Improvement Monitoring and Reporting Program

NOTE: Each improvement measure in this document applies to the proposed project and variant, unless noted otherwise.

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/ Responsibility (Public Agency)	Monitoring Schedule
location, 1 percent of the added vehicle-trips would be generated by the India Basin Shoreline Park property, 0 percent would be generated by the 900 Innes property, 1 percent would be generated by the India Basin Open Space property, and 98 percent would be generated by the 700 Innes property. FivePoint (developer of the Shipyard project) has committed to signalizing the intersection as part of the Shipyard project, and the improvements described above should be coordinated with this effort. Should the changes required at this location as part of the Shipyard project be completed before a decision to implement the proposed left-turn pocket, the project sponsors would be responsible for funding and implementing the improvement measure.				
Improvement Measure I-TR-6: Implement Queue Abatement Strategies It should be the responsibility of the owner/operator of any off-street parking facility located on the 700 Innes property with more than 20 parking spaces (excluding loading and carshare spaces) to ensure that recurring vehicle queues do not occur regularly on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis. If a recurring queue occurs, the owner/operator of the parking facility should employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable). Suggested abatement methods include, but are not limited to, the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of "LOT FULL" signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional	Property owner/garage operator of any off-street parking facility located on the 700 Innes property with more than 20 parking spaces, and Planning Department.	On-going through the life of the project.	The owner/operator of the parking garage and the Planning Department.	On-going through the life of the project.

Table 2: Improvement Monitoring and Reporting Program

NOTE: Each improvement measure in this document applies to the proposed project and variant, unless noted otherwise.

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/ Responsibility (Public Agency)	Monitoring Schedule
bicycle parking, customer shuttles, or delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking. If the Planning Director, or his or her designee, reasonably believes that a recurring queue is present, the Planning Department should notify the property owner in writing. The Property Owner would have no less than 45 days to take reasonable measures to abate the queues. If, after 45 days, the Planning Director, or his or her designee, reasonably believes, upon further examination, that the abatement measures have not been effective, then the Planning Director may suggest additional measures or may request that the owner/operator hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant would prepare a monitoring report to be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue does exist, the facility owner/operator would have 90 days from the date of the written determination to implement measures to abate the queue.				
Improvement Measure I-TR-7: Implement an Active Loading Management Plan If the project sponsor for the 700 Innes property proposes to provide fewer loading spaces than required under the Special Use District (SUD) for the proposed project or variant, the project sponsor should, at their discretion, develop an Active Loading Management Plan for review and approval by the Planning Department to address operational loading activities. The Active Loading Management Plan would facilitate efficient use of loading spaces and may incorporate the following ongoing actions to address potential ongoing loading issues: • Direct residential and commercial tenants to schedule all move-in and move-out activities and deliveries of large items (e.g., furniture) with the management for their respective building(s). • Direct commercial and retail tenants to schedule deliveries, to the extent feasible. • Reduce illegal stopping of delivery vehicles by directing	Project sponsor for 700 Innes, building operator, Planning Department, and SFMTA.	If implemented, the final Active Loading Management Plan would be approved prior to receipt of the first Certificate of Occupancy for the first parking/loading garage.	The Final Active Loading Management Plan (if implemented) would be evaluated by a qualified transportation professional, retained by the project sponsors and approved by the Planning Department, after the combined occupancy of the commercial and residential uses reaches 50 percent and once a year going forward.	If implemented, monitoring of the Final Active Loading Management Plan would be required until the Planning Department determines that the evaluation is no longer necessary or may be done at less frequent intervals.

Table 2: Improvement Monitoring and Reporting Program

NOTE: Each improvement measure in this document applies to the proposed project and variant, unless noted otherwise.

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/ Responsibility (Public Agency)	Monitoring Schedule
building lobby attendants and retail tenants to notify any illegally stopped delivery personnel (i.e., in the red zones) that delivery vehicles should be parked in the on-street commercial loading spaces. • Design the loading areas to include sufficient storage space for deliveries to be consolidated for coordinated deliveries internal to project facilities (i.e., retail and residential). • Design the loading areas to allow for unassisted delivery systems (i.e., a range of delivery systems that eliminate the need for human intervention at the receiving end), particularly for use when the receiver site (e.g., retail space) is not in operation. Examples include the receiver site providing a key or electronic fob to loading vehicle operators, which enables the loading vehicle operator to deposit the goods inside the business, or in a secured area that is separated from the business but accessible from a public ROW. A final Active Loading Management Plan and all subsequent revisions, if implemented, would be reviewed and approved by the Planning Department. The Final Active Loading Management Plan would be approved prior to receipt of the first Certificate of Occupancy for the first parking/loading garage. The Final Active Loading Management Plan (if implemented) would be evaluated by a qualified transportation professional, retained by the project sponsors and approved by the Planning Department, after the combined occupancy of the commercial and residential uses reaches 50 percent and once a year going forward until the Planning Department determines that the evaluation is no longer necessary or may be done at less frequent intervals. The content of the evaluation report would be determined by Planning Department staff, in consultation with SFMTA, and generally may include an assessment of on-site and on-street loading conditions, including actual loading demand, observations of loading operations, and an assessment of how the project meets this improvement measure. The evaluation report would be reviewed by Planning Department staff, who would make the final determination whether there are conflicts associated with loading activities. In the event of such conflicts, the project sponsors may propose modifications to the above Final Active Loading Management				

Table 2: Improvement Monitoring and Reporting Program

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Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/ Responsibility (Public Agency)	Monitoring Schedule
Plan requirements to reduce conflicts and improve performance under the Plan (such as hour and day restrictions or restrictions on the number of loading vehicle operations permitted during certain hours). The project sponsors would submit any proposed modifications to the Plan for review and approval by the Planning Department.				
Improvement Measure I-TR-10: Implement Construction Management Strategies As an improvement measure to further reduce impacts of project construction activities, the project sponsors should implement the following measures: • **Prepare a Traffic Control Plan for Construction.** To reduce potential conflicts between construction activities and pedestrians, transit, and automobiles during construction activities, the project sponsors should require that the construction contractor(s) prepare a traffic control plan for major phases of construction (e.g., demolition, construction, or renovation of individual buildings). The project sponsors and their construction contractor(s) should meet with relevant City agencies to coordinate feasible measures to reduce traffic congestion during major construction phases, including temporary relocation of transit stops and other measures to reduce potential traffic and transit disruption and to ensure bicycle and pedestrian safety in the immediate vicinity of the project site. For any work within the public right-of-way, the contractor would be required to comply with SFMTA's Regulations for Working in San Francisco Streets, which establish rules and permit requirements to assure that construction activities are completed safely and with the least possible interference with pedestrians, bicyclists, transit, and vehicular traffic. [The construction time frames of the major phases may overlap with those of other development projects adjacent to the project site. Should overlapping occur, the project sponsors should coordinate with City agencies through the Transportation Advisory Staff Committee and the adjacent developer(s) to minimize the severity of any disruption to adjacent land uses and transportation facilities by overlapping construction-related transportation impacts. The project	Project sponsors and construction contractor.	The traffic control plan(s) would be prepared prior to each major phase of construction. Provisions to require contractors to adopt measures to reduce single-occupant vehicle mode share among construction workers would be included as part of construction contracts. Updates on project construction for nearby residents and adjacent businesses would be conducted on a regular basis via a newsletter and/or website.	SFMTA	Project sponsor's obligations deemed complete once construction activities are finished.

Table 2: Improvement Monitoring and Reporting Program

NOTE: Each improvement measure in this document applies to the proposed project and variant, unless noted otherwise.

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/ Responsibility (Public Agency)	Monitoring Schedule
sponsors, in conjunction with the adjacent developer(s), could propose a construction traffic control plan that includes measures to reduce potential construction traffic conflicts to the extent feasible and commercially reasonable in light of noise regulations, labor and contract requirements, available daylight hours, and critical-path construction schedules. The plan could include measures such as coordinating material drop-offs and offering collective worker parking and transit to the job site. • **Reduce Single-Occupant-Vehicle Mode Share for Construction Workers.** To minimize parking demand and vehicle-trips by construction workers, the project sponsors should require that the construction contractor include methods in the construction traffic control plan to encourage workers to walk, bicycle, carpool, or use transit to access the project site. • **Provide Project Construction Updates to Adjacent Residents and Businesses.** To minimize construction impacts on access for nearby residences, institutions, and businesses, the project sponsors should provide regular updates on project construction to nearby residents and adjacent businesses via a newsletter and/or website. The updates could describe construction activities, peak construction vehicle activities (e.g., concrete pours), and travel lane closures.				
Improvement Measure I-C-TR-1: Reconfigure Eastbound Approach at Jennings Street/Evans Avenue/Middle Point Road To improve vehicular mobility at the Jennings Street/Evans Avenue/Middle Point Road intersection under either the proposed project or the variant, the project sponsors should fund, and SFMTA should implement, improvements to reconfigure the eastbound Evans Avenue approach of the Jennings Street/Evans Avenue/Middle Point Road intersection from one 100-foot left-turn pocket, one shared through/left lane, and one shared through/right lane to one 100-foot left turn pocket, one through lane, and one shared through/right lane. No additional right-of-way would be required to implement this improvement. The project sponsors should fund their fair-share cost of the design and implementation of this improvement.	SFMTA.	Fair share payment to SFMTA: Later of (i) issuance of the certificate of occupancy for the first building on the 700 Innes property, or (ii) start of construction of transit improvements described in I-C-TR-1.	SFMTA	Project sponsors' obligations deemed complete once fair share payment is made. SFMTA's obligations deemed complete once construction activities are finished.

Table 2: Improvement Monitoring and Reporting Program

NOTE: Each improvement measure in this document applies to the proposed project and variant, unless noted otherwise.

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting/ Responsibility (Public Agency)	Monitoring Schedule
Responsibility for funding the implementation of this improvement measure would be based on the relative contribution of each of the four properties to the increase in traffic volumes at the intersection. At this location, 1 percent of the added vehicle-trips would be generated by the India Basin Shoreline Park property, 0 percent would be generated by the 900 Innes property, 1 percent would be generated by the India Basin Open Space property, and 98 percent would be generated by the 700 Innes property. This improvement is feasible pending endorsement and subsequent funding commitment from SFMTA.				

SAN FRANCISCO
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Planning Commission Resolution No. 20250

HEARING DATE: JULY 26, 2018

Case No.:	**2014-002541GPA**
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
Proposed Zoning:	NC-2, MUG, P India Basin Special Use District (SUD) 20/160-IB, OS
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 India Basin Associates, LLC..
Staff Contact:	Mathew Snyder – (415) 575-6891 Mathew.Snyder@sfgov.org

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO THE BAYVIEW HUNTERS POINT AREA PLAN, THE URBAN DESIGN ELEMENT, THE COMMERCE AND INDUSTRY ELEMENT AND THE RECREATION AND OPEN SPACE ELEMENT AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco provides to the Planning Commission the opportunity to periodically recommend General Plan Amendments to the Board of Supervisors; and

WHEREAS, Pursuant to Planning Code Section 340(C), the Planning Commission ("Commission") initiated a General Plan Amendment for the India Basin Mixed-Use Project, per Planning Commission Resolution No. 20215, on June 21, 2018.

WHEREAS, The General Plan Amendments would enable the India Basin Mixed-Use Project ("Project"). BUILD, the owners of roughly 17 acres at 700 Innes Avenue, and the San Francisco Recreation and Park Department ("RPD") jointly submitted an application to the San Francisco Planning Department ("Department") for Environmental Review to analyze the India Basin Mixed-Use Project ("Project"). 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 ("Port"). 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.

WHEREAS, The Project includes an RPD component and a BUILD component, as described below.

WHEREAS, 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 (collectively, the "RPD Project"). 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").

WHEREAS, 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, including approximately 1,575 units, 209,000 of commercial use, 1,800 off street parking space, and 1,575 bicycle parking spaces (collectively, the "BUILD Project"). 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 11 acres of the BUILD development area would be developed in three phases into privately owned buildings as part of a mixed-use urban village. The remainder of the BUILD development, approximately 18 acres, would be developed 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. Buildings on the BUILD site are proposed to range from 20 feet to 160 feet in height that would step with the site's terrain down to the water.

WHEREAS, approvals required for the entire Project include CEQA certification, adoption of CEQA findings, and Planning Code Zoning Map amendments. The BUILD Project also requires approval of (1) General Plan Amendments, (2) Planning Code Text Amendments creating the India Basin Special Use District ("SUD"), (3) a Development Agreement ("DA") between BUILD and the City and County of San Francisco, (4) Design Standards and Guidelines ("DSG") document; and (5) adoption of Shadow findings under Planning Code section 295.

WHEREAS, a majority of the BUILD Project Site is referenced in the General Plan as being designated for industrial use with a height limit of 40-feet. As such, the Project could not be constructed under the current provisions of the General Plan.

WHEREAS, the subject General Plan Amendments would (1) remove Policy 1.6 and Figure 6 and amend Figure 3 of the Bayview Hunters Point Area Plan, which currently identifies the subject site for

industrial use; (2) amend Urban Design Element Map 4 by establishing maximum heights consistent with the proposal; (3) amend Commerce and Industry Element Map 3 by removing the land use industrial designation; and (4) and amend the Recreation and Open Space Element Policy 2.4 by removing the reference to the India Basin Shoreline Plan, which was previously proposed but not adopted.

WHEREAS, on July 26, 2018, the Planning Commission reviewed and considered the Final EIR for the India Basin Mixed-Use Project ("FEIR") and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the FEIR for the Project in compliance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and Chapter 31 by Motion No. 20247.

WHEREAS, on July 26, 2018, the Commission by Motion No. 20248 approved CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), under Case No. 2014-002541ENV, for approval of the Project, which findings and MMRP are incorporated by reference as though fully set forth herein.

WHEREAS, on July 26, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the proposed General Plan Amendments and has considered the information included in the File for these Amendments, the staff reports and presentations, public testimony and written comments, as well as the information provided about the Project from other City departments.

WHEREAS, a draft ordinance, substantially in the form attached hereto as Exhibit A, approved as to form, would amend the General Plan by (1) removing Policy 1.6 and Figure 6 and amend Figure 3 of the Bayview Hunters Point Area Plan; (2) amending Urban Design Element Map 4; (3) amending Commerce and Industry Element Map 3; and (4) and amending the Recreation and Open Space Element Policy 2.4.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby finds that the General Plan Amendments promote the public welfare, convenience and necessity for the following reasons:

1. The General Plan Amendments would help implement the India Basin Mixed-Use Project development, thereby evolving currently under-utilized land for needed housing, commercial space, parks and open space, and other related uses.

2. The General Plan Amendments would help implement the India Basin Project,, which in turn, would provide employment opportunities for local residents during construction and post-occupancy, as well as community facilities and parks for new and existing residents.

3. The General Plan Amendments would help implement the India Basin Mixed-Use Project by enabling the creation of a mixed-use and sustainable neighborhood, with new infrastructure. The new neighborhood would improve the site's connectivity to and integration with the surrounding City fabric, and connect existing neighborhoods to the southeast Waterfront.

4. The General Plan Amendments would enable the construction of a new vibrant, safe, and connected neighborhood, including new parks and open spaces. The General Plan Amendments

would help ensure a vibrant neighborhood with active streets and open spaces, high quality and well-designed buildings, and thoughtful relationships between buildings and the public realm, including the waterfront.

5. The General Plan Amendments would enable construction of new housing, including new on-site affordable housing, a wide mix of Bayfront waterfront recreational opportunities and other related uses, including commercial uses. These new uses would create a new mixed-use neighborhood that would strengthen and complement nearby neighborhoods.

AND BE IT FURTHER RESOLVED, that the Planning Commission finds these General Plan Amendments are in general conformity with the General Plan, and the Project and its approvals associated therein, all as more particularly described in Exhibit E to the Development Agreement on file with the Planning Department in Case No. 2014-002541DVA are each on balance, consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended as follows. These General Plan Findings are for the entirety of the Project and contemplate approval actions that, in addition to the General Plan Amendments, include but are not limited to Planning Code Text and Zoning Map Amendments, DA approval, DSG approval, adoption of Shadow findings under Planning Code Section 295, land acquisitions and conveyances as necessary to implement the public trust exchange contemplated in the DA, and actions by the Board of Supervisors and applicable City agencies approving the vacation of portions of Griffith Street, Hudson Avenue, Earl Street and Arelious Walker Avenue within the Project Site as contemplated by the DA; and

AND BE IT FURTHER RESOLVED, That in regard to any other later approvals that are consistent with and further the Project, this Commission and the Department, to the maximum extent practicable, shall rely on these General Plan consistency findings.

<u>HOUSING ELEMENT</u>

OBJECTIVE 1
IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.1
Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

POLICY 1.8
Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

POLICY 1.10
Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.
The Project is a mixed-use development with up to 1,575 dwelling units at full project build-out, which provides a wide range of housing options. As detailed in the Development Agreement, the Project exceeds the inclusionary affordable housing requirements of the Planning Code, by reaching a 25% affordability level. .

OBJECTIVE 11
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

POLICY 11.1
Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

POLICY 11.2
Ensure implementation of accepted design standards in project approvals.
The Project, as described in the Development Agreement and the Design Standards and Guidelines (DSG), includes a program of substantial community benefits designed to revitalize an underutilized industrial site and complement the surrounding neighborhood, with a mix of housing, commercial and open space uses.

OBJECTIVE 12
BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

POLICY 12.1
Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

POLICY 12.2
Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The Project appropriately balances housing with new and improved infrastructure and related public benefits.

The project will contribute to enhancing transit where currently little exist. The Project includes incentives for the use of transit, walking and bicycling through its TDM program. In addition, the Project's streetscape design would enhance bicycle and pedestrian access and connectivity through the site. The Project would contribute to enabling enhanced transit immediately adjacent to the site, and would provide shuttle service through the TDM Program, as set forth in the Transportation Plan. Therefore, new residential and commercial buildings constructed as part of the Project would be able to rely on transit use, bicycling and other environmentally sustainable patterns of movement.

Along with the housing, the BUILD Project would also provide and maintain approximately fourteen new and improved acres of open space for a variety of activities, including the Big Green, a Public Market, Town Triangle, a Transit Plaza, among many other recreational opportunities. In total, the Project would create and improve up to 14 acres of new and improved Shoreline open space.

The Project includes substantial contributions related to quality of life elements such as open space, affordable housing, transportation improvements, childcare, and potential schools, arts and cultural facilities and activities, and workforce development.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.1
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The Project is intended to provide a distinct mixed-use development with residential, commercial, cultural, and open space uses. The Project would leverage the Project site's location on the Bayview Waterfront by building a dense mixed-use development that allows people to work and live close to transit. The Project's buildings would be developed in a manner that reflects the Project's unique location on an underutilized Bayfront property. The Project would incorporate varying heights, massing and scale, maintaining a strong streetwall along streets, and focused attention around public open spaces. The Project would create substantial new on-site open space, and sufficient density to support and activate the new active ground floor uses and open space in the Project.

The Project would also construct high-quality housing with sufficient density to contribute to 18-hour activity on the Project site, while offering a mix of unit types, sizes, and levels of affordability to accommodate a range of potential residents. The Project would facilitate a vibrant, interactive ground plane for Project and neighborhood residents, commercial users, and the public, with public spaces that could accommodate a variety of events and programs.

OBJECTIVE 3
PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

POLICY 3.2
Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.
The Project would help meet the job creation goals established in the City's Economic Development Strategy by generating new employment opportunities and stimulating job creation across all sectors. The Project will provide expanded employment opportunities for City residents at all employment levels, both during and after construction. The Development Agreement, as part of the extensive community benefit programs, includes focused workforce first source hiring —both construction and end-user — as well as a local business enterprise component.

TRANSPORTATION ELEMENT

OBJECTIVE 2

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

POLICY 2.1
Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

POLICY 2.5
Provide incentives for the use of transit, carpools, vanpools, walking and bicycling and reduce the need for new or expanded automobile and automobile parking facilities.

The Project is located on underutilized land, and would contribute to the creation of new local transportation services. The Project is located on Innes Avenue, for which new transit service is planned in conjunction with development of the Hunters Point Shipyard, which in addition to providing improved transit on existing SF Muni lines, would also introduce a new bus line with direct service to Downtown. The Project would contribute to the transit service by providing a transit plaza at the intersection of Innes Avenue and Arelious Walker Drive, new intersection signals and pedestrian crosswalks at intersections, left turn pockets, and Innes Avenue streetscape improvements, as well as new bus stops, and contributing to potentially reconfiguring Innes for optimal bus service. Shuttle service would be offered until such transit service is available for those living, working, and visiting the Project. The Project includes a detailed TDM program, including various performance measures, physical improvements and monitoring and enforcement measures designed to create incentives for transit and other alternative to the single occupancy vehicle for both residential and commercial buildings. In addition, the Project's design, including its streetscape elements, is intended to promote and enhance walking and bicycling. The Project features a cycle track that would be a key bicycle linkage to the Bayview's waterfront from the rest of the City.

OBJECTIVE 23
IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

POLICY 23.1
Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

POLICY 23.2
Widen sidewalks where intensive commercial, recreational, or institutional activity is present, sidewalks are congested, where sidewalks are less than adequately wide to provide appropriate pedestrian amenities, or where residential densities are high.

POLICY 23.6
Ensure convenient and safe pedestrian crossings by minimizing the distance pedestrians must walk to cross a street.

The Project establish a new street network on the project site, and would provide pedestrian improvements and streetscape enhancement measures as described in the Design Standards and

Guidelines document and reflected in the MMRP and Transportation Plan in the Development Agreement. The Project would establish "New Hudson" Street that would run parallel to Innes providing both local access along with a robust bike facility. The construction of Griffith, Arelious Walker, and an internal loop road would also add to the sites connectivity between Innes, the Big Green and the shoreline. Each of the new streets would have sidewalks and streetscape improvements as is consistent with the Better Streets Plan.

URBAN DESIGN ELEMENT

OBJECTIVE 1
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.1
Recognize and protect major views in the city, with particular attention to those of open space and water.
As explained in the DSG, the Project uses a mix of scales with this basic massing further articulated through shaping the buildings to create views and variety on the project site, as well as pedestrian-friendly, engaging spaces on the ground. The Project maintains open view corridors to the waterfront.

POLICY 1.2
Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

POLICY 1.3
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The Project would establish a street grid on the on the project site where one does not exist, and would construct new buildings, which would generally range in height from 20 and 80 feet with two buildings reaching 160 feet. The sites for the two 160-foot buildings have been carefully selected; they are at the higher elevations enabling the overall urban form to step toward the water; and on portions of the site on bedrock, enabling higher concentrations of development and enabling other portions of the site to be kept free and clear of development.

OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

The Project would include reserving a large portion of the site for open space. The new open space, "The Big Green" would be designed in conjunction with the proposed rehabilitation of India Basin Shoreline Open Space, which together the India Basin Shoreline Park and 900 Innes would contribute to a series of linked Bayfront open spaces. The open space network, particularly the Big Green and the India Basin Shoreline Open Space would have robust ecological components and enable visitors to experience different aspects of the natural waterfront. The property at 900 Innes would be rezoned for P(Public) from M-1(Light Industrial) assuring that this shoreline asset can be reserved for public enjoyment along the waterfront.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 1
ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED, AND INTEGRATED OPEN SPACE SYSTEM.

POLICY 1.1
Encourage the dynamic and flexible use of existing open spaces and promote a variety of recreation and open space uses, where appropriate.

POLICY 1.3
Preserve existing open spaces by restricting its conversion to other uses and limiting encroachment form other uses, assuring no loss of quality of open space.

The Project would result in a net gain in acreage of open space along with the improvement of the existing India Basin Shoreline Park and India Basin Open Space, and the creation of the new Big Green. While new green infrastructure is being planned as an integrated element of the Big Green, and two outflows are proposed to cross below the India Basin Open Space, the net result of the Project would be to greatly improve both the quality and access to this shoreline asset. As a result, there would not be a net degradation of the quality of the India Basin Open Space but instead the open space would be enhanced, thereby meeting this Policy 1.3.

POLICY 1.7
Support public art as an essential component of open space design.

The DSG envisions the Big Green as an ideal place for public art, and provides guidelines on its placement and curation.

POLICY 1.12
Preserve historic and culturally significant landscapes, sites, structures, buildings and objects.

The Project would revitalize the 900 Innes property, and would preserve and rehabilitate important historic resources, including the historic Shipwright's Cottage, which would be retained and restored in accordance with the Secretary of the Interior's Standards for Rehabilitation. 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. New construction at 900 Innes would be designed to be compatible, yet differentiated, with the existing historic context.

OBJECTIVE 3
IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE.

POLICY 3.1
Creatively develop existing publicly-owned right-of-ways and streets into open space.

The Project provides approximately 23 acres of new and improved public open space and opens up new connections to the shoreline in the Bayview Hunters Point neighborhood through

improvements to the India Basin Shoreline Park and India Basin Open Space, and the introduction of new open space at 900 Innes Avenue and with the Big Green, to provide connections to the Blue Greenway/Bay Trail, Class 1 bikeway and pedestrian and bicycle access to the shoreline. The Project would encourage non-automobile transportation to and from open spaces, and would ensure physical accessibility these open spaces to the extent feasible.

ENVIRNONMENTAL PROTECTION ELEMENT

OBJECTIVE 3
MAINTAIN AND IMPROVE THE QUALITY OF THE BAY, OCEAN, AND SHORELINE AREAS.

POLICY 3.2
Promote the use and development of shoreline areas consist with the General Plan and the best interest of San Francisco.

POLICY 3.4
Encourage and assist privately operated programs to conserve the resources of the Bay, Ocean, and Shoreline.

OBJECTIVE 7
ASSURE THAT THE LAND RESOURCES IN SAN FRANCISCO AND USED IN WAYS THAT BOTH RESPECT AND PRESERVE THE NATURAL VALUES OF THE LAND AND SERVE THE BEST INTERESTS OF ALL THE CITY'S CITIZENS.

POLICY 7.1
Preserve and add to public open space in accordance with the objectives and policies of the Recreation and Open Space Element.

The Project would add more than seven acres of new shoreline open space through improvements to 900 Innes and the proposed Big Green, and would furthermore improve and rehabilitate existing public open space at India Basin Shoreline Park and India Basin Open Space, thus creating new connections to the shoreline in the Bayview Hunters Point neighborhood.

The Project's design is specifically suited for the shoreline location with a strong emphasis of adding to, rehabilitating, and improving shoreline habitat. The India Basin Open Space's design anticipates and strategizes for sea level rise and needed habit adaptation while enhancing the public's opportunity to experience and enjoy the different aspects of this special open space resource. The Project also includes future funding for additional future sea level rise improvements on the BUILD property as described in the Development Agreement and Financing Plan.

The design for 900 Innes proposes to celebrate the site's maritime past with rehabilitating the shipwright's cottage and integrating other ship building aspects into the park's design.

OBJECTIVE 13
ENHANCE THE ENERGY EFFICIENCY OF HOUSING IN SAN FRANCISCO.

Policy 13.1
Improve the energy efficiency of existing homes and apartment buildings.

The DSG includes goals and guidelines that direct development to reduce energy use consistent with or above local and State requirements.

BAYVIEW HUNTERS POINT AREA PLAN

Transportation

OBJECTIVE 4
DEVELOP AND MAINTAIN A SYSTEM FOR THE EASY MOVEMENT OF PEOPLE AND GOODS, TAKING INTO ACCOUNT ANTICIPATED NEEDS OF BOTH LOCAL AND THROUGH TRAFFIC.

Policy 4.2
Develop the necessary improvements in public transit to move people efficiently and comfortably between different neighborhoods of Bayview Hunters Point, to and from Candlestick Park Point, and to and from Downtown and other parts of the region.

POLICY 4.5
Create a comprehensive system for pedestrian and bicycle circulation.

The India Basin Mixed-Use Project includes a robust integrated transportation plan that among other aspects, would contribute to changing the nature of the immediate area to one that accommodates and encourages use of traveling by bike and by foot. The Project would include providing key missing regional linkages to the Bay Trail and the Blue Greenway, and would provide a robust bike facility on New Hudson, enabling bikes routes to be taken off of Innes.

Land Use

OBJECTIVE 6
ENCOURAGE THE CONSTRUCTION OF NEW AFFORDABLE AND MARKET RATE HOUSING AT LOCATIONS AND DENSITY LEVELS THAT ENHANCE THE OVERALL RESIDENTIAL QUALITY OF BAYVIEW HUNTERS POINT.

The Subject Project would provide up to 1,575 units, including on-site affordable housing on an underutilized site. The Project is planned to maximize housing, while at the same time assuring that the site contributes to providing access to Bayfront open space. Thus, the Project would include enough residential density to create a viable community that supports neighborhood serving retail, community facilities, and transit infrastructure and service.

Urban Design

POLICY 10.1
Better define Bayview's designated open space areas by enabling appropriate, quality development in surrounding areas.

OBJECTIVE 11
IMPROVE DEFINITION OF THE OVERALL URBAN PATTERN OF BAYVIEW HUNTERS POINT.

POLICY 11.2
Increase awareness and use of the pedestrian/bicycle trail system that links subareas in Bayview Hunters Point with the rest of the City

The India Basin Mixed-Use Project includes a site plan from the India Basin Shoreline Park to boundary of the Shipyard that is uniquely designed for this one-of-a-kind location. A significant portion of the site that is privately owned would be dedicated as open space for the public. The open space and new street network would feature robust bicycle and pedestrian facilities providing a key pedestrian and bike linkages to Hunters Point Shipyard. Overall, the Project would create 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.

Recreation and Open Space

OBJECTIVE 12
PROVIDE AND MAINTAIN ADEQUATELY LOCATED, WELL DESIGNED, FULLY EQUIPPED RECREATION FACILITIES AND ENCOURAGE THEIR USE.

POLICY 12.3
Renovate and expand Bayview's parks and recreation facilities, as needed.

OBJECTIVE 13
PROVIDE CONTINUOUS PUBLIC OPEN SPACE ALONG THE SHORELINE OF BAYVIEW HUNTERS POINT UNLESS PUBLIC ACCESS CLEARLY CONFLICTS WITH MARITIME USES OR OTHER NON-OPEN SPACE USES REQUIRING A WATERFRONT LOCATION.

POLICY 13.1
Assure that new development adjacent to the shoreline capitalizes on the unique waterfront location by improving visual and physical access to the water in conformance with urban design policies.

POLICY 13.2
Maintain and improve the quality of existing shoreline open space.

POLICY 13.3
Complete the San Francisco Bay Trail around the perimeter of the City which links open space areas along the shoreline and provides for maximum waterfront access.

Energy

POLICY 13.4

Provide new public open spaces along the shoreline -- at Islais Creek, Heron's Head, India Basin, Hunters Point Shipyard, and Candlestick Point/South Basin.

The India Basin Mixed Use Project is focused on the delivery of high-quality open space that would participate in creating a continuous series of Bayfront parks and open spaces in the Bayview. A significant portion of the privately-owned property would be left open for open space, and the Development Agreement would assure that the India Basin Open Space would be rehabilitated and maintained. The Project also envisions the redesign of India Basin Shoreline Park and the addition of a new park land at 900 Innes as part of the RPD component of the Project. Overall, the Project will create an approximately 23-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.

Energy

POLICY 13.4
Provide new public open spaces along the shoreline -- at Islais Creek, Heron's Head, India Basin, Hunters Point Shipyard, and Candlestick Point/South Basin.

A key aspect of the India Basin Mixed-Use Project is its contribution to Bayfront recreation and open space. Between the newly provided open space and the rehabilitation of India Basin Shoreline Park and the India Basin Open Space, the Project would feature a variety of recreational opportunities for its Bayview and Citywide residents, workers and visitors including, but not limited to children's play areas, dog runs, public market, ecological trails, and a variety of other small plazas and publicly accessible terraces. Moreover, the India Basin open spaces are designed to link in with a larger network of Bayfront recreational parks and other opportunities.

Energy

OBJECTIVE 17
SUPPORT COMMUNITY ECONOMIC DEVELOPMENT AND REVITALIZATION THROUGH ENERGY MANAGEMENT AND ALTERNATIVE ENERGY TECHNOLOGIES.

POLICY 17.1
Promote the Bayview as an area for implementing energy conservation and alternative energy supply initiatives.

POLICY 17.2
Strengthen linkages between district energy planning efforts and overall community development goals and objectives.

OBJECTIVE 18

REDUCE THE OUTFLOW OF DOLLARS FROM THE COMMUNITY DUE TO EXPENDITURES ON ENERGY THROUGH THE IMPROVED ENERGY MANAGEMENT OF TRANSPORTATION, HOUSING, COMMERCE AND INDUSTRY, AND COMMUNITY FACILITIES.

The India Basin Mixed-Use Project includes robust green infrastructure including onsite gray water and decentralized wastewater treatment and re-use system, net-zero public realm, comprehensive site-wide storm-water treatment, implementation of an on-site energy microgrid.

AND BE IT FURTHER RESOLVED, that the Planning Commission finds these General Plan Amendments are in general conformity with the Planning Code Section 101.1, and the Project and its approvals associated therein, all as more particularly described in Exhibit B to the Development Agreement on file with the Planning Department in Case No. 2014-004521DVA, are each on balance, consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended as described herein, and as follows:

1) *That existing neighbor-serving retail uses would be preserved and enhanced, and future opportunities for resident employment in and ownership of such businesses enhanced;*

No neighborhood-serving retail uses are present on the Project site. Once constructed, the Project would contain new retail, arts and other commercial uses that would provide opportunities for employment and ownership of retail businesses in the community. These new uses would serve nearby residents and the surrounding community. The Development Agreement includes commitments related to local hiring. 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.

2) *That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;*

The Project would provide at full build-out up to 1,575 new residential units, including affordable housing, although one existing residential unit would be demolished in order to facilitate the construction of the Project. The Project is designed to revitalize an underutilized Bayfront vacant site and provide a varied land use program that would enhance the surrounding Hunters Point / India Basin neighborhood. The Project provides a new neighborhood complete with residential, office, retail, and potential artisan uses, along with new transit and street infrastructure, and public open space. The Project design provides a desirable, pedestrian-friendly experience with interactive and engaged ground floors. Thus, the Project would preserve and contribute to housing within the surrounding neighborhood and the larger City, and would otherwise preserve and be consistent with the neighborhood's unique context.

3) *That the City's supply of affordable housing be preserved and enhanced;*

The Project would enhance the City's supply of affordable housing through its affordable housing commitments in the Development Agreement As detailed in the Development Agreement, the

Project exceeds the inclusionary affordable housing requirements of the Planning Code, by reaching a 25% affordability level.

4) *That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;*

The Project would not impede transit service or overburden streets and neighborhood parking. The Project includes a robust transportation program with an on-site Transportation Demand Management (TDM) program, facilities to support a new bus line immediately adjacent to the Site, funding or provision of an interim shuttle service, and funding for new neighborhood-supporting transportation infrastructure, as detailed in the Transportation Plan.
The Project includes a robust bike facility on the proposed "New Hudson", which would enable bike routing to be removed from Innes, which would, in turn, enable Innes to be specifically designed to maximize transit efficiency.

Lastly, the Project contains new public parking spaces for visitors to the new and enhanced parks. This would ensure that sufficient parking capacity is available so that the Project would not overburden neighborhood parking, while still implementing a rigorous TDM Plan to be consistent with the City's "transit first" policy for promoting transit over personal vehicle trips.

5) *That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;*

While the Project is largely residential, it does include other diverse land uses that include commercial, retail, arts, and potential light industrial uses. The Project also includes a large workforce development program. All of these new uses would provide future opportunities for service-sector employment.

6) *That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;*

The Project would comply with all current structural and seismic requirements under the San Francisco Building Code and the Port of San Francisco.

7) *That landmarks and historic buildings be preserved;*

The Project would include the rehabilitation of the Shipwright's Cottage, in compliance with the Secretary of the Interior's Standards for Rehabilitation, and the rehabilitation and relocation of 702 Earl Street. Development of the 900 Innes site 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

8) *That our parks and open space and their access to sunlight and vistas be protected from development.*

The Project would add roughly ten acres (900 Innes, Big Green, Public Market, Town Triangle, other privately owned public open spaces) of new open space and substantially improve another 13 acres thereby enhancing access to the shoreline within the Bayview Hunters Point

neighborhood, and would provide about 23 acres of new and improved public open space. The site plan includes provisions for site and pedestrian access through the site to the new and improved open spaces and to the shoreline.

While development of the 700 Innes property would result in net new shadow on the India Basin Open Space, India Basin Shoreline and the the proposed 900 Innes open space, the shadow was determined to not have an adverse effect on the use of such open spaces due to the limited duration, time and location of such shadow, as described in Motion 20249.

A draft ordinance, **attached hereto as Exhibit A**, would remove Policy 1.6 and Figure 6 of the Bayview Hunters Point Area Plan, amend Map 4 of the Urban Design Element, amend Map 3 of the Commerce and Industry Element, and amend Policy 2.4 of the Recreation and Open Space Element.

AND BE IT FURTHER RESOLVED, That pursuant to Planning Code Section 340, the Planning Commission Adopts a Resolution to Recommend to the Board of Supervisors to approve the Draft Ordinance.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on July 26, 2018.

Jonas P. Ionin
Commission Secretary

AYES: Melgar, Fong, Johnson, Koppel, Richards

NOES: None

ABSENT: Hillis, Moore

ADOPTED: July 26, 2018

FILE NO. ORDINANCE NO.

[General Plan – India Basin Mixed-Use Project]

Ordinance amending the General Plan to revise the Bayview Hunters Point Area Plan, and the Urban Design, Commerce and Industry, and Recreation and Open Space Elements, to reflect the India Basin Mixed-Use Project; adopting findings under the California Environmental Quality Act; and making findings under Planning Code Section 340 and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *~~strikethrough italics Times New Roman font~~*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental and Planning Code Findings.

(a) California Environmental Quality Act.

(1) At its hearing on _____, and prior to recommending the proposed General Plan Amendments for approval, by Motion No. _____, the Planning Commission certified a Final Environmental Impact Report (FEIR) for the India Basin Mixed-Use District Project (Project) pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et seq.), and Chapter 31 of the Administrative Code. A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference. In accordance with the actions contemplated herein, this Board has

reviewed the FEIR, concurs with its conclusions, affirms the Planning Commission's certification of the FEIR, and finds that the actions contemplated herein are within the scope of the Project described and analyzed in the FEIR.

(2) In approving the Project at its hearing on _____, by Resolution No. _____, the Planning Commission also adopted findings under CEQA, including a statement of overriding consideration, and a Mitigation Monitoring and Reporting Program (MMRP). A copy of said Motion and MMRP are on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference. The Board hereby adopts and incorporates by reference as though fully set forth herein the Planning Commission's CEQA approval findings, including the statement of overriding considerations. The Board also adopts and incorporates by reference as though fully set forth herein the Project's MMRP, dated _____ and on file with the Clerk of the Board in File No._____.

(b) Planning Code Findings.

(1) Under San Francisco Charter Section 4.105 and Planning Code Section 340, any amendments to the General Plan shall first be considered by the Planning Commission and thereafter recommended for approval or rejection by the Board of Supervisors. On _____, by Resolution No. _____, the Commission conducted a duly noticed public hearing on the General Plan Amendments pursuant to Planning Code Section 340, and found that the public necessity, convenience and general welfare required the proposed General Plan Amendments, adopted General Plan Amendments, and recommended them for approval to the Board of Supervisors. A copy of the Planning Commission Resolution No. _____, is on file with the Clerk of the Board of Supervisors in File. No. _____, and incorporated by reference herein.

(2) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance,

with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

Section 2. The General Plan is hereby amended by revising the Bayview Hunters Point Area Plan, as follows:

Figure 3, "Land Use Map," revise by changing the land use designation from "Light Industrial" to "Mixed Use" for the India Basin site.

Delete Policy 1.6:

~~*POLICY 1.6*~~

~~*Encourage development of a healthy mix of residential, retail, open space, and small trade shops along Innes Avenue to buffer the India Basin industrial area from the Hunters Point residential community.*~~

~~*The stretch of Innes Avenue leading up to the northern point of entry of the Hunters Point Shipyard serves as a buffer between the heavy industrial uses in India Basin and the residential uses on Hunters Point Hill. This area is undergoing modest private revitalization with a potential interesting mix of uses taking place. The base of the area, at the corner of Hawes and Innes Avenues, is the site for Our Lady of the Lourdes, the oldest Catholic church in the district. Several single-family homes are also located in the vicinity. Innes Avenue leading up to the shipyard was changed from CM to NC-2 on the northern side of the street as a result of rezoning actions taken after the 1995 update of this Plan. Additionally, an RH-1 district on the southern side of Innes Avenue was rezoned to RH-1(S), which accommodates the development of one accessory dwelling unit per lot. Directly north of Innes Avenue, an industrial park is proposed. If developed, it would be bordered by open space lands acquired by the Recreation and Park Department that will provide direct public access to the India Basin shoreline.*~~

~~*This healthy co-mingling of diverse residential, light industrial, small retail, and heavy commercial uses with natural-oriented open space areas should continue to be encouraged.*~~

Delete Figure 6, "Innes Avenue Buffer Zone."

Section 3. The General Plan is hereby amended by revising the Urban Design Element, as follows:

Map 4 – Urban Design Guidelines for Height of Buildings, add new shading on India Basin site and add new height range to legend that indicates 30-160 feet.

Section 4. The General Plan is hereby amended by revising the Commerce and Industry Element, as follows:

Map 1 – Generalized Commercial and Industrial Land Use Plan, remove Light Industry designation from India Basin site.

Section 5. The General Plan is hereby amended by revising the Recreation and Open Space Element, as follows:

POLICY 2.4

Support the development of signature public open spaces along the shoreline.

* * * *

Southeastern Waterfront

The recent development of Mission Bay, the passage of the Eastern Neighborhoods plans (Mission, East SoMa, and Showplace Square/Potrero Hill, and Central Waterfront Area Plans), ~~*the India Basin Shoreline Plan*~~ and the proposed Candlestick Point and Hunters Point Shipyard developments will bring growth, which will require increased access and open spaces throughout the Southeast. Most of these plans are accompanied by specific open

space strategies for parkland along the waterfront, where active water-oriented uses such as shoreline fishing, swimming, and boating should be promoted.

* * * *

Section 6. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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RECREATION AND PARK COMMISSION
City and County of San Francisco
Resolution No. 1807-004

RESOLUTION RECOMMENDING TO THE PLANNING COMMISSION THAT THE NET NEW SHADOW CAST BY THE PROPOSED PROJECT AT 700 INNES WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE USE OF INDIA BASIN SHORELINE PARK, THE 900 INNES FUTURE PARK SITE, AND INDIA BASIN OPEN SPACE, AS REQUIRED BY PLANNING CODE SECTION 295 (THE SUNLIGHT ORDINANCE).

WHEREAS, Under Planning Code Section 295, the Planning Commission may not approve a building permit application for a structure with a height of 40 feet or higher if the resulting shadow will have an adverse impact on property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant; and

WHEREAS, the Recreation and Park Commission ("Commission") has jurisdiction over real property located in San Francisco known as India Basin Shoreline Park, 900 Innes, and India Basin Open Space; and

WHEREAS, BUILD Inc., ("Project Sponsor") proposes to construct a mixed-use urban village consisting of residential, retail, commercial, office, institutional, flex space, and recreational and art uses. The EIR for the project contains two options: 1) a residentially-oriented project with approximately 1,575 dwelling units, 209,106 square feet of commercial space, and 1,800 parking spaces; or (2) a commercially- oriented 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. Both BUILD options would include recreation and open space facilities; and

WHEREAS, BMT Fluid Mechanics Limited analyzed the new shadow cast by the proposed Project on 700 Innes and determined that the Theoretical Annual Available Sunlight ("TAAS") for India Basin Shoreline Park is 1,030,667,780 square feet hours ("sfh"), The approximated amount of shadow currently cast on India Basin Shoreline Park by existing buildings is 0.44% of the TAAS for the park. The additional shadow cast by the Project would constitute 0.05% of TAAS, bringing the approximated total annual shading of India Basin Shoreline Park as a percentage of TAAS to 0.49%; and

WHEREAS, BMT Fluid Mechanics Limited analyzed the new shadow cast by the proposed Project on 700 Innes and determined that the Theoretical Annual Available Sunlight ("TAAS") for 900 Innes is 329,764,418 square feet hours ("sfh"), The approximated amount of shadow currently cast on 900 Innes by existing buildings is 8.98% of the TAAS for the park. The additional shadow cast by the Project would constitute 4.53% of TAAS, bringing the approximated total annual shading of India Basin Shoreline Park as a percentage of TAAS to 13.51%; and

WHEREAS, BMT Fluid Mechanics Limited analyzed the new shadow cast by the proposed Project on 700 Innes and determined that the Theoretical Annual Available Sunlight ("TAAS") for India Basin Open Space is 1,187,539,675 square feet hours ("sfh"), The approximated amount of shadow currently cast on India Basin Shoreline Park by existing buildings is 0.07% of the TAAS for the park. The additional shadow

cast by the Project would constitute 5.23% of TAAS, bringing the approximated total annual shading of India Basin Shoreline Park as a percentage of TAAS to 5.30%; and

WHEREAS, the 700 Innes project is subject to environmental review and approval under the California Environmental Quality Act (CEQA), and the Planning Commission will determine the EIR certification on July 26, 2018; and

WHEREAS, the Project will provide the following public benefits to the City: Approximately 400 units of below market rate and inclusive housing, the 5.7 acres Big Green Open Space and improvements to the existing India Basin Open Space natural areas – totaling 12 acres of new and improved park, annual payment of $1.5 million for a Community Facilities District ("CFD") to provide enhanced maintenance and public operations, overall community-wide transit, bicycle, and pedestrian network improvements, new green infrastructure onsite, and formation of Facilities ("CFD") to address long-term Sea Level Rise; and

WHEREAS, the Commission finds that the additional shadow cast by the Project will not have a significant adverse impact on the use of India Basin Shoreline Park for the following reasons: (1) all of the new shadow cast by the Project would occur during winter in the morning with all shadows gone no later than 9:00am, affecting a maximum area of 2,522 square feet shadowed at a single time, or 8.94% of the park area (8:23am on December 28); (2) all new shadows occur in the morning, and thus the Project would not cast shadows during mid-day and early afternoon hours when usage of the Park is generally higher;

WHEREAS, the Commission finds that the additional shadow cast by the Project will not have significant adverse impact on the use of the potential park site at 900 Innes for the following reasons: (1) the new shadow cast by the Project would occur throughout the year in areas currently not accessible to the public; (2) the proposed park design has incorporated the expected impacts of this neighboring project into its design; and (3) the duration of proposed project-generated new shadow would vary throughout the year, with most of the shading occurring on transitory pathways and would not significantly impact the usage of the future park site;

WHEREAS, the Commission finds that the additional shadow cast by the Project will not have a significant adverse impact on the use of India Basin Open Space for the following reasons: (1) the proposed park, which will be designed and improved by the Project Sponsor, has incorporated the expected impacts of this project into the park design; and (2) the duration of proposed project- generated new shadow would vary throughout the year, with most of the shading occurring on transitory pathways and does not significantly impact the usage of the Park; now therefore be it

RESOLVED, the Commission recommends that the Planning Commission fmd that the shadow cast by the proposed project at 700 Innes will not have a significant adverse impact on the use of India Basin Shoreline Park, pursuant to Planning Code Section 295 (the Sunlight Ordinance); and be it

FURTHER RESOLVED, the Commission recommends that the Planning Commission find that the shadow cast by the proposed project at 700 Innes will not have a significant adverse impact on the use of the potential park site at 900 Innes, pursuant to Planning Code Section 295 (the Sunlight Ordinance); and be it

FURTHER RESOLVED, the Commission recommends that the Planning Commission find that the shadow cast by the proposed Project at 700 Innes will not have a significant adverse impact on the use of India Basin Open Space, pursuant to Planning Code Section 295 (the Sunlight Ordinance).

Adopted by the following vote:

Ayes	7
Noes	0
Absent	0

I hereby certify that the foregoing resolution was adopted at the Recreation and Park Commission meeting held on July 19, 2018.

Margaret A. McArthur

Margaret A. McArthur, Commission Liaison

India Basin Project – Street Vacation

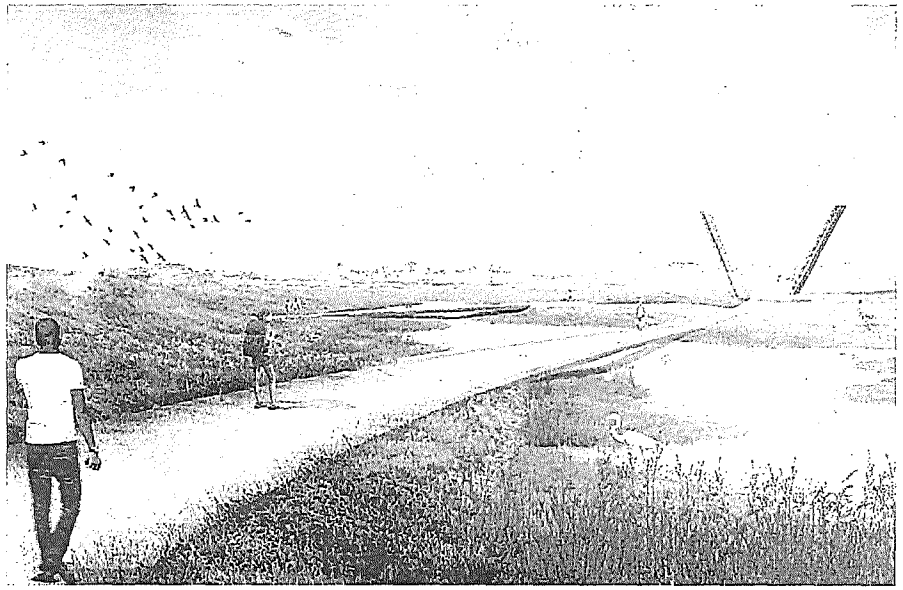
Board of Supervisors - Land Use and Transportation Committee

Monday, October 28, 2019

- **Housing:** 1,575 total housing units; 394 units (25%) below market rate
- **Non-Residential:** 209,000 square feet
- **Open Space:** 14 acres of parks and open spaces, including improved India Basin Open Space and new Big Green park

Development Agreement – Other Public Benefits

- Transportation improvements including new **streets**, improved **bicycle network**, and **Bay Trail**
- 3,000 square feet **childcare facility**
- 10,000 square foot space for **grocery store** tenant, with marketing commitment to attract tenant



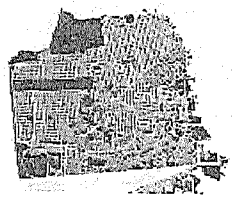
- City option to lease 5,000 square feet for **community facility** space
- **Workforce** agreement includes 50% First Source hiring goal; Mandatory 30% local hire for construction of parks and infrastructure
- **Sustainability** – Restored shoreline designed to adapt to sea level rise; onsite wastewater and stormwater treatment; clean Hetch Hetchy power

India Basin Street Vacation – Resolution and Ordinance

- Board File Numbers
  - 190969 Resolution of Intention to Vacate Streets
  - 190971 Ordinance - Street Vacation and Conveyance
- This legislation facilitates the approved project, including both the mixed-use development and open space
  - Vacates 7.5 acres of existing right-of-ways, including some improved streets and other unaccepted or paper streets
  - 3.7 acres of vacated area will be retained by City as open space; 3.8 acres to be conveyed to BUILD as part of mixed-use project
  - Conveyance to be implemented in tandem with Public Trust Exchange Agreement with State Lands Commission, authorized in development agreement
  - City will receive equal or more private land than it conveys

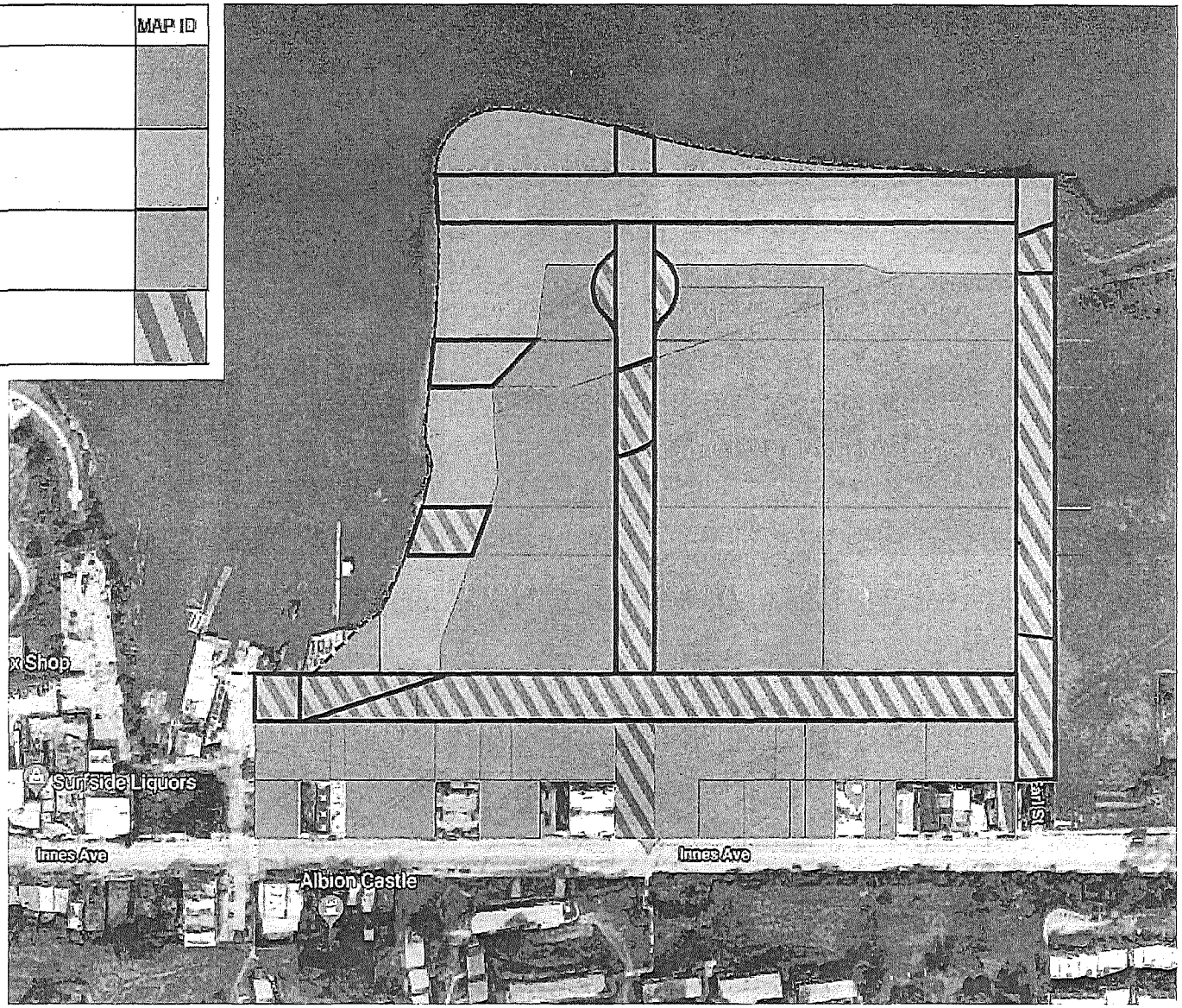
India Basin –Existing Site

Location Map



India Basin – Existing Ownership

OWNERSHIP	MAP ID
Developer (BUILD) Property	
City Property (RPD Jurisdiction)	
Port Property	
City/DPW Streets[1]	

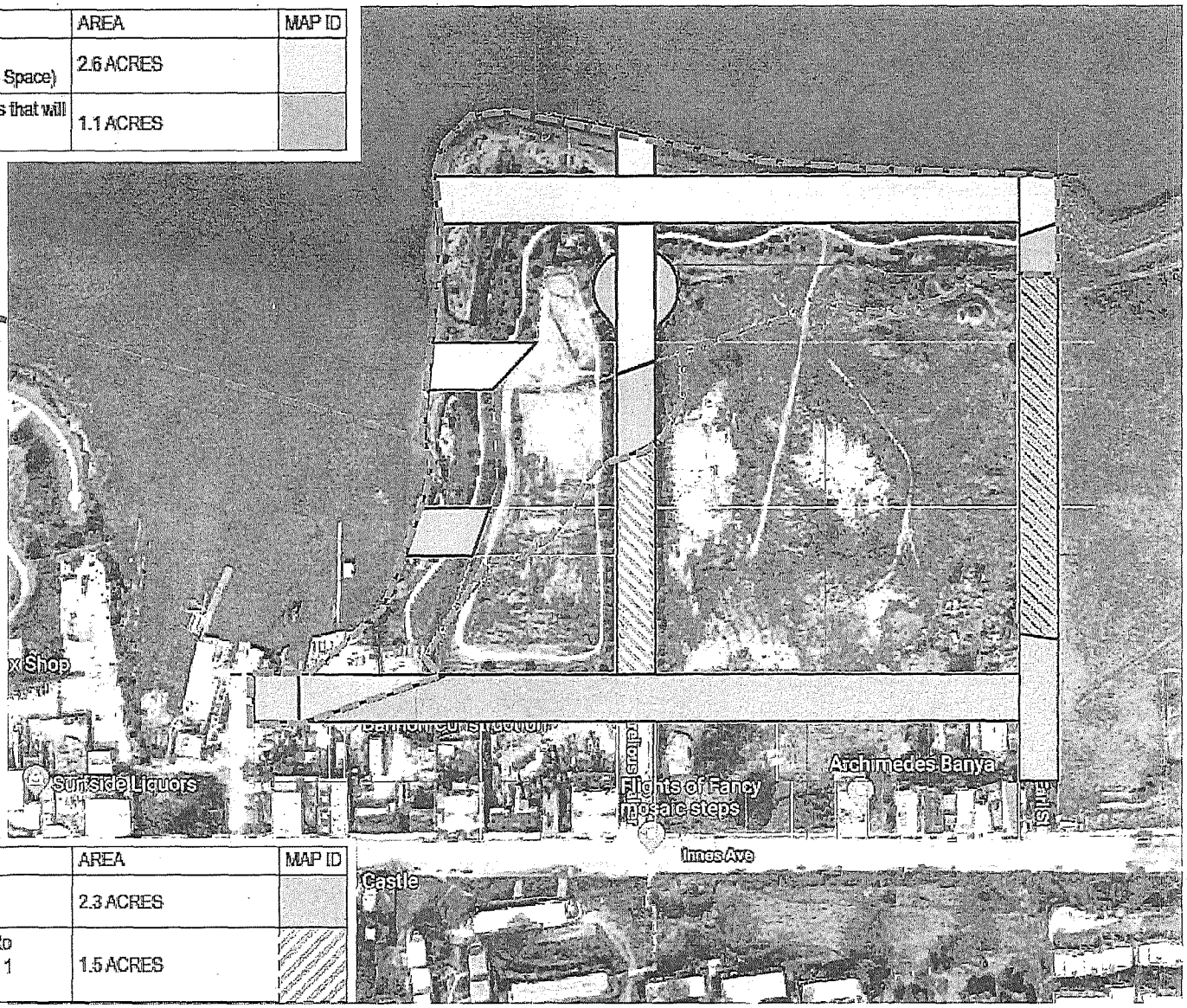


Right-of-Way to be Vacated

OWNERSHIP	AREA	MAP ID
Port Parcels (vacated Port streets within India Basin Open Space)	2.6 ACRES	
City Future Trust Parcels (vacated City streets that will be conveyed into the Trust as part of IBOS)	1.1 ACRES	

3.7 acres of vacated streets within future Public Trust boundary **remain City-owned**

3.8 acres to be **conveyed to developer;**
City to reserve temporary easements over 1.5 acres to ensure no net loss of acreage

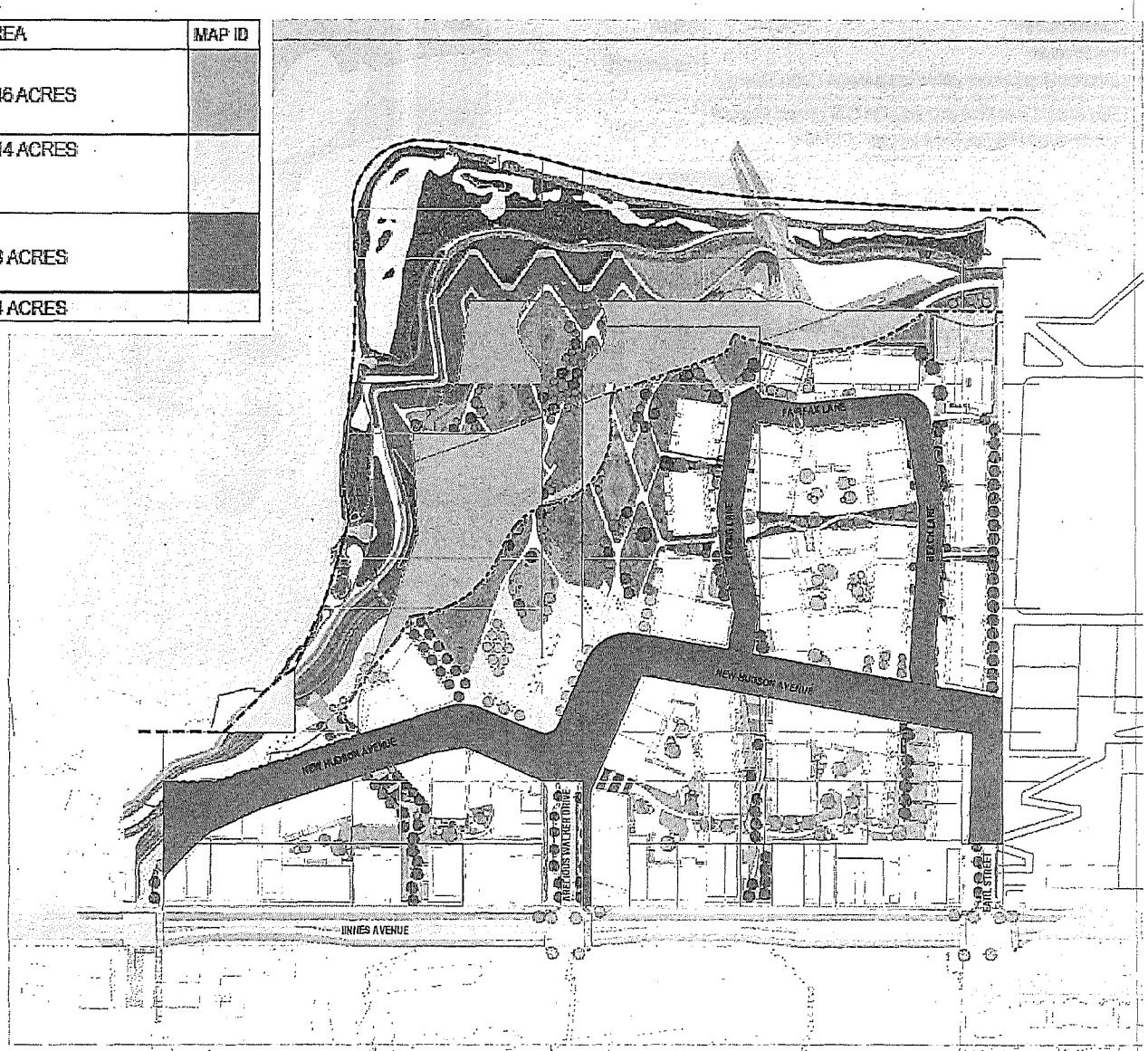


OWNERSHIP	AREA	MAP ID
Development Parcels (vacated streets going to BUILD)	2.3 ACRES	
Development Parcels (vacated streets going to BUILD, with temporary easement until Phase 1 streets are completed)	1.5 ACRES	

Private Land to Become City Property (For reference only)

OWNERSHIP	AREA	MAP ID
BUILD to City Open Space Conveyance (privately-owned BUILD non-street property that will be conveyed to City at Trust Exchange)	2.46 ACRES	
BUILD to City Open Space Subsequent Conveyance (privately-owned BUILD non-street property that will be conveyed to City following remediation)	0.14 ACRES	
BUILD to City future streets (proposed new street network dedication)	3.8 ACRES	
TOTAL	6.4 ACRES	

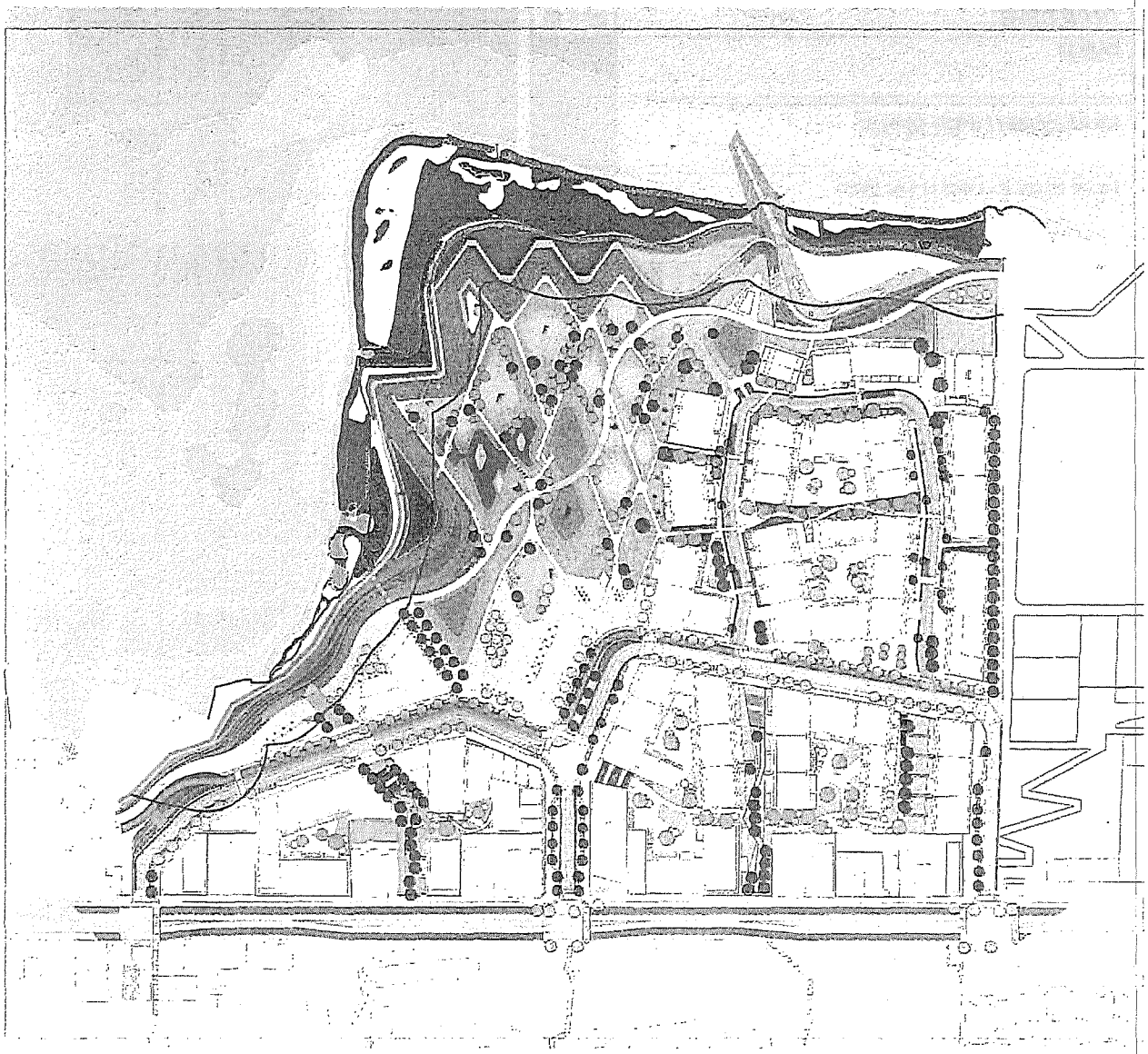
6.4 acres to become City property as a result of Public Trust Exchange and future street acceptance



India Basin - Final Ownership and Trust Configuration

OWNERSHIP	MAP ID
BUILD	
INDIA BASIN OPEN SPACE	
NEW PUBLIC RIGHT-OF-WAY	

India Basin – Approved Project (2018)



Resolution and Ordinance – Proposed Amendments

- Resolution of Intention (File 190969)
  - p. 2 - Adds *December 10* as Committee of the Whole date
- Ordinance (File 190971)
  - p. 8 – Clarifying edit at line 17 to provide that vacated parcels conveyed at time of Public Trust Exchange may be conveyed to State prior to being then conveyed by State to developer:

    "City's quitclaim of its interests in the Development Parcels to Developer *either directly or indirectly through the State*, and..."

Street Vacation – Anticipated Legislative Schedule

- September 24, 2019 – Resolution of Intention and Ordinance Introduced
- October 28, 2019 – Land Use and Transportation Committee
- November 5, 2019 – Full BOS Hearing on Resolution of Intention
- December 10, 2019 - Committee of the Whole and First Reading of Ordinance
- December 17, 2019 – Second Reading of Ordinance

Thank You

City Staff and BUILD are present to answer questions

190971

From: Aaron Goodman <amgodman@yahoo.com>
Sent: Monday, October 21, 2019 10:03 AM
To: Major, Erica (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Safai, Ahsha (BOS); Board of Supervisors, (BOS)
Subject: SFBOS Land-Use - Monday October 21st - Comment (A.GOODMAN) D11

ATTN: SF BOS (Land-Use) Committee (cc: SFBOS)

As I am unable to attend the mid-day meeting today, please accept this email as my public comment on the issues below. Will keep them brief as I can but you have a lot on the agenda today needing vetting.

19054 - Jobs Housing Linkage
19089 - Jobs Housing Fit

I support both items above, in determining the best strategy forward on the creation of affordable RENTAL housing for working communities and the need to determine how to build larger housing developments for 100% affordable units.
I would ask that you also consider in the two items the relation of mass transit and equity in relation to funding areas and districts since many areas seeing the largest developments in SF are also devoid of any serious transit projects that are shovel ready and supportive prior to the construction of mass housing developments.

190971 - India Basin (Street Vacated)
I would like to submit comments on the EQUITY concerns on lacking transit proposals to improve the T-Line and the linkage between numerous developments in D10. The Pier 70 / India Basin / Alice Griffith and Hunters View, BVHP, Candlestick areas all the way around to Sunnydale from Potrero require a more robust solution on public transit. Please look into this issue with the SFMTA and how they propose to amp up the mass-transit in D10 to equitably address mass transit needs and upcoming service issues during roadway construction at Ceasar Chavez and Alemany on 101/280 already at serious congestion levels that impacts Bayshore, and the T-third. (I am in support of the India Basin project, but would like to see a more robust water-taxi, and trackless train system that loops around the BVHP and back up Geneva Harney to balboa park station to bring quickly new mass-transit solutions to these neighborhoods being developed.)

190972 - Electrification of Municipal Facilities
190974 - Energy Performance in New Buildings
I am in support of this proposal and would want to see more efforts on urban infrastructure and build out in addition to local property tax incentives to switch to solar. Costs are causing residential installers to balk at installations, especially smaller installs. Therefore it is critical to ensure smaller home-owners and businesses can switch to solar more readily.. On the energy efficieny issues LEED does not always take into account the issues of obsolescence and sound existing construction that should promote preservation and adaptive re-use. So key is to include measures that document the demolition of existing systems and buildings and their

replacement with new energy efficient systems. If we toss a recently installed roof for a new roof and solar, the carbon impacts must be addressed in the changes.

191016 - Educator Housing
Key is to determine the effects prior and loss of educator housing since 2001 (Purchase of Stonestown and portions of Parkmerced) that served as educator housing. SFSU-CSU was asked to consider staff/teacher housing at the UPS blocks. The SOTA switch downtown should be considered whether the site is for 100% future housing or an option to rebuild the school at its existing site and plan for the school SOTA to remain and the old educator building converted to shared housing co-op building downtown due to already overcongested streets in the Van Ness Market area. Which will be more dangerous for kids and teens if shifted in that area from the existing SOTA site. There is also the concerns about CCSF and teacher housing on Balboa Reservoir, and CCSF's future plans. All these sites MUST have new and adequate new transit serving the areas so please legislate to support more transit improvements in these areas.

191018 - 770 Woolsley
I am supportive of the landmarking in the hope to create a more adventurous solution with green-houses and landscaped courtyards for the future housing on this site. Their is also the need for addressing overcrowded bus services on the 44 and 8/9 lines along with the 54 which serve the D10/D11 neighborhoods. Please look into the transit issues and equity for these proposals.

191013- Mobility Permits
191033 - Office of Emerging Technology

My concern is the lacking ADA compliance on many of these new technologies that service the seniors and disabled communities. Portland and Detroit have ADA bikes for bike-share, and currently with all the mobility push, we have yet to see it adequately addressed in the pods and systems being attached to bike racks and public infrastructure. These systems are parasitical and do not adequately address EQUITY in low cost options alone. Therefore a percentage should be done financially that re-invests in public mass-transit systems connections, loops and links in existing infrastructure.

Thank you all for addressing these concerns in your discussion later today.

Sincerely

Aaron Goodman D11
amgodman@yahoo.com

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Harlan Kelly, Jr., General Manager, Public Utilities Commission
Mohammed Nuru, Public Works
Phil Ginsburg, General Manager, Recreation and Parks Department
Andrico Penick, Director, Real Estate Division

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: October 2, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on September 24, 2019:

File No. 190971

Ordinance ordering the vacation of streets in the India Basin Project site, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline; reserving temporary public utility and access rights in favor of the City and temporary easement rights for existing PG&E gas and overhead electrical facilities; authorizing the City to quitclaim its interest in approximately 3.8 acres within Earl Street, Hudson Avenue, and Arelious Walker Drive to India Basin Investment LLC; authorizing the City to transfer approximately 1.1 acres within Arelious Walker Drive, Hudson Avenue, Earl Street, and Galvez Avenue to the State for purposes of having such property reconveyed to the City to be held by the Port, in trust, through implementation of the India Basin Public Trust Exchange; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Assessor Recorder for recording.

If you have comments or reports to be included with the files, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission
Mona Panchal, Public Utilities Commission
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Sarah Madland, Recreation and Parks Department
Margaret McArthur, Recreation and Parks Department

London Breed, Mayor
Naomi M. Kelly, City Administrator

City and County of San Francisco
REAL ESTATE DIVISION
Andrico Q. Penick
Director of Real Estate

September 23, 2019

TO: Whom It May Concern

FROM: Andrico Q. Penick, Director of Property

RE: India Basin Project -
Various Street Vacations and Future Grant Deed Dedications

The India Basin Project and related Development Agreement ("Agreement) was approved and adopted by the San Francisco Board of Supervisors and Mayor in 2018 by Ordinance Nos. 251-18 and 252-18. The Agreement provides for certain street or right-of-way vacations ("Street Vacations") and dedications ("Street Dedications") as part of the India Basin Project. The Agreement provides for an equal or "greater than" exchange of square feet, in favor of the City and County of San Francisco ("City"), of Street Dedications to the City as a donation with Street Vacations from the City to the Developer within the India Basin Open Space.

I have received and reviewed the Existing Condition, Transfer of Vacated Streets, Proposed Private Street Dedications to Trust and City Right of Way, and Final Configuration maps from developer Build Inc., and the draft SUR maps dated August 26, 2019.

Pursuant to Chapter 23 of the San Francisco Administrative Code, and as Director of Property, I am authorized to determine the fair market value (FMV) of real property based upon a review of available and relevant data. Based upon my experience, knowledge and review of available and relevant data, and for the sole purpose of determining that the proposed vacations contemplated by the proposed vacation ordinance comply with the terms of the Agreement, the value of the proposed City street vacations (totaling 7.5 acres) that will be conveyed to the developer (totaling 3.8 acres) is less than or net equal to the value of the proposed dedications and improvements from the developer to the City which include: (a) 2.6 acres for the India Basin Open Space Area subject to the Public Trust, (b) 3.8 acres from the developer to the City for future City streets within the development, and street improvements installed by the developer on approximately 7.5 acres. In light of the dedications and that street improvements the developer will be constructing, including street improvements to 3.8 acres being dedicated back to the City, the City will be receiving land and improvements valued greater than if not at least equal to, the value of the streets being vacated.

Based upon the documents presented and the above, I recommend the approval of the real property transactions related to the street vacations pursuant to the vacation ordinance.

Mohammed Nuru
Director

Andrico Q. Penick
Director of Real Estate

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Mohammed Nuru, Director, Public Works

Bruce R. Storrs, County Surveyor, Public Works

Andrico Q. Penick, Director of Property, Real Estate Division

RE: Street Vacation and Conveyance – India Basin Project

DATE: December 3, 2019

The India Basin Project and related Development Agreement, as approved by the Board of Supervisors in 2018, provides for certain street or right-of-way vacations and the conveyance of a portion of that underlying land to the project's developer, once specified conditions are met. The development agreement also obligates the developer to convey certain land to the City for parks and open space and also to dedicate additional land for future right-of-ways and make certain street improvements that will be offered to the City for acceptance upon completion. These conveyances will be in accordance with the terms of a Public Trust Exchange Agreement, substantially in the form approved in Ordinance No. 252-18.

In Public Works Order No 201923, the Director of Public Works recommended that the Board of Supervisors move forward with the legislation to vacation of streets in the India Basin Project site.

In a letter dated September 23, 2019, the Director of Property recommended the approval of the real property transactions related to the India Basin Project street vacation.

After consulting with the City Attorney's Office, it has come to our attention that a minor amendment is needed to the Street Vacation and Conveyance Ordinance for the India Basin Project. This amendment corrects the acreage that will be conveyed from the developer to the City at the time of the Public Trust Exchange. The attached diagram, which is consistent with the approved Development Agreement, shows approximately 0.9 acres of land, in addition to the 2.6 acres already identified (for a total of approximately 3.5 acres), that will be conveyed from the developer to the City at the time of the Public Trust Exchange as public open space. This 0.9 acres will be owned by the City as part of the public open space, but will be free of the public trust.

This memorandum documents our recognition of this minor proposed amendment to the street vacation Ordinance. Our previous recommendations remain in effect.

SAN FRANCISCO PUBLIC WORKS

Mohammed Nuru
Director

City and County of San Francisco
REAL ESTATE DIVISION

Andrico Q. Penick
Director of Real Estate

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Mohammed Nuru, Director, Public Works

Bruce R. Storrs, County Surveyor, Public Works

Andrico Q. Penick, Director of Property, Real Estate Division

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This memorandum documents our recognition of this minor proposed amendment to the street vacation Ordinance. Our previous recommendations remain in effect.

Private Land to Become City Property (For reference only)

OWNERSHIP	AREA	MAP ID
BUILD to City Open Space Conveyance (privately-owned BUILD non-street property that will be conveyed to City at Trust Exchange)	2.46 ACRES	
BUILD to City Open Space Subsequent Conveyance (privately-owned BUILD non-street property that will be conveyed to City following remediation)	0.14 ACRES	
BUILD to City Open Space Conveyance (BUILD property that will be conveyed to City, and is not subject to the Trust)	0.9 ACRES	
BUILD to City future streets (proposed new street network dedication)	3.8 ACRES	
TOTAL	7.3 ACRES	

7.3 acres to become City property as a result of Public Trust Exchange and future street acceptance

RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:

Real Estate Division
City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, California 94102
Attn: Director of Property

MAIL TAX STATEMENTS TO:

_____
_____
_____
Attn: _____

The undersigned hereby declares this instrument to be exempt from Recording Fees (CA Govt. Code § 27383)

APN:

(Space above this line reserved for Recorder's use only)

Documentary Transfer Tax of $_____ based upon full market value of the property without deduction for any lien or encumbrance

QUITCLAIM DEED
[(Assessor's Parcel No. _____)]

FOR VALUABLE CONSIDERATION, receipt and adequacy of which are hereby acknowledged, the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (the "**City**"), pursuant to Ordinance No. _____, adopted by the Board of Supervisors on _____, 2020 and approved by the Mayor on _____, 2020, subject to the reservations in this Quitclaim Deed hereby RELEASES, REMISES AND QUITCLAIMS to India Basin Investment LLC, a California limited liability company, any and all right, title and interest City may have in and to the real property located in the City and County of San Francisco, State of California, described on Exhibit 1 attached hereto and made a part hereof (the "**Property**").

1. **Reservation of Right-of-Way Easement**. City reserves for itself a perpetual, nonexclusive easement for public street purposes, including City-owned utilities and utilities needed to serve the City-owned property commonly known as India Basin Open Space (the "**ROW Easement**"), over, across, and under the property shown and described on attached Exhibit 2.

a. **Termination**. The ROW Easement will terminate automatically on (a) the City Public Works Director's ("**PW Director**") issuance of determination of completion for at least 1.3 acres of public rights-of-way within Phase 1 of the India Basin Project in accordance with the

Development Agreement by and between City and Developer dated _____, which includes providing access (including rights for utility service) to the property commonly known as the India Basin Open Space; or (b) such earlier date at the PW Director's discretion, in consultation with the affected City departments. In no event will the ROW Easement terminate without City having adequate access to the India Basin Open Space.

b. **Right to Trim Trees**. The ROW Easement also includes the right to trim and cut trees and vegetation, if any, that may be a hazard to the Facilities and the right to do such other things as are necessary for the full enjoyment and accomplishment of the purposes of the ROW Easement. City's rights with respect to the ROW Easement may be exercised by City's agents, contractors, subcontractors, suppliers, consultants, employees, or representatives, or by other authorized persons acting for or on behalf of City.

c. **Definition of Facilities**. "**Facilities**" means, collectively, any existing City-owned or requested paving, street base, signage, traffic controls, striping, parking meters, water, sewer, power, and communication facilities and all accessories and appurtenances thereto, including without limitation, hatches, hatch covers, fittings, air valves, braces, connections, fastenings, conduits, conductors, streetlights, and other utility facilities and appurtenances.

d. **Exercise of Rights**. City's rights with respect to the Public ROW Easement may be exercised by City's agents, contractors, subcontractors, suppliers, consultants, employees, or representatives, or by other authorized persons acting for or on behalf of City or otherwise utility providers with franchise rights. "**Facilities**" means, collectively, any existing paving, street base, signage, traffic controls, striping, parking meters, water, sewer, power, gas, and communication facilities and all accessories and appurtenances thereto, including without limitation, hatches, hatch covers, fittings, air valves, braces, connections, fastenings, conduits, conductors, streetlights, and appurtenances.

e. **Superior to PG&E Easement**. The ROW Easement is superior to the PG&E Easement described below.

2. **Reservation of Easement for Existing Water Facilities**. City reserves for itself a nonexclusive easement in gross to maintain an existing eight-inch water main and hydrants over, across, and under the property shown on attached Exhibit 3 ("**Water Easement**"). The Water Easement will terminate by quitclaim deed on the acceptance of replacement facilities, or such earlier date at the PW Director's discretion, in consultation with the affected City departments.

3. **Reservation of PG&E Easement**. City reserves for the benefit of Pacific Gas and Electric Company, a California corporation, a nonexclusive easement in gross for gas and electrical facilities existing as of the date of the Ordinance (the "**PG&E Easement**") over, across, and under the property shown and described on attached Exhibit 4.

a. **Termination**. The PG&E Easement will terminate automatically on the earlier of (a) the relocation or removal of the facilities, with PG&E's concurrence, or (b) termination of service to customers through the facilities.

b. **Right to Cut Trees**. The PG&E Easement also includes the right to trim and cut trees and vegetation, if any, that may be a hazard to the gas and electrical facilities and the right to do such other things as are necessary for the full enjoyment and accomplishment of the purposes of the PG&E Easement. PG&E's rights with respect to the PG&E Easement may be exercised by PG&E's agents, contractors, subcontractors, suppliers, consultants, employees, or representatives, or by other authorized persons acting for or on behalf of PG&E.

Executed as of this _____ day of _____, 201__.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By: _____
Andrico Q. Penick
Director of Property

Board of Supervisors Ordinance No. _____

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By: _____
Shari Geller Diamant
Deputy City Attorney

[If required: DESCRIPTION
CHECKED/APPROVED:]

By: _____
[NAME]
City Engineer

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)ss
County of San Francisco)

On _____, before me, _____, a notary public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT 1

Legal Description of Property

[To be inserted.]

EXHIBIT 2

Description and Depiction of ROW Easement

EXHIBIT 3

Description and Depiction of Easement for Existing Water Facilities

EXHIBIT 4

Description and Depiction of PG&E Easement

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
State Lands Commission
Attn: Title Unit
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
OFFICIAL BUSINESS
Document entitled to free recordation
pursuant to Government Code Section 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN No.
SLC No.

QUITCLAIM DEED

WHEREAS, the City and County of San Francisco, a charter city ("City"), owns the lands described in Exhibit 1 ("Property"), a portion of which was acquired pursuant to Chapter 1333, Statutes of 1968, as amended ("Burton Act"), and a portion of which was later acquired; and

WHEREAS, in accordance with the Burton Act, portions of the Property are within the management and control of the City, and portions of the Property are within the management and control of the City acting by and through the San Francisco Port Commission ("Port"); and

WHEREAS, the State Lands Commission ("Commission"), at its public meeting in _____, California on [_____], 2020, approved Staff Report No. [__], which authorized a title settlement and land exchange agreement for India Basin ("Agreement") between the State of California ("State"), acting by and through the Commission, and the Port, pursuant to Section 5 of Chapter 310 of the Statutes of 1987 (Chapter 310); and

WHEREAS, the City, acting by and through its Board of Supervisors, by Resolution No. 252-18 adopted on October 23, 2018, approved the Agreement, including authorizing the conveyance of all of the City's rights, title and interest in the Property to the State for purposes of effectuating the Agreement; and

WHEREAS, the Port, by Port Resolution 18-60 adopted on October 23, 2018, approved the Agreement and authorized the Port Executive Director to implement the Agreement; and

WHEREAS, it is the intent of the City and the Port, pursuant to the Agreement, to convey to the State all of the right, title, and interest of the City in and to the lands described in Exhibit 1 ("Property"), for the purpose of effectuating the exchange contemplated in the Agreement;

NOW, THEREFORE,

The CITY AND COUNTY OF SAN FRANCISCO, a charter City, and the CITY AND COUNTY OF SAN FRANCISCO, acting by and through the SAN FRANCISCO PORT COMMISSION, do hereby REMISE, RELEASE, AND FOREVER QUITCLAIM to the STATE OF CALIFORNIA, acting by and through the STATE LANDS COMMISSION, all of the right, title, and interest of the CITY AND COUNTY OF SAN FRANCISCO in the Property, whether acquired by virtue of the Burton Act grant or otherwise, and including, without limitation, all minerals and mineral rights, and all trust and non-trust interests, subject to the reservations below.

1. **Reservation of Easement for Stormwater and Wetlands**.

a. Nature of Easement. City reserves to itself a perpetual nonexclusive easement in gross over, across, and under the portion of the Property shown and described on Exhibit 2 ("Stormwater and Wetlands Easement Area") to **(a)** channel or otherwise convey overland stormwater flow onto and through the Stormwater and Wetlands Easement Area; **(b)** channel stormwater flow from in pipes; **(c)** retain and treat stormwater; **(d)** construct, reconstruct, install, operate, maintain, inspect, repair, remove, replace, alter, expand, and reconstruct, from time to time, within the Stormwater and Wetlands Easement Area, stormwater conveyance and treatment improvements along with all associated connecting pipes, appurtenances, appliances and fittings (collectively, "Stormwater Facilities"); **(e)** excavate to access the Stormwater Facilities from the ground surface; **(f)** place temporary stormwater facilities and equipment above ground when needed in connection with any emergency or repair work, as needed to maintain continuous utility service; and **(g)** construct, reconstruct, install, operate, maintain, inspect, repair, remove, replace, alter, expand, and reconstruct, from time to time, within the Stormwater and Wetlands Easement Area, wetlands along with all associated connecting pipes, appurtenances, appliances and fittings.

b. Conveyance of Rights to India Basin Investment, LLC. City will convey a subset of the reserved rights to India Basin Investment, LLC, a California limited liability company, or its successor ("Developer"), in form and substance acceptable to Developer.

2. **Reservation of Water Facilities Easement**. Nature of Easement. City reserves for itself a permanent nonexclusive easement in gross for existing low pressure water facilities, including hydrants ("Water Easement") over, across, and under the property shown and described on Exhibit 3. The Water Easement will terminate automatically on the acceptance of alternative water facilities, or earlier with the consent of the City's Public Utilities Commission General Manager and the San Francisco Fire Department.

3. **Reservation of PG&E Easement for Gas Facilities**. City reserves for the benefit of Pacific Gas and Electric Company, a California corporation, a nonexclusive easement in gross for existing gas facilities ("PG&E Easement") over, across, and under the property shown and described on attached Exhibit 4. The PG&E Easement will terminate automatically on the earlier of (a) the relocation or removal of the facilities, with PG&E's concurrence, or (b) termination of service to customers through the facilities.

DATED: _____

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation

By:_____
Andrico Q. Penick
Director of Property

DATED: _____

CITY AND COUNTY OF SAN FRANCISCO, acting by and through the SAN FRANCISCO PORT COMMISSION as a trustee under Chapter 1333 of the Statutes of 1968

By:_____
Elaine Forbes, Executive Director

Recommended:

DATED: _____

SAN FRANCISCO RECREATION AND PARKS DEPARTMENT

By:_____
Philip A. Ginsburg, General Manager

DATED: _____

SAN FRANCISCO PUBLIC UTILITIES COMMISSION

By:_____
Harlan L. Kelly, Jr.
General Manager

Approved as to form:
Dennis J. Herrera
San Francisco City Attorney

DATED: _____

By: _____
Deputy City Attorney

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

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Signature _____ (Seal)

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State of California)

County of _____)

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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDING
Government Code 27281

This is to certify that the STATE OF CALIFORNIA, acting by and through the STATE LANDS COMMISSION, an agency of the STATE OF CALIFORNIA, hereby accepts from the CITY AND COUNTY OF SAN FRANCISCO, acting by and through the SAN FRANCISCO PORT COMMISSION, the right, title and interest in real property conveyed by the Quitclaim Deed dated _____.

The STATE OF CALIFORNIA, acting by and through the STATE LANDS COMMISSION, an agency of the STATE OF CALIFORNIA, hereby consents to the recordation of this conveyance in the Office of the Recorder for the City and County of San Francisco.

The said interests in real property are accepted by the STATE OF CALIFORNIA, in its sovereign capacity in trust for the people of the state, as real property of the legal character of tidelands and submerged lands.

This acceptance and consent to recording is executed by and on behalf of the STATE OF CALIFORNIA by the STATE LANDS COMMISSION, acting pursuant to law, as authorized by the Commission's approval of Staff Report No. [__] on [_____], by its duly authorized undersigned officer.

Date:_____ STATE LANDS COMMISSION

_____
Jennifer Lucchesi
EXECUTIVE OFFICER

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT 1
LEGAL DESCRIPTION

[To be attached at closing]

[Will include all of the Trust Termination Lands and all of the Trust Addition Lands (excluding the Burton Act Streets, Adjacent Submerged Lands and Parcel 9)]

EXHIBIT 2

LEGAL DESCRIPTION OF STORMWATER AND WETLANDS EASEMENT

EXHIBIT 3
LEGAL DESCRIPTION OF WATER EASEMENT

EXHIBIT 4
LEGAL DESCRIPTION OF PG&E EASEMENT

National Lawyers Guild
San Francisco Bay Area Chapter

September 1, 2020

Mayor London Breed
Board of Supervisor District 1 Sandra Lee Fewer
Board of Supervisor District 2 Catherine Stefani
Board of Supervisor District 3 Aaron Peskin
Board of Supervisor District 4 Gordon Mar
Board of Supervisor District 5 Dean Preston
Board of Supervisor District 6 Matt Haney
Board of Supervisor District 7 Norman Yee
Board of Supervisor District 8 Rafael Mandelman
Board of Supervisor District 9 Hillary Ronen
Board of Supervisor District 10 Shamann Walton
Board of Supervisor District 11 Ahsha Safaí
San Francisco Planning Commission
MayorLondonBreed@sfgov.org
board.of.supervisors@sfgov.org
commissions.secretary@sfgov.org

Sent via electronic mail

RE: Request for Reconsideration of Approval and/or Major Mitigation of India Basin Mixed-Use Project and the Significant, Ongoing and Harmful Air Pollution it would cause in Bayview Hunters Point

Dear Mayor Breed, San Francisco Board of Supervisors, and the Planning Commission:

The Bayview Hunters Point Mothers and Fathers Committee, Greenaction for Health and Environmental Justice, and the San Francisco / Bay Area Chapter of the National Lawyers Guild ("NLGSF") write to express our strong concern about the India Basin Mixed-Use Project that threatens the health and environment of Bayview Hunters Point, and to request that you **revisit the project in light of changed circumstances, namely 1) the global pandemic of COVID-19 and the increased vulnerability it has created for Bayview Hunters Point, and 2) the renewed calls to address institutional racism.** We write this while the community suffers with the worst air quality in the world[1] due to smoke from the wildfires, which grow more destructive every year.[2] As new information reveals troubling links between air pollution, race, and COVID-19, we call upon you to commit to work with the public to reduce the project's impacts on air quality to *less than significant*, or if not feasible, to rescind approval of the project altogether for the health and safety of the community and in furtherance of long awaited racial justice.

I. Introduction

As you know, the India Basin Mixed-Use Project was approved after the Board of Supervisors rejected the appeal filed by Greenaction on behalf of its members and constituents who are residents of Bayview Hunters Point. We were alarmed by the findings in the Environmental Impact Reports that the overall impacts on air quality "would be significant and unavoidable with mitigation," that "cumulative impacts related to regional air quality and health risks would be significant and unavoidable,"[3] and that the project would "contribute to new, or exacerbate existing, air quality violations"[4] in a community already disproportionately burdened with pollution.[5] In response, the Board of Supervisors adopted a Statement of Overriding Consideration, a loophole in the California Environmental Quality Act, to try to justify the significant and harmful air pollution that this project would cause to community residents. They claimed that "open space" (which has toxic contamination and was never tested for radiation despite its proximity to the Shipyard Superfund Site) and so-called "affordable" housing (at approximately 20% less of market value in the most expensive housing market in the country) is more important than the health of residents and their right to breathe clean air. The Board of Supervisors then rejected the Greenaction appeal.

The Bayview Hunters Point Mothers and Fathers Committee is a neighborhood-wide grassroots community organization comprised entirely of residents working to protect and improve the well-being of the community. Greenaction for Health and Environmental Justice is a multi-racial grassroots organization based in San Francisco with many members, constituents, and staff who live in Bayview Hunters Point who will be affected by the project. We have participated in the project's environmental review and permit process since it began with the Planning Department. From the start of this process, Greenaction and the Mothers and Fathers Committee raised concerns about the air pollution the project would cause, as well as the Planning Department's blatant refusal to provide language access to the many limited and non-English speaking community residents who might be impacted by the project.

Today, the BVHP Mothers and Fathers Committee and Greenaction are joined by the Bay Area Chapter of the National Lawyers Guild and many other allies. The NLGSF has been at the forefront of supporting social movements demanding racial and economic justice in the Bay Area for the past 50 years. Given that the Indian Basin development is poised to contribute to and further magnify health, environmental, racial, and economic disparities in Bayview Hunters Point, NLGSF has a vested interest in the outcome of this proposed project.

We submit this letter on behalf of our members and constituents in Bayview Hunters Point, many of whom are low income and working class people of color whose health, environment, and civil rights will be adversely, disproportionately, and significantly impacted by the India Basin project. This letter focuses on our serious concerns with the significant and unavoidable impact that the proposed development would have on air quality in Bayview Hunters Point and its associated health risks.

For the record, we once again emphasize that we fully support cleanup of contamination and improvement of the India Basin Shoreline Park. We do not, however, support the increased, and harmful

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air pollution the project would cause—air pollution that the EIR concluded would continue for the life of the project, not just during construction. Allowing the significant air pollution that would result from the project will make the India Basin Shoreline Park an unhealthy space for residents with sensitive health.

In February of this year, Mayor London Breed described this high-end housing project, designed to match the higher incomes of the city's new residents, as "true environmental justice."[6] Moving forward with the project as approved would be antithetical to any notion of justice. The following discussion makes it clear that the harmful environmental and health outcomes and the racial disparities of the project far outweigh any supposed benefits. This was true when the Planning Commission approved the project; with the newest assault of COVID-19, the **increased pollution from the project on top of existing pollution, contamination, and racial and economic disparities would be, without exaggeration, a death sentence for some Bayview Hunters Point residents.**

II. COVID has exacerbated the effect of environmental racism in Bayview Hunters Point due to the high levels of existing pollution and related health issues.

Much has changed locally, nationally, and around the world since the India Basin project was approved in 2018, the most dramatic being the global outbreak of the coronavirus disease 2019 ("COVID-19"). We have seen a worrying link between air pollution and increased risk of death from COVID-19.[7] Studies also show that in cities across the country, people of color make up a disproportionate percentage of deaths from the coronavirus, including here in San Francisco, often due to economic neglect and underlying health conditions caused or exacerbated by pollution in their communities.[8] **The significant and unavoidable air pollution from the India Basin project, on top of existing pollution and related illnesses, poverty, and racial disparities would make Bayview Hunters Point even more vulnerable to COVID-19 and other diseases.**

A. Studies show links between air pollution and increased risk of death from COVID-19.

Research increasingly shows that people exposed to high levels of air pollution have worse COVID-19 outcomes, including an increased risk of contracting and dying from the disease.[9] It is worth highlighting that fine particulate matter (PM2.5), one of the forms of air pollution that the India Basin project will generate, is associated with poorer and more fatal outcomes for COVID-19. Research has shown that long term exposure to pollutants such as PM2.5 can reduce lung function and cause respiratory illness.[10] Air pollutants such as PM2.5 have been shown to cause a persistent inflammatory response, which increases the risk of infection by viruses like COVID-19 that target the respiratory system.[11] A nationwide study by Harvard researchers found that even a small increase in PM2.5 concentrations of 1 microgram per cubic meter is associated with an 8% increase in the overall death rate of the corvirus.[12]

The India Basin EIR specifically addressed increased PM2.5 concentrations that would be generated during construction and operation of the India Basin project[13] and warned that "PM2.5, can remain airborne for weeks and pose health concerns. Specifically, particulate matter can be deposited in the lungs when inhaled, causing respiratory illnesses and lung damage."[14] This is incredibly alarming given that the

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project would increase PM2.5 concentrations to levels that would be "significant and unavoidable with mitigation" and would exceed healthy thresholds.[15] In fact, the Bay Area Air Quality Management District (BAAQMD) withdrew its support for the India Basin Development Project due to the 'unacceptable' air pollution it would generate. BAAQMD wrote to the Board of Supervisors, citing its concern with the dangerous levels of PM2.5 that the project would generate. "PM2.5 is by far the most harmful air pollutant in the Air District's jurisdiction," the agency said, and can cause a "wide range of health effects, such as aggravating asthma, bronchitis, respiratory and cardio-vascular symptoms, and contributing to heart attacks and death." BAAQMD even offered to work with the city to minimize the project's impacts and develop a comprehensive, community-scale air quality plan for vulnerable neighborhoods like BVHP.[16]

B. COVID-19 worsens existing racial, ethnic, and economic disparities.

While places with environmental pollution face increased COVID-19 infection and mortality rates, nationally, people of color and low-income communities are hardest hit by the coronavirus.[17] More often than not, these groups overlap: communities of color are more likely to be economically marginalized, and there is a long and ongoing history of placing polluting activities in low-income areas and communities of color.[18] For example, of the 1.8 million Californians living near drilling in heavily polluted areas, 92% are from communities of color.[19]

In the context of the coronavirus, we see wide COVID-19 disparities by race, most dramatically for Black, Indigenous, Pacific Islander, and Latinx people.[20] Black people nationwide continue to experience the highest actual COVID-19 mortality rates—about 2.5 times as high as the rate for white people.[21] To put it another way, "about 18,000 Black, 6,000 Latino, 600 Indigenous, and 70 Pacific Islander Americans would still be alive" if they had died from COVID-19 at the same rate as whites.[22] A May 2020 study of over 1,000 confirmed cases in California showed that Black patients diagnosed with the coronavirus are nearly three times more likely to require hospitalization than white patients.[23] In San Francisco, people of color make up the majority of coronavirus deaths; half of all COVID-19 cases are people who are Latinx; and neighborhoods that are predominately Black, Latinx, or Asian and low income or working class, have seen the highest number of cases according to the city's COVID-19 data tracker.[24]

Dr. Sheryl Davis, the Executive Director of San Francisco Human Rights Commission, recognizes that "The same people you see being impacted by [COVID-19] have experienced other inequities in San Francisco" and that our "system is flawed."[25] Indeed, even Mayor Breed has acknowledged that the higher rates of COVID-19 in these communities demonstrates a "clear disparity."[26] Yet this disparity is not a new development; it is the result of years of economic neglect, lingering radioactive and toxic contamination at the Hunter's Point Shipyard Superfund Site, and prioritizing development money over the health and wellbeing of low-income residents and residents of color. This disparity will only multiply if the proposed India Basin project is allowed to go forward as currently planned.

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C. Pollution, racism, and poverty make Bayview Hunters Point particularly vulnerable to and suffer disproportionately from COVID-19.

The City and County of San Francisco have long acknowledged that Bayview Hunters Point residents suffer the cumulative health impacts from many pollution sources, including the notorious radioactive contamination at the Hunters Point Shipyard Superfund Site located next to India Basin. The Bay Area Air Quality Management District has identified Bayview Hunters Point as a CARE Community, an acknowledgement of the air quality problems afflicting the community. The State of California's CalEnviroScreen 3.0 confirms Bayview Hunters Point is one of the communities most at risk from pollution in the entire state, and concluded that it has a higher pollution burden than 90% of the state. CalEnviroScreen, developed by California EPA, measures vulnerability through evaluating and quantifying pollution exposures, environmental effects, sensitive populations and socioeconomic factors. For example, it ranks in the 98th percentile for asthma and very high for both diesel emissions and hazardous waste.

Given what we currently know about the role of pollution, race, and poverty in COVID-19 cases, it is unsurprising that Bayview Hunters Point has been hit especially hard by COVID-19. As of August, Bayview Hunters Point has the highest rate of COVID-19 infection.[27] The significant and unavoidable air pollution from the India Basin project would increase the community's risk of contracting COVID-19, aggravate other pollution-related disease, and all but ensure even more deaths in Bayview Hunters Point.

It is shocking and unacceptable that the City and County would approve any project that would add significant and unhealthy amounts of air pollution to an already overburdened community like Bayview Hunters Point, claiming that other "benefits" are "overriding." Nothing is more important than life, and air pollution kills. The added danger of COVID-19 makes the exclusive housing project all the more unjustified.

III. Renewed national attention on institutionalized racism requires reconsideration of the India Basin project.

The brutal police killings of Breonna Taylor and George Floyd earlier this year, and the senseless deaths of several other Black Americans exposed the stark racial disparities in the US much like the coronavirus pandemic, but far more acutely. For the first time in decades, we are collectively reckoning with the deep-seated racism that infects every aspect of our society—from policing to healthcare, to education, jobs, law, religion, entertainment, and of course the environment. Communities and activists have transformed these deaths from moments of grief and outrage into a powerful movement for racial justice.

As millions take to the streets and brave the still raging pandemic, many institutions, including cities and other government bodies, have acknowledged the role that racism has historically played and continues to play in shaping their decisions. Some have even gone beyond issuing oblique commitments to justice and have begun to identify clear and effective steps to undo and rectify the harm of institutionalized racism.

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The institutionalized racism here in San Francisco cannot be overstated. It is at the root of most if not all of the racial disparities plaguing the city, many of which have already been discussed. For Bayview Hunters Point, one of the last communities of color in the city, the various obstacles the residents have faced—from failures to translate key development notices and documents into languages spoken by residents,[28] to ongoing scandals of the Hunter's Point shipyard testing and clean up,[29] to the decision to push ahead with the luxury residential development despite its significant and unavoidable health and environmental impacts—have all made it clear that racial equity has not been a priority in San Francisco for some time.

This is an unprecedented moment; the City and County of San Francisco can take the opportunity to ensure it ends up on the right side of history. Given the racial disparities outlined in this letter, it would run counter to this political moment to move forward with the proposed project, knowing the risks identified in the EIR are exacerbated by COVID-19. To reiterate, the supposed benefits of the project will not outweigh the projected burdens to an already overburdened community. Moreover, the India Basin project combined with the Shipyard project will add tens of thousands of mostly upper income residents to Bayview Hunters Point, resulting in the gentrification and ultimately displacement of long time residents and small community-owned businesses, and of one of the last communities of color in San Francisco. It would, to put it simply, be racially unjust to proceed with the project as approved.

IV. Request to the Mayor and Board of Supervisors:

Based on the above considerations, we ask that the Mayor, Board of Supervisors and Planning Commission provide the following remedies: (1) Offer feasible project alternatives or mitigation measures that are considerably different from those analyzed in the EIR such that they would lessen the health and environmental impacts of the project to *less than significant*; (2) open these project alternatives or mitigation measures up for public comment; (3) test the entire India Basin project area for radioactive and toxic contamination, with meaningful community oversight; (4) require much more extensive and proper testing and cleanup at the nearby Shipyard Superfund Site, with meaningful community oversight.

A. Need to confirm the extent of radioactive and toxic contamination at the proposed site.

The India Basin project must include a thorough testing, analysis, and summary of potentially radioactive and toxic contaminants before any use of the proposed site. The proposed project area is in close proximity to contaminated Superfund sites with radioactive and toxic contaminants. Initial data from the Hunters Point Community Biomonitoring Project suggests that shipyard contamination has likely migrated into nearby homes and businesses, and potentially sickening residents and workers.[30] As such, we request that all properties within the project area are thoroughly tested for radioactive contamination and remediated, with meaningful community oversight to assure the public that the proposed project will not threaten the health and safety of the community.

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Conclusion

In response to the disproportionate toll COVID-19 has had on Bayview Hunters Point and other communities of color, Director Davis of the Human Rights Commission said that the City and County of San Francisco "must acknowledge a need to shift how our city systems partner and collaborate with those most impacted to change outcomes, not just during this crisis—but moving forward." We agree. The coronavirus pandemic will eventually pass, but Bayview Hunters Point residents must live with the consequences of COVID-19 and its disparate effects caused by pollution and racial and economic inequity. Director Davis insisted that San Francisco's response "must also be rooted in **trusting the resilient communities most at-risk of exposure to the coronavirus to guide a community-led response**."[31] The Bayview Hunters Point Mothers and Fathers Committee, Greenaction, and the NLGSF also call upon the City and County of San Francisco to heed these words and trust the resilience of Bayview Hunters Point residents and allow them and other impacted communities to lead the way forward.

For all the above reasons, we ask you, Mayor Breed, Board of Supervisors, and the Planning Commission, to commit to working with the community to reduce the projected impacts to less than significant or rescind the approval of the India Basin Mixed-Use Project's commercial component. We support remediation and improvement of the Shoreline Park, but that park needs to be a safe and healthy place for residents—free from the harmful air pollution the Mixed-Use Project would cause. We ask for a response to our letter with your stated course of action within 30 days of receipt of this letter.

Sincerely,

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OFFICE OF THE MAYOR
SAN FRANCISCO

LONDON N. BREED
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sophia Kittler
RE: Street Vacation and Conveyance - India Basin Project
DATE: Tuesday, September 23, 2019

Ordinance ordering the vacation of streets in the India Basin Project site, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline; reserving temporary public utility and access rights in favor of the City and temporary easement rights for existing PG&E gas and overhead electrical facilities; authorizing the City to quitclaim its interest in approximately 3.8 acres within Earl Street, Hudson Avenue, and Arelious Walker Drive to India Basin Investment LLC; authorizing the City to transfer approximately 1.1 acres within Arelious Walker Drive, Hudson Avenue, Earl Street, and Galvez Avenue, to the State for purposes of having such property reconveyed to the City to be held by the Port, in trust, through implementation of the India Basin Public Trust Exchange; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this ordinance are consistent with the General Plan and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this ordinance, including transmittal of the ordinance by the Clerk of the Board of Supervisors to the Assessor Recorder for recording.

Please note that Supervisor Walton is a co-sponsor of this resolution.

Should you have any questions, please contact Sophia Kittler at 415-554-6153.

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