

# San Francisco Bay Conservation and Development Commission

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**TO:** Commissioners and Alternates

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**SUBJECT: Staff Report, Preliminary Recommendation and Environmental Assessment Concerning Proposed San Francisco Bay Plan Amendment No. 4-19 to Modify the Bay Plan Waterfront Park, Beach Priority Use Area Designation at India Basin in San Francisco**  
(For Commission consideration on October 3, 2019)

## Preliminary Staff Recommendation

The staff preliminarily recommends that the Commission amend the San Francisco Bay Plan Map 5 and San Francisco Waterfront Special Area Plan Map 7 by:

1. Removing the Waterfront Park, Beach Priority Use Area designation from 17.84 acres outside of the Commission's jurisdiction and 0.06 acres in the Commission's shoreline band jurisdiction, while retaining the designation on 11.6 acres within and outside the Commission's jurisdiction of the Applicant's total 29.5-acre project site at India Basin; and
2. Making necessary findings regarding environmental impacts outlined in the Environmental Assessment.

## Staff Report

**Reason for the Proposed Amendment.** Build, Inc./India Basin Investment, LLC (the Applicant) has applied to the Commission to amend the *San Francisco Bay Plan* (Bay Plan) Map 5 (see Figure 1) and *San Francisco Waterfront Special Area Plan* (SAP) Map 7 (see Figure 2) by modifying the Waterfront Park, Beach Priority Use Area (Park PUA) designation at India Basin. The Applicant proposes to develop 17.9 acres of privately-owned land outside the Commission's jurisdiction with residential, retail, commercial, office, institutional space, and recreational and art uses, which is referred to as the 700 Innes Avenue mixed-use development (700 Innes Avenue) (see Figure 3 for the 700 Innes Avenue site plan). India Basin Open Space (IBOS), an existing 6.2-acre property owned and operated by San Francisco Recreation and Parks Department, is located within BCDC's shoreline band jurisdiction, adjacent to 700 Innes Avenue (see Figure 4 for the IBOS site plan). The Applicant would add 3.6 acres of its property to the existing IBOS and would finance the



redevelopment of the existing and added park property with enhanced wetlands, a boardwalk, a beach, the Blue Greenway, and a continuation of the Bay Trail. Currently, the entire 29.5-acre project site is included in BCDC's Park PUA designation. The Applicant has applied to modify the inland boundary of the Park PUA to remove 17.9 acres of the project site from the Park PUA in order to construct the mixed-use development at 700 Innes Avenue. The remainder of the project site, including the expanded IBOS, totaling 11.6 acres, as well as the additional waterfront park in the adjacent India Basin Shoreline park and 900 Innes Avenue would remain designated as Park PUA. Figure 5 shows the proposed change in the boundary of the Park PUA at India Basin.<sup>1</sup> Amending the Bay Plan as requested would remove approximately 18 acres from Park PUA designation that is currently developed with industrial land uses and minimally improved grassy areas, and does not currently provide significant recreational value or waterfront access for India Basin residents or visitors. Removing the Park PUA designation from the property would enable a shift in land uses consistent with the City's General Plan and Zoning Map for the southeastern waterfront. Proposed development in the area would include mixed-use commercial and residential uses, public parkland owned by the Port and managed by RPD, and public access roads. As described further below, allowing construction of the mixed-use project outside of BCDC's jurisdiction will allow for improvements on, and long-term funding of, the remaining approximately 20.5 acres of waterfront park that will remain in the PUA in India Basin.

Pursuant to the Commission's authority under the McAteer-Petris Act and the Bay Plan, any development within Park PUAs in the Commission's permit jurisdiction must be consistent with the Bay Plan recreation policies that describe appropriate uses and other considerations for development and management of waterfront parks. Private residential and most commercial development within the plan area that is designated in the Bay Plan as Park PUA would be inconsistent with the Bay Plan recreation policies. Thus, to facilitate the development of the 700 Innes Mixed Use Project that will fund the adjacent waterfront parks, a Bay Plan amendment is required to remove that designation.

**Statutory and Policy Requirements.** Section 66602 of the McAteer-Petris Act states in part that, "certain water-oriented land uses along the bay shoreline are essential to the public welfare of the Bay Area, and that these uses include ports, water-related industries, airports, wildlife refuges, water-oriented recreation and public assembly, desalinization plants, upland dredged material disposal sites and power plants requiring large amounts of water for cooling purposes; that the San Francisco Bay Plan should make provisions for adequate and suitable locations for all these uses, thereby minimizing the necessity for future bay fill to create new sites for these uses..."

Bay Plan maps are an integral part of the Bay Plan and they show how to apply Bay Plan policies to specific areas. The maps also identify the shoreline PUAs, which reserve shoreline areas for water-oriented uses to minimize the need to fill the Bay in the future for such uses. Section 66652 of the McAteer-Petris Act states, in part, that, "the Commission at any time may amend, or repeal and adopt a new form of, all or any part of the San Francisco Bay Plan but such changes shall be

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<sup>1</sup> The project includes 17.9 acres of private land, plus 7.8 acres of the CCSF-owned IBOS, plus the 3.6 acres of private lands that will to be added to IBOS, plus 0.22 Acres of 900 Innes- Griffith Street, which will also be added to IBOS as a part of the separate 900 Innes Avenue project, for a total project site of 29.52 acres.

consistent with the findings and declarations of policy contained in this title. Such changes shall be made by resolution of the commission adopted after public hearing on proposed change, of which adequate descriptive notice shall be given...If the proposed change pertains only to a map or diagram contained in the San Francisco Bay Plan, the resolution adopting the change shall not be voted on less than 30 days following notice of hearing on the proposed change, except that changes proposed under Section 66611 shall not be voted on less than 90 days following such notice, and shall, except as provided by Section 66611, require the affirmative vote of the majority of the commission members.”

McAteer-Petris Act Section 66611 required to Commission, by no later than December 1, 1971, to adopt “a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602.” Section 66611 further provides that the Commission “may change such boundaries in the manner provided by Section 66652 for San Francisco Bay Plan maps. Such changes will become effective only if authorized by an affirmative vote of two-thirds of the commission’s members and, where the change involves a reduction or elimination of a priority use area which has been so designated because of contemplated acquisition necessary to implement the priority use, upon a finding that there is no substantial probability that a public agency will be committed to acquiring the area within a three-year period following the year in which such finding is made.” On November 18, 1971, the Commission adopted Resolution 16, pursuant to Section 66611, establishing within the shoreline band the boundaries of the water-oriented priority use areas designated in the San Francisco Bay Plan, including the India Basin (Recreation) PUA. The Commission has amended Resolution 16 through January 19, 2012.

In this situation, where most of the area to be removed from the PUA is inland of BCDC’s shoreline band jurisdiction, a PUA designation is advisory only and the provisions of Section 66611 do not apply. McAteer-Petris Act Section 66653 state that “[i]f a function or activity is outside the area of the Commission’s jurisdiction, or does not require the provisions of a permit, any provision of the [Bay Plan (including Bay Plan maps)] pertaining thereto are advisory only.” As shown in Bay Plan Map 5, the Park PUA at India Basin extends inland of the Bay shoreline to Innes Avenue (Figure 1). With the exception of 0.06 acres, the proposed amendment would not modify the Park PUA within BCDC’s jurisdiction, and would not affect Bay Plan policies. The amendment would be processed in a manner consistent with the requirements of Section 66652 of the McAteer-Petris Act quoted above and the Commission’s regulations.

**Summary of Proposed Amendment.** The proposed Bay Plan amendment of the Park PUA at India Basin would remove 17.9 acres from the designation, representing the portion of the proposed 700 Innes Avenue mixed-use development that has been zoned light industrial since 1985 and is currently developed with vacant land, and some industrial land uses (Figure 5). The majority of the site is vacant and unimproved. The proposed amendment to Bay Plan Map 5 would generally bring the Park PUA boundary into conformance with the City and County of San Francisco’s (CCSF) Planning Code and Zoning Map (see Figure 6, Land Use Plan, reflecting updated CCSF Zoning). The Park PUA designation would remain on the existing IBOS property along the Bay shoreline, which

would be redeveloped with enhanced wetlands, a boardwalk, a beach, a continuation of the Blue Greenway, and an extension of the Bay Trail, and would be expanded to include the adjacent 3.6-acre portion of the 700 Innes property that would be developed for recreational and open space uses, totaling 11.6 acres of the 29.5-acre project site.

**Background.** The India Basin Park PUA was designated in the original Bay Plan adopted in January 1969. The India Basin PUA boundary as shown on the original Bay Plan Map 10 extended some distance inland beyond what was established as BCDC's 100-foot shoreline band jurisdiction by amendments to the McAteer-Petris Act enacted later in 1969. As noted above, the Commission adopted Resolution 16 on November 18, 1971, establishing within the shoreline band the boundaries of the water-oriented priority use areas designated in the San Francisco Bay Plan, including the India Basin (Recreation) PUA. Commission Resolution No. 16 describes the southern boundary of the Park PUA at India Basin as "a line perpendicular to the shoreline 1,100 feet west of the U.S. Naval Recreation boundary (Earl Street) and 400 feet north of the north line of Innes Avenue," and the north boundary as "a line parallel to and 950 feet southeasterly of the southeast line of Jennings Street." The India Basin PUA apparently was later enlarged in conjunction with the adoption or subsequent amendment of the San Francisco Waterfront Special Area Plan; however, no further changes were made to the boundaries of the PUA within the shoreline band pursuant to McAteer-Petris Act Section 66611 or Commission Resolution 16. Current Bay Plan Map 5 shows the Park PUA at India Basin extending inland from the bay shoreline, consistent with the boundaries described Commission Resolution 16, to Innes Avenue.

In the meeting minutes from the public hearing for the original Bay Plan maps in 1971, staff stated that "parks recommended in the Bay Plan were generally those recommended either by local governments, or by a citizens' organization..., or by both local governments and the citizens' group." Kay Kerr of the Save San Francisco Bay Association commented that she would "like to see [BCDC] go for broke and show all possible wildlife and park areas, and worry about acquisition later."

While PUA designations are generally established based on local government recommendations, the India Basin designation has a complicated history. As far back as 1971, CCSF had requested to have the PUA designation in India Basin altered to match BCDC's jurisdictional line. In advance of Commission approval of Resolution No. 16 in 1971, CCSF staff submitted comments to BCDC staff expressing concern that the proposed PUA boundaries extended beyond BCDC's 100-foot shoreline band jurisdiction. They requested that the plan maps reflect "the actual extent of BCDC's limited jurisdiction," but stated that they had "no quarrel with BCDC acting in an advisory capacity in those appropriate situations where [BCDC] staff's expertise will serve the local agencies having jurisdiction over land use which is more than 100 feet from the shoreline." Figures in CCSF's 1970 *Master plan amendment for the South Bayshore District* show India Basin designated for "park / recreation / planted," reflecting the Park PUA designation on Bay Plan Map 5 (see Figure 7 from the South Bayshore Plan, 1970).

In 1985, a letter from CCSF staff to BCDC staff states that the Planning Department had received an application to subdivide and develop the privately-owned site at India Basin, the shoreline of which was identified for proposed public open space in the Recreation and Open Space Element (ROSE) of CCSF's Master Plan (see Figure 8 from the ROSE). CCSF staff stated that the owner "appears willing to devote the 100 foot-wide shoreline strip, which is not already in public ownership as open space."

CCSF records show that in 1985, the East India Basin Business Park subdivision was approved, and corresponding amendments to the General Plan and Zoning Map were approved in 1986, which changed the zoning of the area outside of BCDC's jurisdiction to allow construction of an industrial park. The project profile states that the project would subdivide the undeveloped 22-acre site for the East India Basin Business Park and create public shoreline park after a six-lot split, which would be rezoned for public park use. The record states that the project required a Master Plan amendment, rezoning, street vacation, transfer of property to City for creation of public park, subdivision approval, and General Plan referrals. While suggestions were made at this time that BCDC revise the boundary of the PUA, the project proposed at the time stalled and no changes were made to the PUA boundary.

In 2008, BCDC staff inquired if the City of San Francisco intended to purchase the property comprising the 700 Innes Avenue site and build a waterfront park extending from the shoreline to Innes Avenue. In response, City staff confirmed that the zoning designation for the site was light industrial, as reflected in the City's General Plan in effect in 2008.

In 2014, the Applicant applied for local entitlement approval for the proposed mixed-use development at 700 Innes Avenue and to construct park improvements on the IBOS and sponsored preparation of an Environmental Impact Report (EIR) for all projects proposed within India Basin, including the 700 Innes Mixed Use, and three waterfront parks. Specifically, the CCSF prepared an EIR to identify and analyze the potential environmental impacts of both the Applicant's proposed project (700 Innes Avenue and IBOS) and two separate projects (900 Innes and the India Basin Shoreline Park) proposed by the City's Recreation and Parks Department (RPD) to improve 8.98 acres of publicly owned property along the shoreline immediately adjacent to and north of the Applicant's project site, referred to as the 900 Innes Avenue property, as well as improvements to the existing India Basin Shoreline Park, farther north<sup>2</sup> (see Figure 9 for a map of the three projects). Construction of the projects will result in approximately 20.5 acres of improved and maintained waterfront park within the India Basin PUA. In November 2018, after the Planning Commission certified the Final Environmental Impact Report (EIR) and approved the project, the Board of Supervisors approved amendments to the City of San Francisco's General Plan, the Planning Code, and the Zoning Map to change the zoning designation of those properties located within the IBOS property as "public," and a portion of the 700 Innes Avenue property was rezoned from "light industrial" to the "India Basin Special Use District (SUD)."

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<sup>2</sup> The EIR refers to both projects, collectively, as the India Basin Mixed-Use Project.

According to the EIR prepared by the City and County of San Francisco, the intention of forming a SUD is to establish land use controls that are tailored to be appropriate for the proposed projects. The SUD sets new standards for height, bulk, setback, circulation, and other applicable design controls that are consistent with the residential, commercial, and recreational uses that are proposed at 700 Innes Avenue. Establishing a SUD will help ensure that a project is planned and designed considering the surrounding land uses, while providing improvements that enhance the neighborhood.

As described in the EIR, historically, the Bayview Hunters Point neighborhood has been the location of the City's heaviest industries and its greatest concentration of public housing, supporting the area's highest population of low-income residents. The three largest public housing developments in the area, Hunters Point East/West, Westbrook, and Hunters View, are located in the project vicinity.

CalEnviroScreen 3.0 is a screening tool that ranks California communities based on potential exposure to pollutants, adverse environmental conditions, socioeconomic factors and prevalence of certain health conditions. CalEnviroScreen ranks Bayview Hunters Point in the 90% percentile, which means that Bayview Hunters Point has a higher pollution burden and pollution vulnerability than 90% of California.<sup>3</sup>

Starting in December 2013, the Applicant worked with neighbors and Bayview community groups, holding, or presenting, at over 150 community meetings to ensure that the proposed project reflects the communities' needs and desires. Below is an overview of the topics discussed with the community, including some of the ways Build incorporated community input into the design of 700 Innes Avenue and IBOS. Some of the key outcomes of those meetings included an expressed desire for comprehensive planning to create a viable community that is well connected to the greater neighborhood; to foster economic success by establishing buffer zones between conflicting land uses, by developing hubs of community activity and neighborhood-serving retail for residents and local visitors, and by creating jobs and establishing a 300-foot wide Shoreline Zone Overlay to protect the natural environment while creating business and recreational opportunities; to finance transportation improvements by building a new Class I bikeway, boardwalk, and other infrastructure improvements to create transportation options, and to enhance safety for cars, pedestrians, and cyclists; and to promote recreational opportunities by creating a shoreline park that combines healthy active and passive recreation uses.

The Applicant worked closely with the India Basin Neighborhood Association (IBNA) by regularly presenting updates to the IBNA members and creating the India Basin Work Group (IBWG), which discussed building heights, overall site plan, and open space/shoreline design and incorporated community input on these project components into the site plan for IBOS and 700 Innes Avenue. The Applicant also formed another community-based group – the Bayview Working Group (BVWG) - to ensure that the needs and interests of the broader community were met. Topics of discussion ranged from site accessibility to transportation and community benefits, and resulted in the Applicant including the following community benefits into the project: an on-site 3,000 square-foot

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<sup>3</sup> CalEnviroScreen 3.0 Data Map, <https://arcg.is/qim5X>

childcare facility; transportation fee of \$4.82 per residential gross square foot (GSF) and \$16.71 per commercial GSF to support public transportation in addition to streetscape improvements along Innes Avenue and building a new street grid at India Basin; school and utility connection fees per code at time of assessment; 25% affordable housing; and space at the future Public Market for local vendors and artisans to start and grow businesses.

## Staff Analysis

**Priority Use Area Designation.** In response to the McAteer-Petris Act requirement that suitable shoreline areas be set aside for certain water-oriented uses, including water-oriented recreation and public assembly, the Commission, working with local, regional, state and federal agencies, identified existing and potential sites around the Bay shoreline for park and recreation use. In 1969, in the original San Francisco Bay Plan, the Commission designated India Basin in San Francisco, including but not limited to, the Applicant's project site for Park PUA. In 1971, the Commission established within the shoreline band the boundaries of the Indian Basin PUA, and all other PUAs designated in the Bay Plan. If the Commission approves the proposed amendment, there will be an 18-acre net reduction of the area now designated in the Bay Plan for Park PUA in the Bayview-Hunter's Point neighborhood of San Francisco. However, the acreage would be taken from the inland boundary of the PUA at India Basin, and, as noted above, inland of the shoreline band, the PUA designation is advisory only.

Prior to reducing or eliminating a PUA within the shoreline band that had been designated because of contemplated acquisition necessary to implement the priority use, Section 66611 of the McAteer-Petris Act directs the Commission to first make a finding that there is no substantial probability that a public agency will be committed to acquiring the PUA within a three-year period commencing January 1 of the year following the year in which such a finding was made. This provision of Section 66611 applies only to the 0.06 acres of the India PUA within the shoreline band that the Applicant has requested be removed from the PUA; this provision does not apply the remaining 17.84 acres outside the Commission jurisdiction that the Applicant has requested be removed from the PUA. In any event, in 2008, BCDC staff inquired if CCSF intended to purchase the property at 700 Innes Avenue and to build a waterfront park extending inland from the shoreline to Innes Avenue. In response, City staff confirmed that "the map correctly reflected the existing zoning." The City's General Plan, in effect in 2008, showed an open space designation approximately following BCDC's 100-foot shoreline band, which was and is owned and operated by RPD as IBOS, but the interior of the site was zoned for "light industrial" uses. In addition, as noted above, in November 2018, the CCSF approved the Applicant's project, including the proposed mixed-use development at 700 Innes Avenue on a portion of the Park PUA. CCSF has designated the site for development and does not intend to acquire it for park use. No other public agency has indicated that it is committed to purchase the property, and the site owner is not interested in selling the property.

Moreover, with the exception of 0.06 acres or 2,500 square feet, no waterfront area within the Commission's jurisdiction would be removed from the Park PUA (see Figure 5). The Park PUA designation would remain on approximately 11.6 acres of the project site, including the 7.8-acre IBOS property and the adjacent 3.6-acre portion of the 700 Innes Ave property that would be developed for recreational and open space uses.

The proposed Bay Plan amendment would facilitate the expansion and enhancement of the existing IBOS, the development of new open space at 900 Innes Avenue, and the enhancement of the existing India Basin Shoreline Park, all designed to enhance public access to the Bay and shoreline. The 700 Innes Avenue mixed-use development will create a permanent Community Facilities District that would generate necessary funding to ensure management and operations in perpetuity of these three waterfront parks at India Basin. The reconfiguration and other improvements associated with 700 Innes Avenue also will facilitate the construction of Bay Trail linkages and providing connections to large portions of the San Francisco shoreline. This new shoreline network would extend the Blue Greenway—a portion of the San Francisco Bay Trail that will ultimately connect to the Embarcadero to the north, and to Candlestick Point to the south—and would provide pedestrian and bicycle connections to and along the shoreline. Without this funding assistance, the Applicant would not be able to improve and expand recreational and public access opportunities at IBOS and thereby, increase public benefits. Thus, staff believes proposed the Bay Plan amendment is consistent with Section 66602 of the McAteer-Petris Act because it will facilitate funding for improvements within the Park PUA that will increase and improve water-oriented recreation along the Bay shoreline. The staff believes that the proposed amendment is consistent with Section 66611 and 66652 of the McAteer-Petris Act because there is no substantial probability that a public agency will be committed to acquiring the property within the Commission’s shoreline band jurisdiction within the next three years.

For these reasons, the staff preliminarily recommends the Commission amend the San Francisco Bay Plan by modifying the Park PUA designation at India Basin in San Francisco and revising Bay Plan Map 5 and SAP Map 7, as shown on the following attachments:

**Figure 1** – Approximate 18-acre area at India Basin proposed to be removed from Park PUA designation on Bay Plan Map 5.

**Figure 2** – Approximate 18-acre area at India Basin proposed to be removed from Park PUA designation on SAP Map 7.

**Figure 5** – Detail of the approximate 18-acre area at India Basin proposed to be removed from waterfront park priority use area.

## Environmental Assessment

**Project Description.** The proposed project for purposes of this environmental assessment is the removal of the Park PUA designation on approximately 17.9 acres of the Applicant’s project site, as shown on Bay Plan Map 5 and SF Waterfront SAP Map 7 (Figures 1 and 2). Removal of the Park PUA designation on these maps, in and of itself, will not result in any direct adverse effects on the environment. Approval of the application to remove the Park PUA, as requested, supports the Applicant’s proposal to construct a mixed-use development at 700 Innes Avenue and associated redevelopment of the adjacent IBOS property, which CCSF has approved. (Figures 3 and 4) Moreover, the Applicant intends to apply to the Commission for a BCDC permit to authorize those portions of the proposed project in the Commission’s Bay and shoreline band jurisdiction.

However, with the exception of 0.06 acres or 2,500 square feet, the area proposed for deletion from the PUA is outside of the Commission’s permit jurisdiction and so the designation is advisory. (Figure 5)

The 700 Innes Avenue component of the Applicant’s project would include a residentially-oriented mixed-use development with approximately 1,575 dwelling units (up to 1,506,324 square feet of residential space), 209,106 square feet of commercial space, and up to 1,800 parking spaces. The development would also include recreation and open space facilities in areas that would remain within the Park PUA. The Applicant would develop 17.9 acres of privately-owned land with residential, retail, commercial, office, institutional, flex space (space that can be used for small local retail or office and residents), and recreational and art uses. The Applicant would also redevelop 11.6 acres of RPD property along the shoreline, adjacent to privately owned land, into enhanced wetlands, a boardwalk, a beach, and trail system.

**Table: Summary of Approved Project**

<b>Features</b>	<b>Approved Project</b>
Residential Space (# of units)	1,506,100 gsf (1,575 units)
Commercial Space – retail, office and R&D	209,196 gsf
Institutional / Educational Space	0 gsf
Parking Space (# of spaces)	679,900 gsf (up to 1,800 spaces)
Publicly Accessible Recreation / Open Space (# of acres) <sup>4</sup>	1,067,220 sq ft (24.5 acres)
<b>Total Space</b>	3,462,550 gsf
Building Height (# of floors)	160 feet (14 floors)
Building Footprint (# of acres)	422,532 gsf (9.7 acres)
# of bike spaces	1,575 spaces

Note: gsf = gross square feet; sq. ft. = square feet

Source: Project EIR, Response to Comments section

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<sup>4</sup> These acreages reflect the four projects addressed in the EIR: India Basin Shoreline Park, 900 Innes Avenue, 700 Innes Avenue, and IBOS.

**Proposed Bay Plan Amendment.** The proposed amendment would modify the inland boundary of the Park PUA consistent with the City’s approval of the Applicant’s project, particularly the component involving the proposed mixed-use development at 700 Innes Avenue, by removing the PUA designation from an approximately 18-acre area of the project site (Figures 1 and 2), the majority of which is currently an unimproved grassy area. The Park PUA designation would remain on approximately 11.6 acres of the project site, including the IBOS property and the adjacent 3.6-acre portion of the 700 Innes Avenue property that would be developed for recreational and open space uses (Figure 5).

**Environmental Review under the McAteer-Petris Act.** BCDC’s planning and permitting programs under the McAteer-Petris Act are, as a result of having been certified as a Certified State Regulatory Program pursuant to section 21080.5 of the California Environmental Quality Act (CEQA) and CEQA Guidelines section 15251(h) (14 CCR § 15251(h)), exempt from the CEQA requirements to prepare an environmental impact report (EIR), mitigated negative declaration, negative declaration, or initial study. Instead, BCDC’s regulations provide for preparation of an Environmental Assessment, which is considered the “functional equivalent” of an EIR (14 CCR §11521). An Environmental Assessment is required to be part of the staff planning report prepared and distributed prior to amending the Bay Plan. The Environmental Assessment must either: (1) state that the proposed amendment will have no significant adverse environmental impacts; or (2) describe the significant adverse environmental effects, the public benefits of the proposed amendments, any feasible mitigation measures that would lessen the significant adverse environmental impacts, and any feasible alternatives (*Id.* § 11003(b)(6)).

In this case, the proposed amendment is a map change, which supports, but is not necessary for the Applicant’s proposed mixed-use development at the 700 Innes Avenue property, which has been approved by CCSF. The proposed Bay Plan map change would modify the inland boundary of the Park PUA at India Basin to make the boundary consistent with the City and County of San Francisco’s zoning, which has been in effect since approximately 1985. The environmental impacts of the Applicant’s proposed project, including the mixed-use development at the 700 Innes Avenue property and redevelopment of the IBOS property have been assessed in the “India Basin Mixed-Use Project Environmental Impact Report” (EIR), for which the Notice of Determination was issued on November 8, 2018 (State Clearinghouse No. 2016062003).<sup>5</sup>

The EIR analyzed and disclosed the project’s potentially significant adverse environmental impacts, and identified feasible mitigation measures to avoid or minimize those impacts. The EIR considered the particular impacts that would occur in the area of the map change proposed in the Bay Plan amendment and the development that would occur in the areas covered by the amendment, within the context of the overall proposed mixed-use development at the 700 Innes Avenue

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<sup>5</sup> As noted above, the EIR also identifies and analyzes the potential effects of two separate projects proposed by the CCSF Recreation and Parks Department, to improve 8.98 acres of publicly owned property along the India Basin shoreline, immediately north of the Applicant’s project, referred to as the 900 Innes Avenue property and India Basin Shoreline Park.

property. Supplemental analysis is provided in this EA, where necessary, to differentiate the impacts within the area of the amendment from those of the proposed mixed-use development as a whole or to provide additional information for the Commission.

**Finding of No Substantial Environmental Impact.** The EA as informed by the EIR finds that no substantial environmental impacts are directly created by the map change in the proposed Bay Plan amendment. However, the EIR identifies significant secondary or indirect adverse impacts from the Applicant's overall project, including both the proposed mixed-use development at the 700 Innes Avenue property and redevelopment of the IBOS property, related to traffic, air quality, and noise, which are summarized in this EA. These impacts and associated mitigation measures are summarized in the "Impacts of Proposed Bay Plan Amendment" section below. Although the EIR found that some of the adverse impacts of the overall project were significant and unavoidable, the City concluded that the project had overriding considerations consisting of significant public benefits that contribute to the revitalization of the southeastern San Francisco waterfront. These public benefits are discussed in the section below.

**Public Benefits of the Proposed Amendment and Redevelopment Project.** The Applicant, in coordination with the Port and City Recreation and Parks Department (RPD), has made significant financial, logistical, and managerial contributions to planning efforts in the larger India Basin area. Specifically, the Applicant commissioned the Waterfront Parks and Trails Vision Plan, an ongoing effort to coordinate the network of shoreline parks from the Port-owned Heron's Head park to FivePoint's Northside Park, south of the project site, and including PG&E's shoreline band, RPD's India Basin Shoreline Park, 900 Innes Avenue, and IBOS. The Applicant sponsored the California Environmental Quality Act (CEQA) process for the India Basin Mixed-Use Project, which addressed construction at three waterfront parks at India Basin, including enhancing the existing India Basin Shoreline Park (approximately 5.6 acres), remediating and developing park facilities at 900 Innes Avenue (approximately 2.4 acres), and adjacent public rights-of-way (1.58 acres), and enhancing and expanding the existing IBOS (approximately 6.2 acres), in addition to the 700 Innes Avenue mixed-use development (see Figure 9 for a map of these three projects). Portions of the 700 Innes Avenue property, including areas currently owned by the Applicant, will be granted to the public trust under the Port's ownership and RPD's management, and incorporated into the park proposed as part of the IBOS property. In addition to funding design, permitting, and construction of the IBOS improvements and redevelopment, the 700 Innes Avenue mixed-use development will create a permanent Community Facilities District that would generate necessary funding to provide enhanced maintenance and public operations in perpetuity for the waterfront parks at India Basin.

The IBOS improvements will include a variety of public access and open space areas, including: a trail network, vista points, a recreational beach, a human-powered boat launch, a variety of gathering spaces with picnic tables, benches, and other amenities, stormwater treatment basins, and new and preserved wetland habitat. The IBOS improvements would also reconfigure and improve the Bay Trail at India Basin, providing new linkages and connections to recreation sites, residential neighborhoods, and commercial areas. The IBOS improvements and 700 Innes Avenue mixed-use development would also include reconfigured public streets, and a network of

secondary paths and trails that would provide a variety of trail experiences (see Figures 3 and 4 for site plans). The Applicant's project improvements would include a total of about 24.5 acres of open space throughout all projects within India Basin, some of which would be located on the 700 Innes Avenue property.

**Impacts of the Proposed Bay Plan Amendment.** The EIR states that Bay Plan Map 5 and the San Francisco Waterfront Special Area Plan Map 7 would need to be amended to allow for the commercial and residential uses proposed for 700 Innes Avenue. The document analyzes the potential impacts related to land use policies, including the Bay Plan, and concludes that impacts "related to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant" and concluded that "no mitigation measures are necessary."<sup>6</sup>

While the proposed Bay Plan amendment would not cause significant impacts, the San Francisco Planning Commission and Board of Supervisors (BOS) determined that the India Basin Mixed-Use Project (including 700 Innes Avenue, IBOS, 900 Innes Avenue, and India Basin Shoreline Park) will have a significant effect on the environment and findings were made pursuant to Section 15091 and 15093. In October 2018, the BOS adopted a statement of overriding considerations before certifying the Final EIR. Mitigation measures were required as a condition of approval by the Planning Commission, and a Mitigation Monitoring and Reporting Program was adopted.

**Land Use.** Amending the Bay Plan as requested would remove approximately 18 acres from Park PUA designation that is currently developed with industrial land uses and minimally improved grassy areas, and therefore does not currently provide significant recreational value or waterfront access for India Basin residents or visitors. Removing the Park PUA designation from the property would enable a shift in land uses consistent with the City's General Plan and Zoning Map for the southeastern waterfront. Proposed development in the area would include mixed-use commercial and residential uses, public parkland owned by the Port and managed by RPD, and public access roads.

The proposed park reconfiguration would improve the land use pattern at India Basin by adding land to the park that will allow the enhancement and expansion of a narrow strip along the shoreline, increasing the recreational value of those lands. The proposed amendment, in the context of the reconfiguration, would, overall, provide a benefit to park and recreational land use patterns. The Park PUA designation would remain on approximately 11.6 acres of the project site, including the IBOS property and the adjacent 3.6-acre portion of the 700 Innes Avenue property that would be developed for recreational and open space uses (Figure 5). Including the RPD projects, there would be a total of 24.5 acres of open space within India Basin.

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<sup>6</sup> India Basin Mixed-use Development Project FEIR, San Francisco 2017, page 3-10.

The City and County of San Francisco resolved any inconsistencies between those jurisdictions' preexisting land use plans and the project, including the lands subject to the proposed amendment. Similarly, the proposed amendment would resolve potential inconsistencies between the project and the Bay Plan. The EIR concluded that the project would not contribute to any cumulative impacts related to land use.

**Public Trust.** As described in the EIR, portions of the project site are subject to the Public Trust and other portions could be subject to a claim that the Public Trust applies. The public benefits afforded by the Public Trust include the public's right to commerce, navigation, and fisheries, and have become more broadly associated with recreational access and preservation of natural resources along the shoreline.

To the extent a Public Trust claim could be asserted on any land proposed for residential and commercial uses for the proposed 700 Innes Avenue mixed-use development, which land would be privately owned and would not directly support public access to the shoreline, these uses may be inconsistent with the Public Trust. The Applicant is in the process of negotiating a Trust Settlement and Exchange Agreement with the California State Lands Commission (CSLC), SF Port, and CCSF that would resolve any potential Public Trust claims.

Specifically, the Trust Settlement and Exchange Agreement will relocate, reorganize, and/or consolidate designated portions of the project site that are or may be subject to a Public Trust claim. Public Trust claims would be removed from the developable portions of the project area that would be used for residential and commercial use, and instead the public trust would become applicable to lands not currently subject to the Public Trust that are adjacent to the waterfront. These lands would be permanently dedicated to public access, open space, and other Public Trust uses.

The Trust Settlement and Exchange Agreement will be approved between the Applicant, CSLC, CCSF and SF Port. In addition, SF Port and RPD would enter into a long-term memorandum of agreement for RPD to manage the open space area subject to the public trust. Establishing a Trust Settlement and Exchange Agreement will resolve any potential inconsistency with the Public Trust.

**Recreation and Public Access.** In approving Bay Plan Amendment No. 2-06 in 2006, which amended the Bay Plan's recreation policies, the Commission concluded that additional waterfront recreational opportunities are needed to meet regional need. Waterfront parks, including those currently designated in the Bay Plan and those purchased and developed for park use, but not designated, comprise about 25,000 acres of regional supply, or slightly less than four percent of the total park acreage in the region. With greater population concentrations near the shoreline, the demand for useable, accessible waterfront parks will dramatically increase. Based on emerging trends, participation in water-oriented recreation of all types can be expected to grow in the coming years.

The proposed Bay Plan amendment would facilitate the expansion of the existing IBOS, the development of new open space at 900 Innes Avenue, and the enhancement of the existing India Basin Shoreline Park, all designed to enhance public access to the Bay and shoreline. 700 Innes Avenue will create a permanent Community Facilities District that would generate necessary funding to provide enhanced maintenance and public operations in perpetuity of waterfront parks at India Basin. The reconfiguration and other improvements associated with 700 Innes Avenue also will facilitate the construction of Bay Trail linkages and providing connections to large portions of the San Francisco shoreline. This new shoreline network would extend the Blue Greenway—a portion of the San Francisco Bay Trail (Bay Trail) that will ultimately connect the Embarcadero to the north, and to Candlestick Point to the south—and would provide pedestrian and bicycle connections to and along the shoreline, fronting the Bay. Without this funding assistance, RPD would not be able to improve and expand recreational and public access opportunities at the IBOS property, and thereby increase public benefits. Thus, the EIR concluded that the Applicant's project, including the mixed-use development of the lands subject to the proposed amendment, would not contribute to any significant cumulative adverse impact related to recreation.

**Appearance Design and Scenic Views.** The land to be removed from the Park PUA presently contains substantial undeveloped land containing non-native grasses, and does not offer any special aesthetic features. It does provide users on Innes Avenue with some views of the Bay; however, this portion of the project site is the furthest from the shoreline. Bay views will remain available from IBOS, which would be improved and made more accessible to the public through the funding from 700 Innes Avenue. The 3.6 acres of land to be added to IBOS will increase public access to an area on the shoreline that features expansive views of the Bay.

Mixed-use development of the currently generally vacant area to be removed from the Park PUA would increase lighting and nighttime glare. EIR Mitigation Measures M-AE-3 will provide development standards, such as a requirement that landscape illumination and exterior lighting be correctly focused with shielded fixtures to ensure that such impacts are reduced to a less than significant level.

Further analysis will be conducted through the review of the BCDC permit for this project. However, the EIR concluded that the project as a whole, including the development of the lands subject to the proposed Bay Plan amendment, in combination with reasonably foreseeable future projects, will not have significant adverse cumulative impact with regard to scenic vistas, visual character, or light and glare.

**Air Quality.** The 700 Innes Avenue mixed-use development and the IBOS redevelopment would entail construction air quality sources, as well as operational air quality sources. Construction at IBOS would generate emissions of criteria air pollutants during grading, building construction, paving, and architectural coating. The primary source of emissions during construction would be exhaust from mobile equipment. Construction at the 700 Innes Avenue property would generate emissions of criteria air pollutants during grading, excavation, and construction. The primary source of emissions during construction would be exhaust from mobile equipment, including off-road equipment and hauling trips during the demolition and grading phases.

The project site is located in an area with nearby sensitive receptors. In addition, the proposed project would develop residential land uses that would be considered sensitive receptors. The EIR concluded that construction-related emissions could expose nearby sensitive receptors to substantial pollutant concentrations. After buildout of the 700 Innes Avenue mixed-use development, air pollutant emissions generated during day-to-day activities could expose nearby sensitive receptors to substantial pollutant concentrations. The greatest potential risk would come from diesel particulate matter (PM) emissions generated by operation of heavy equipment during construction and brake and tire wear from increased vehicle traffic during operations. Off-road diesel equipment used for clearing and grading, materials handling and installation, and other construction activities would generate diesel PM emissions.

The EIR concludes that the project would have significant and unavoidable impacts to air quality, specifically that the project would generate emissions of criteria pollutants and precursors during construction and operations 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, and that the project would generate emissions that could expose sensitive receptors to substantial pollutant concentrations. Mitigation Measure M-AQ-1a-f requires the minimization of off-road and on-road construction equipment emissions, utilization of best available control technology for in-water construction and diesel generators, offsetting emissions for construction and operational ozone (NO<sub>x</sub> and ROG) emissions, and preparing and implementing transportation demand management. The proposed project, in combination with past, present and reasonably foreseeable future development in the project area, would contribute to cumulative regional air quality impacts and to the cumulative health risk impacts on sensitive receptors.

**Biological Resources.** The entire IBOS property and much of the land at the 700 Innes Avenue property were created using fill. Habitat communities on the IBOS and 700 Innes Avenue properties consist of open water, tidal marsh, seasonal wetland, wetland swale, native coastal scrub, beach, and landscaped areas. However, the majority of the project site is characterized as “disturbed infill.”

The EIR states that the IBOS property consists primarily of mixed landscaping onshore, as well as tidal marsh and open water offshore. As at India Basin Shoreline Park, tidal marsh is dominated by saltgrass, alkali sea-heath, marsh jaumea, and pickleweed. Species present in the mixed landscaping are the same as those described for the India Basin Shoreline Park property. In between portions of mixed landscaping, the IBOS property contains a more diverse mosaic of habitat types than the other project site properties, with small areas of native coastal scrub, sand, and beach habitats. Vegetation in the coastal scrub communities and along the edges of sand and beach habitats consists predominantly of yellow bush lupine (*Lupinus arboreus*), silver bush lupine (*L. albifrons* var. *albifrons*), telegraph weed (*Heterotheca grandiflora*), and arroyo willow (*Salix lasiolepis*). Six arroyo willows are present on the IBOS property.

A total of 35 special-status plant species documented in the vicinity have the potential to occur within coastal scrub and/or sand dune habitat. However, these 35 special-status plant species are unlikely to occur on this project site property. The remaining nine species were determined to have no potential to occur on the IBOS property. No special-status plant species have a moderate or high

potential to occur. As stated previously, the IBOS property is unlikely to support any of the special-status plant species documented in the vicinity, primarily because of a lack of suitable habitat. Tidal marsh along the shore of the IBOS property may provide suitable foraging habitat for Alameda song sparrow; however, tidal marsh in this area does not contain vegetation of suitable height or density to provide nesting habitat.

Twenty-three terrestrial special-status species of wildlife have been recorded in the vicinity of the project site. No special-status wildlife species were observed on the project site during the site assessment. None of the special-status wildlife species have high potential to occur at the site; however, two species, Ridgway's rail (*Rallus obsoletus*) and Alameda (South Bay) song sparrow (*Melospiza melodia pusillula*), have a moderate potential to occur at the project site.

The 700 Innes Avenue property consists primarily of disturbed infill and developed land. Scattered throughout the property, especially along the edges, are mixed and maintained landscaping, seasonal wetland, wetland swale, open water, native coastal scrub, and human-made water features. Species present in landscaped areas and coastal scrub communities are similar to those described above for the IBOS Property.

Construction at the 700 Innes Avenue property under the proposed project or variant would result in the permanent removal of approximately 0.26 acre of seasonal wetland, 0.04 acre of wetland swale, and 0.01 acre of waters (ponded area located on disturbed infill and a linear drainage ditch). A small portion of work would occur in the Bay for the removal of the pier and piles, which would replace 0.03 acre of developed open waters with open water habitat. No removal of tidal marsh would occur at this property.

A minimum 0.3-acre tidal marsh would be restored as improved tidal marsh wetlands. In addition, a minimum 0.48-acre freshwater seasonal wetland would 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.

The EIR concludes that the project's potential impacts to special status species would be less than significant with the preparation and implementation of a hydroacoustic monitoring program for special-status fish and marine mammals, with the implementation of avoidance and minimization measures for special-status species, with the preparation and implementation of a vegetation restoration plan and compensatory mitigation, and with the avoidance of Ridgway's Rail habitat during the nesting season (Mitigation Measures M-BI-1a-d). Mitigation Measure M-BI-e requires that nests are avoided during bird nesting season. However, the proposed 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.

**Hydrology and Water Quality.** This section of the EIR analyzed potential impacts to hydrology and water quality, as well as the potential impacts of rising sea level on the proposed 700 Innes Avenue and IBOS properties. With Mitigation Measure M-HY-1a-c, the proposed project would not violate water quality standards or waste discharge requirements by monitoring turbidity during

construction, by implementing pile removal best practices, and by using clamshell dredges. All impacts related to hydrology and water quality were determined to be less than significant. Although in-water and shoreline facilities such as piers, docks, and beaches would be inundated by sea level rise, these facilities would not alter wave/water circulation and flows and would not promote substantial shoreline erosion. Other facilities would also be inundated by sea level rise, including paths, an ADA-accessible ramp, artifact area, grassy areas, wetlands, and a beach deck. These facilities are primarily flat and would not channelize sea-level rise waters and propel water further up in elevation during storm surges, resulting in additional areas of or more severe flooding. The resilience of the proposed project to rising sea level and the long-term viability of required public access will be analyzed further in the BCDC permit for the project.

**Noise.** The proposed project would entail construction, traffic, and operational noise impacts. The EIR concludes that construction of the proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity and includes Mitigation Measure M-NO-2a to implement noise control measures during project construction and for pile driving, as well as Mitigation Measure M-NO-3 to design future noise-generating uses near residential uses to minimize the potential for noise conflicts. The EIR concludes that the project will have significant and unavoidable impacts resulting from noise from surface transportation sources associated with operation of the proposed project above levels existing without the project, and that 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.

**Shadow.** Proposed project construction would not create adverse shadow effects on publicly accessible open space areas, because construction activities and equipment would not cast substantive shadows on existing open space areas such as the India Basin Shoreline Park and IBOS properties. Thus, the EIR concludes that the proposed project would not create new shadow in a manner that would substantially affect outdoor recreation facilities or other public areas.

**Transportation and Traffic.** The proposed project would bring over 3,000 new residents to the India Basin / Bayview Hunter's Point area. The EIR concludes that 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. Thus, the EIR includes Mitigation Measure M-TR-3P, which requires the Applicant to implement transit capacity improvements, including funding temporary transit service improvements until the applicable portion of the Candlestick/Hunters Point Shipyard Phase II Transportation Plan is in operation or by implementing temporary shuttle service; and Mitigation Measure M-C-TR-2 to implement transit-only lanes, requiring the Applicant to fund, and the San Francisco Municipal Transportation Agency (SFMTA) to implement, this measure prior to the time the proposed project would result in an increase in transit travel time. Despite these mitigation measures, the EIR concludes that the proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would substantially contribute to the cumulative impacts related to transportation and circulation for transit delay.

**Utilities.** Although the proposed project would create additional residential and retail/commercial uses, which could substantially increase water demand as well as wastewater generation and stormwater runoff from the project site, the EIR concludes that the proposed project would not 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.

**Wind.** Most of the buildings for the proposed project would be less than 100 feet tall, and only two buildings would be more than 100 feet tall. Buildings more than 100 feet tall could affect ground-level wind conditions on or near the project site. The EIR concludes that the proposed project would alter wind in a manner that substantially affects public areas or outdoor recreation facilities and that those impacts are significant and unavoidable with mitigation. Mitigation Measure M-WI-1a-c requires wind impact analysis and mitigation for buildings 100 feet or greater during partial buildout, temporary wind reduction measures during construction, and reduction of the effects of ground-level hazardous winds through ongoing review.

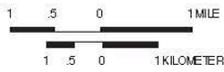
**Alternatives Analysis as it Relates to Proposed BCDC Bay Plan Amendment.** This EA summarizes the FEIR analysis as it relates to the indirect effects of the proposed map change plan amendment which would result from the Applicant's proposed project (as approved by the CCSF), and where necessary, supplements that analysis to describe the related environmental effects not anticipated in the FEIR. BCDC regulations require, in part, that the EA describe alternatives to the proposed action that would avoid or substantially lessen one or more of the substantial effects. In this case, the only reasonably identifiable alternative is the "no project" alternative, under which the Commission would not approve the request to remove the Park PUA from a portion of the project site. Under this alternative, the project site would remain in its current condition and no new development would occur. There would be no construction and no provision of new residential, commercial, and recreational uses. In addition, IBOS would remain in its current "degraded" or unimproved state.

#### No Amendment of Resolution 16 Required

Resolution 16 establishes within the shoreline band the boundaries of the Bay Plan priority use areas, including the India Basin PUA. Because the Applicant has requested to remove the PUA designation from 17.84 acres of the inland portion of the Park PUA outside the Commission's jurisdiction, and to remove the PUA designation from only 0.06 acres within the Commission's jurisdiction, but which would not require modification of the boundary of the PUA within the shoreline band, no amendment of Resolution 16 is required.

#### Response to Comments

As of September 3, 2019, no comments on the descriptive notice have been received at the Commission office.



# Plan Map 5

Central Bay



San Francisco Bay Conservation and Development Commission

Amended January 2012

San Francisco Bay Plan  
Reprinted March 2012

Figure 1. Approximate location of the 18-acre area at India Basin proposed to be removed from waterfront park priority use area designation on Bay Plan Map 5 (Source: BCDC).

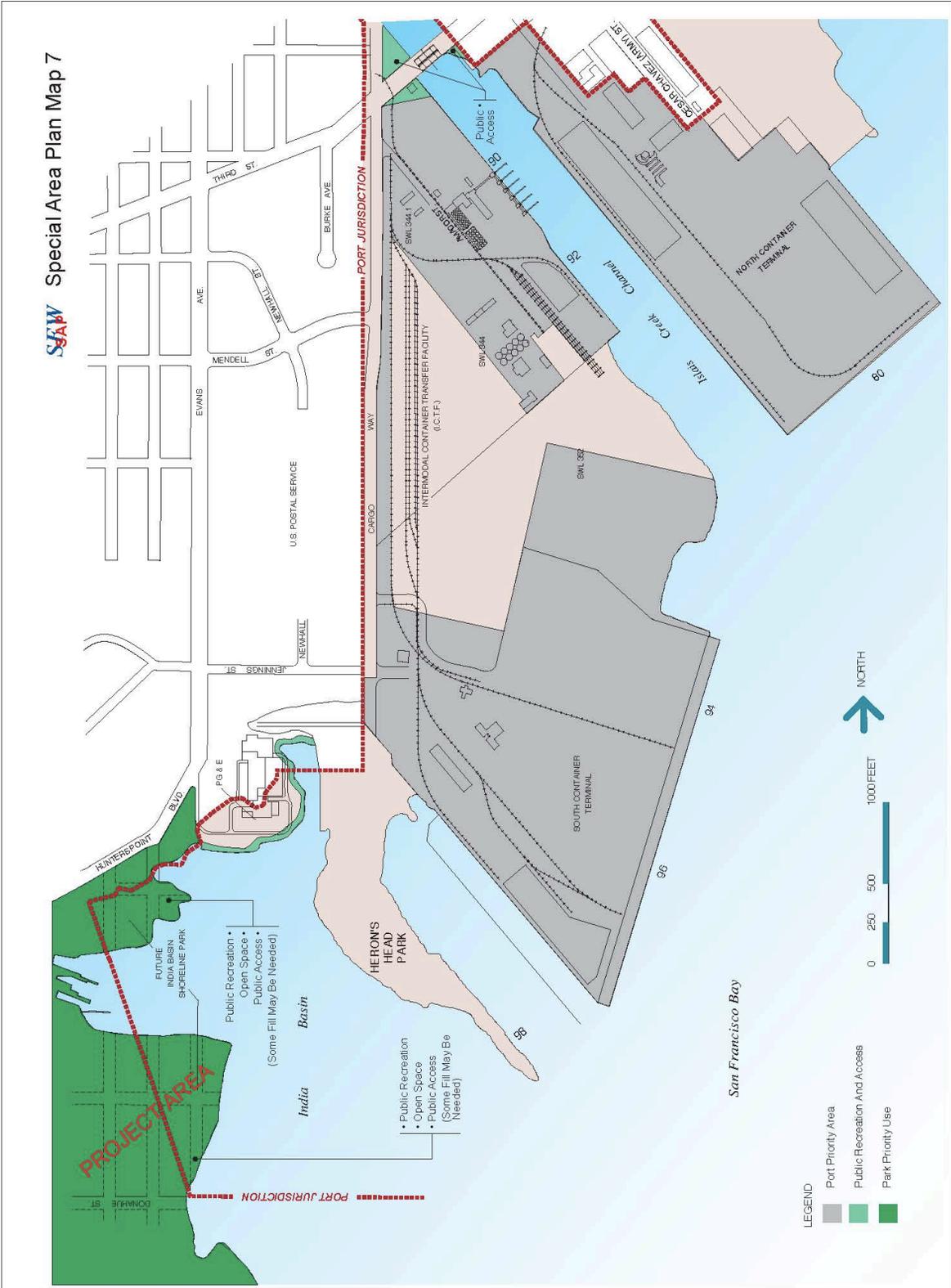


Figure 2. Approximate location of the 18-acre area proposed to be removed from Park PUA designation on Special Area Plan Map 7 (Source: BCDC).



Figure 3. Site Plan for 700 Innes Avenue (Source: Applicant).



Figure 4. Site Plan for IBOS (Source: Applicant).

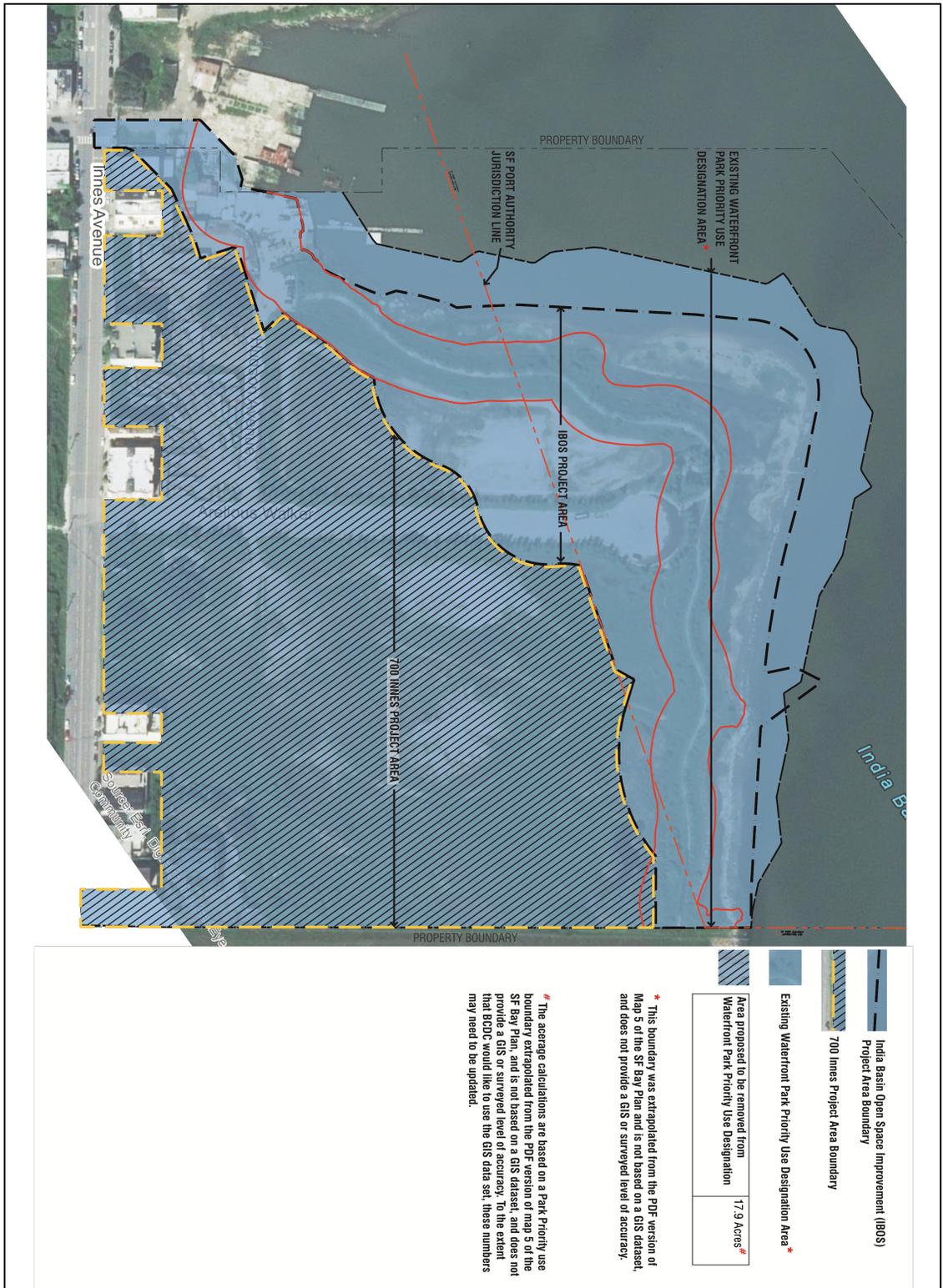


Figure 5. Detail of the 17.9-acre area at India Basin proposed to be removed from Park PUA shown outlined in yellow (Source: Applicant).

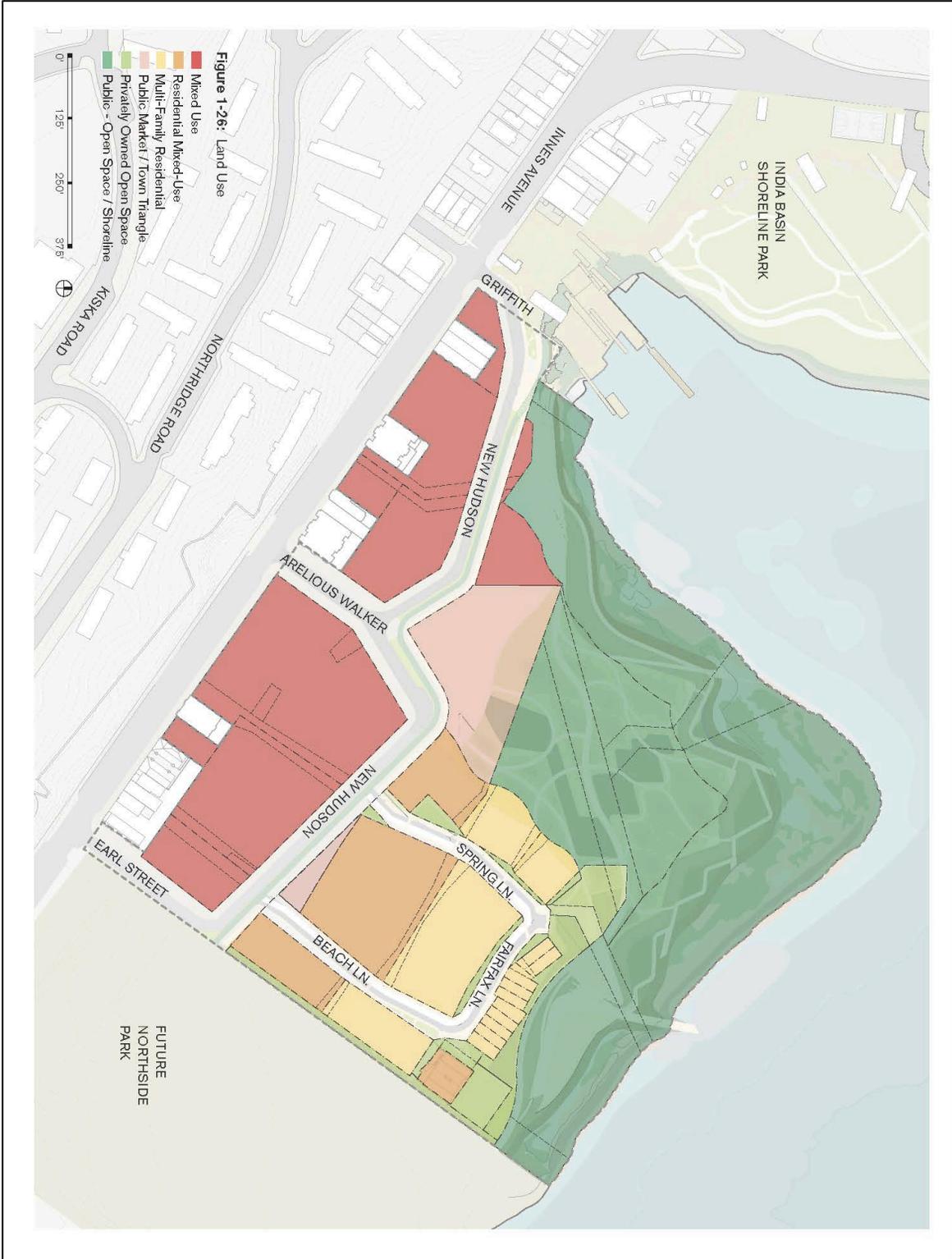


Figure 6. Land Use Plan, reflecting the updated CCSF zoning (Source: Applicant).

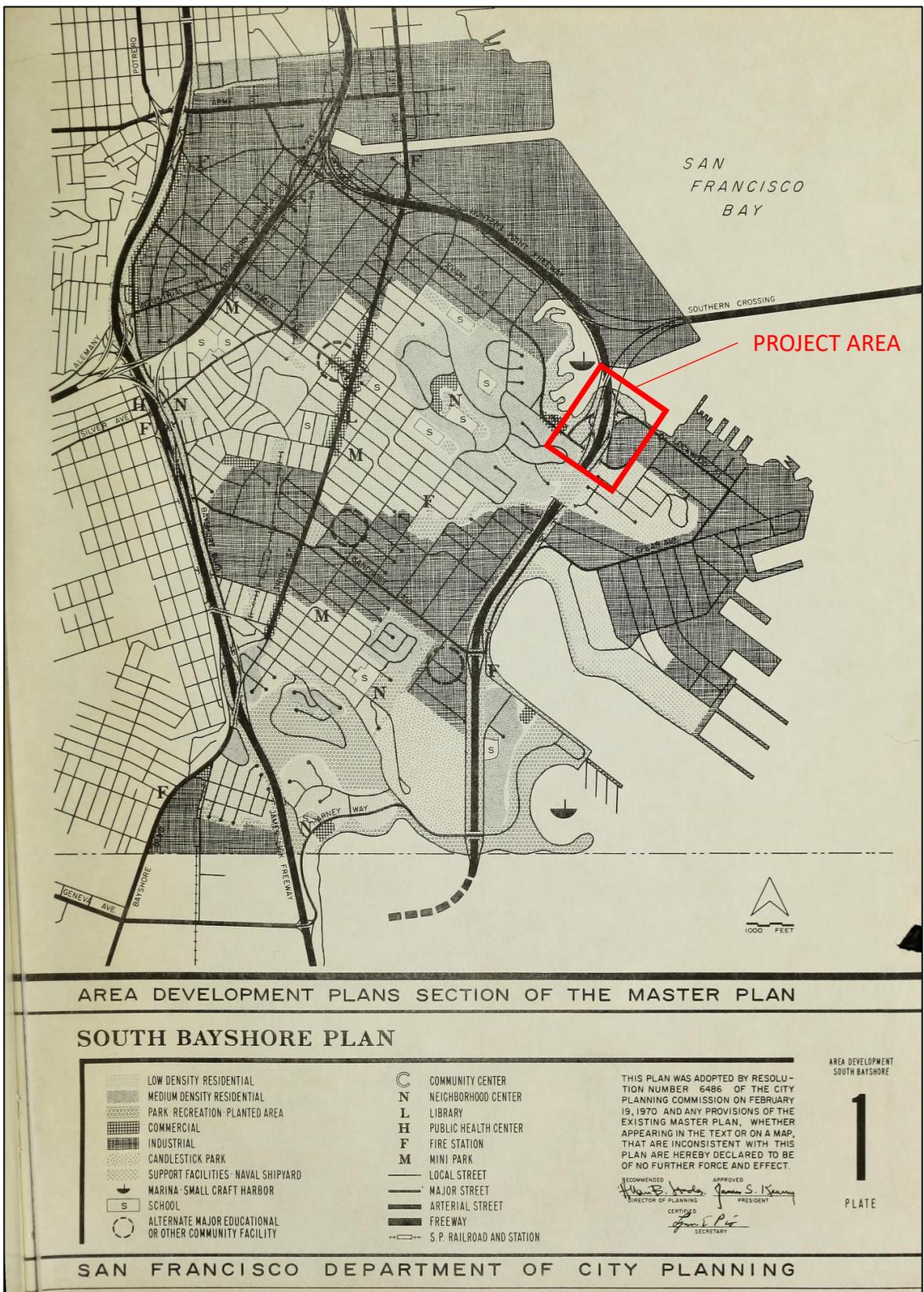


Figure 7. Figure from the CCSF South Bayshore Plan, 1971 (Source: CCSF).

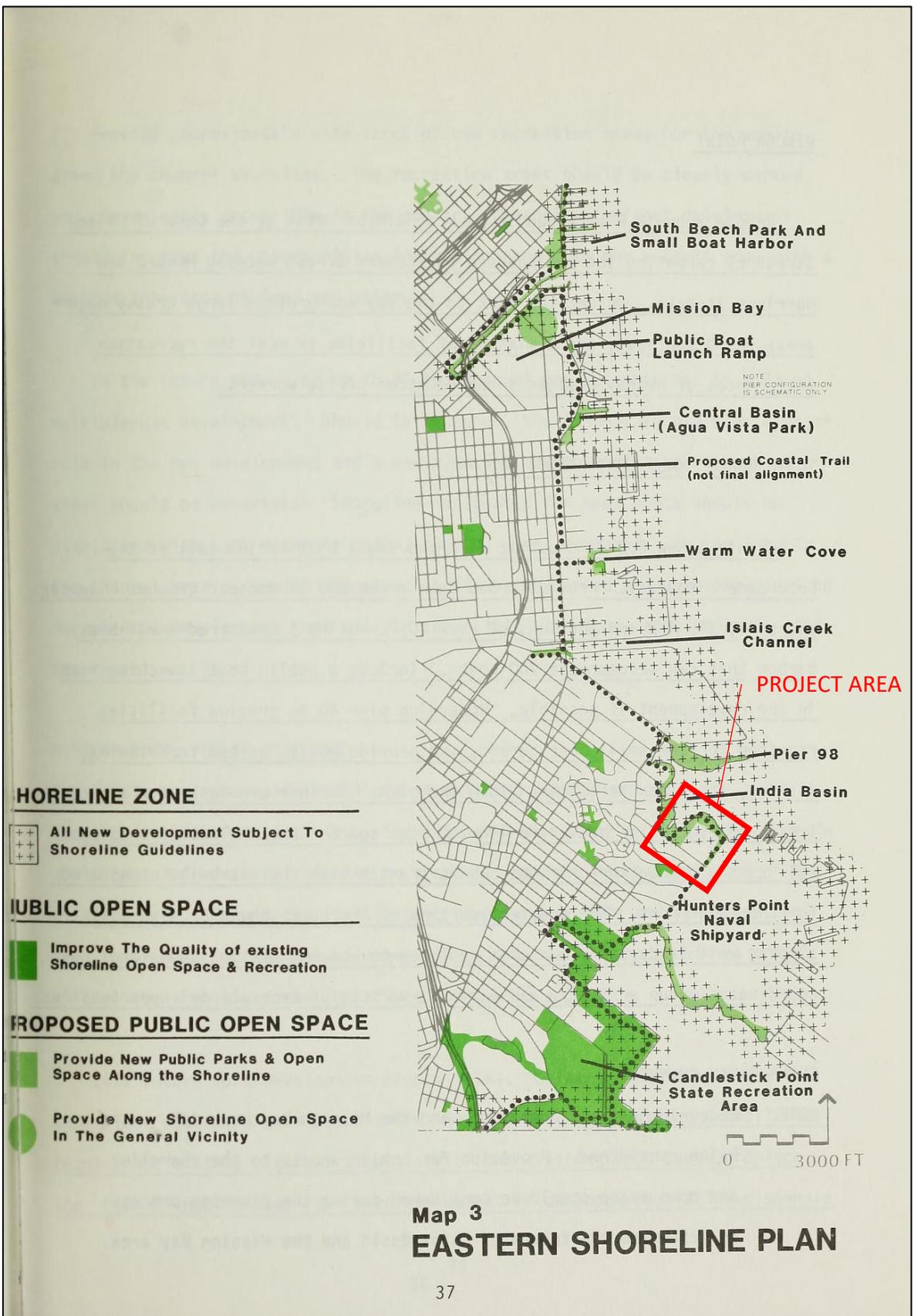


Figure 8. Figure from Recreation and Open Space Element of CCSF's General Plan, 1985 (Source: CCSF).

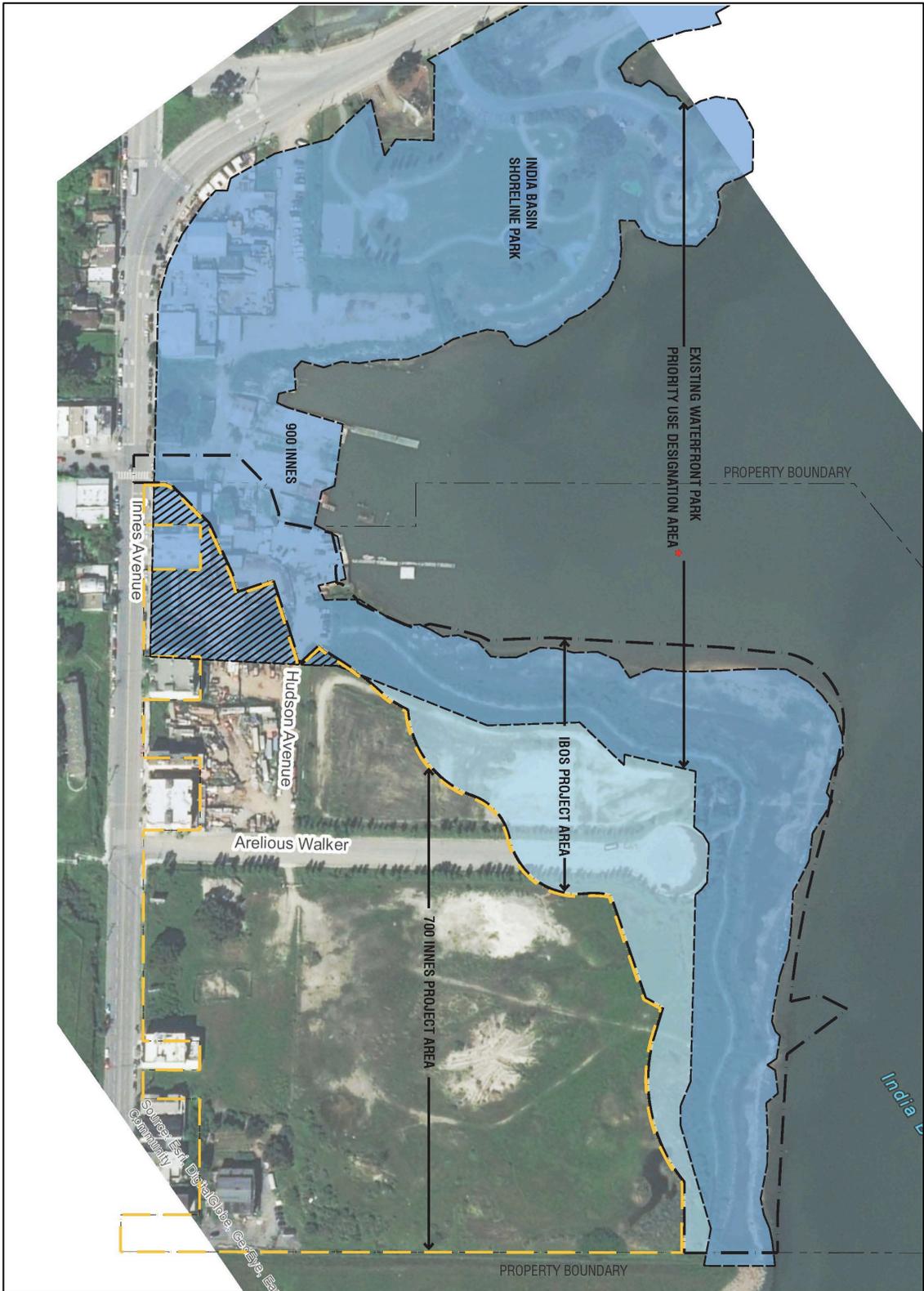


Figure 9. Project vicinity, showing India Basin Shoreline Park and 900 Innes Avenue, in relation to IBOS and 700 Innes Avenue (Source: Applicant).