San Francisco Bay Conservation and Development Commission
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Agenda Item #11

May 13, 2022

Staff Recommendation

900 Innes Park Redevelopment Project

(For Commission consideration on May 19, 2022)

Permit Application Number:	2021.002.00
Applicants:	San Francisco Recreation and Park Department and Port of San Francisco
Project Description:	Construct an approximately 2.54-acre public waterfront park.
Location:	In the Bay and within the 100-foot shoreline band, and within a San Francisco Bay-Plan designated "Waterfront Park, Beach" Priority Use Area, at 900 Innes Avenue, in the City and County of San Francisco.
Application Filed Complete:	April 27, 2022
Deadline for Commission Action:	July 26, 2022
Staff Contact:	Tony Daysog (415/352-3622; anthony.daysog@bcdc.ca.gov)
Staff Recommendation:	APPROVAL WITH CONDITIONS

Basis for Staff Recommendation

The staff recommends approval of the application as conditioned in the recommended resolution, below. The project will establish a public park that provides shoreline access and community facilities. The proposed use is consistent with the "Waterfront Park, Beach" Priority Use Area established by the San Francisco Bay Plan.

Among other things, the recommended resolution includes special conditions to:

- Require a 1.9-acre area as public access;
- Provide a continuous Bay Trail connection, including interim connections to neighboring parcels until the final design of the trail can be completed;
- Develop a Special Event and Programming Plan to provide for future park programming and activation;
- Establish that three buildings on the site (Shop Building, Shipwright's Cottage, Food Pavilion) are to be used as community-oriented facilities;
- Provide for monitoring and maintenance to ensure successful establishment of marsh planting areas; and
- Require that a Sea Level Rise Adaptation Plan be completed prior to the time that any public access areas are subject to flooding on a regular basis.

Recommended Resolutions and Findings

The staff recommends the Commission adopt the following resolution:

I. Authorization

A. Authorized Project

Subject to the conditions stated below, the permittees, San Francisco Recreation and Park Department and Port of San Francisco, are granted permission to do the following in the Bay and within the 100-foot shoreline band, at 900 Innes Avenue, in the City and County of San Francisco.

1. In the Bay

a. Piers 1 and 2

Construct, use, and maintain in-kind two pile-supported public piers, including the approximately 1,400-square-foot Pier 1 (140 square feet of which is located in the Commission's Bay jurisdiction), and the approximately 4,794-square-foot Pier 2 (2,400 square feet of which is located in the Commission's Bay jurisdiction).

b. Pile-Supported Water Access Ramp

Construct, use, and maintain in-kind an approximately 504-square-foot pile-supported ramp (210 square feet of which is located in the Commission's Bay jurisdiction) on the eastern side of Pier 2.

c. Gangway and Floating Dock

Install, use, and maintain in-kind an approximately 480-square-foot gangway attached to the pile-supported ramp, and a 960-square-foot floating dock, with guide-piles, for non-motorized watercrafts.

d. West and East Marine Way Tracks

Remove the existing West and East Marine Way Tracks, and reinstall and maintain in-kind portions of the East (58-linear feet and 380 square feet) and West (77-linear-feet and 279 square feet) rail tracks in their original location.

e. Shoreline Recontouring

Construct, use, and maintain in-kind an approximately 1,419-square-foot segment of shoreline in the northwest portion of the project site by recontouring the shoreline, which involves excavating approximately 79 cubic yards of earth and rubble, and placing approximately 79 cubic yards of sand and cobble, resulting in mudflats and low-to-high marsh and transition zones.

2. Within the 100-foot Shoreline Band

a. Site Preparation Activities

Pursue limited cut and fill within approximately 39,664 square feet of the shoreline band to establish elevations required for achieving the required depth for foundations and general construction of upland improvements.

b. Utilities
Install underground utilities, including recycled and potable water and sanitary sewer lines, storm drain outfall, and electrical lines.

c. Shop Building
Construct, use, and maintain in-kind an approximately 1,460-square-foot multi-purpose building (approximately 37 feet wide by 38 feet long and of a height ranging from 13.5 to 18 feet) for community programming around educational activities, skills-building workshops, and creative performances.

d. Retaining Walls
Install and maintain in-kind approximately 850 square feet of retaining walls, including along the Shoreline Access Trail, at Piers 1 and 2, and at the Shop Building.

e. Fencing
Install and maintain in-kind fencing, including 30-inch-high wood stanchions with rope at the margins of proposed access trails, 30-inch-high plant protection fencing, and 8-foot-high transparent metal fence at the Maintenance Building site.

f. Metal Grate Overlook
Install, use and maintain in-kind a 206-square-foot metal grate that would connect with a wood decking platform on the Bay Trail and serve as an overlook, including a lean-to railing.

g. Stairs
Construct, use, and maintain in-kind stone stairs and handrails within an approximately 170-square-foot area, connecting the wood decking and concrete-paved areas at the southern edge of the shoreline band, and pile-supported concrete stairs within an approximately 143-square-foot area, connecting the Bay Trail to the shoreline.

h. Bay Trail
Construct, use, and maintain in-kind a minimum 15-foot-wide, approximately 382-foot-long paved Bay Trail segment (approximately 6,000 square feet).

i. Temporary Bikeway/Shared Pathway
Construct, use, and maintain in-kind temporary bikeway/shared pathways covering approximately 5,989 square feet, including, on the western edge of the project, a Bikeway/Shared Pathway (minimum 12-feet-wide and approximately 329-foot-long) along the Hudson Avenue right-of-way, which would connect to and converge with the Bay Trail and provide direct access to Bayview Hunters Point Blvd.

j. Temporary Trail Connection to India Basin Shoreline Park
Construct, use and maintain in-kind a minimum 12-foot-wide, approximately 382-foot-long pathway connecting to India Basin Shoreline Park.

k. Temporary Bay Trail Connection to India Basin Open Space
Construct, use and maintain in-kind a minimum 8-foot-wide, approximately 454-foot-long paved pathway connecting to the trail at India Basin Open Space. (The temporary connection of the Bay Trail between the 900 Innes property and the India Basin Open Space is on private property and is dependent on an agreement with the property owner. A permanent connection is planned to be constructed when the property is acquired, and the 700 Innes Development is constructed.)

l. Shoreline Access Trail
Construct, use, and maintain in-kind a minimum 5-foot-wide, approximately 300-foot-long crushed stone secondary pathway system within an approximately 1,542-square-foot area including low retaining walls.

m. Wood Decking Platforms on Bay Trail
Construct, use, and maintain in-kind approximately 2,171 square feet of wood decking platforms along the Bay Trail and next to the Shop Building, including stormwater infiltration galleries.

n. Planted Areas
Install, use, and maintain in-kind approximately 34,564 square feet of landscape planting, including bio-retention areas.

o. Piers 1 and 2
Construct, use, and maintain in-kind two pile-supported public piers, including the 1,400-square-foot Pier 1 (1,260 square feet of which is in the shoreline band), and the 4,794-square-foot Pier 2 (2,394 square feet of which is in the shoreline band).

p. On-Grade Portion of Pier 2
Construct, use, and maintain in-kind an approximately 2,300-square-foot on-grade portion of Pier 2.

q. Pile-Supported Water Access Ramp
Construct, use, and maintain in-kind an approximately 504-square-foot pile-supported ramp (294 square feet of which is located in the shoreline band) on the eastern side of Pier 2.

r. Shop Building Entrance Area
Construct, use, and maintain in-kind an approximately 680-square-foot concrete paving area that serves as outdoor entrance area to the Shop Building, and connects with wood decking platforms.

s. Reclaimed Metal Structure
Install, use, and maintain in-kind an approximately 272-square-foot Reclaimed Metal Structure as an aesthetic landmark placed underneath the Metal Grate Overlook.

B. Permit Application Date

This authority is generally pursuant to and limited by the application dated February 26, 2021, including all accompanying and subsequently submitted correspondence and exhibits, subject to the modifications required by conditions hereto.

C. Deadlines for Commencing and Completing Authorized Work

Work authorized herein must commence prior to September 30, 2023, or this permit will lapse and become null and void. Once commenced, all work authorized or required by this permit must be diligently pursued to completion and must be completed within two years of commencement, or by September 30, 2025, whichever is earlier, unless an extension of time is granted by amendment of the permit.

D. Related Permits

On April 28, 2020, the Commission issued BCDC Permit No. 2019.003.00 to San Francisco Recreation and Park Department for the "India Basin 900 Innes Voluntary Remediation Project." That permit authorized activities to remediate the project site to meet both Water Board- and EPA-approved cleanup targets and remove historic contaminants (including metals, petroleum hydrocarbons, PCBs, PAHs, etc.,) resulting from former land uses at the site. The project included removal of contaminated sediment and soils across the site (in the Bay and within the 100-foot shoreline band) and placement of two sand caps on the mudflat. The project also removed marine debris, pilings, floating docks, pile supported structures, and other structures from the Bay. The permit also required the construction of approximately 9,672 square feet (0.22 acres) of interim public access within the Commission's 100-foot shoreline band jurisdiction if the time between the completion of remediation and commencement of construction of the 900 Innes Park Project authorized by this permit exceeds six months.

II. Special Conditions

The authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Specific Plans and Plan Review

1. **Construction Documents**
The development authorized herein shall be built generally in conformance with the plan set consisting of the following plans, plan sets, and related specifications entitled:

- "900 Innes Park Development Bid Set Volumes 1-3," prepared by GGN and consultants, dated October 1, 2021;

- "In-Water Improvements (MHW)," prepared by Coastal Engineers Moffat & Nichol, dated October 1, 2021; and,
- "Appendix E Design Plan Set for In-Water Components," prepared by Coastal engineers Moffat & Nichol, dated October 1, 2021.

The permittees are responsible for assuring that the Construction Documents accurately and fully reflect the terms and conditions of this permit and any legal instruments submitted pursuant to this authorization. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

2. **Documents Review and Approval**
No work whatsoever shall commence pursuant to this permit until final construction documents regarding authorized activities are approved in writing by or on behalf of the Commission. All documents are reviewed within 60 days of receipt. To save time, preliminary documents may be submitted prior to the submittal of final documents. If final construction document review is not completed by or on behalf of the Commission within the 60-day period, the permittees may carry out the project authorized herein in a manner substantially consistent with the plans referred to in Special Condition II.A.1 of this permit.

   a. Document Details
   Construction documents shall be labeled, as appropriate, with: the Mean High Water line or the upland extent of marsh vegetation no higher than +5 feet above Mean Sea Level and the tidal datum reference (NAVD88 or, if appropriate, Mean Lower Low Water (MLLW)); the corresponding 100-foot shoreline band; property lines; the location, types, and dimensions of materials, structures, and project phases authorized herein; grading limits; and the boundaries of Public Access Areas and view corridor(s) required herein. Construction documents for shoreline protection projects must be dated and include the preparer's certification of project safety and contact information. No substantial changes shall be made to any of these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

   b. Conformity with Final Approved Documents
   All authorized development and uses shall conform to the final documents. Prior to use of the facilities authorized herein, the appropriate professional(s) of record shall certify in writing that the work covered by the authorization has been implemented in accordance with the approved criteria and in substantial conformance with the approved documents. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

c. Discrepancies between Approved Plans and Special Conditions
In case of a discrepancy between final approved documents and the special conditions of this permit or legal instruments, the special condition shall prevail.

d. Reconsideration of Plan Review
The permittees may request reconsideration of a plan review action taken pursuant to this special condition within 30 days of a plan review action by submitting a written request for reconsideration to the Commission's Executive Director. Following the Executive Director's receipt of such a request, the Executive Director shall respond to the permittees within 30 days with a determination on whether the plan review action in question shall remain unchanged or an additional review and/or action shall be performed by or on behalf of the Commission, including, but not limited to, an amendment to the permit and/or consultation with the Commission Design Review Board or the Engineering Criteria Review Board.

3. **Engineering Plans**
Prior to construction of any work within the Bay, engineering plans shall be submitted for pile-supported structures in the Bay. The plans shall include a complete set of construction drawings, specifications and design criteria for pile-supported structures in the Bay. The design criteria shall be appropriate to the nature of the project, the use of any structures, soil and foundation conditions at the site, and potential earthquake-induced forces. Final plans shall be signed by the professionals of record and be accompanied by: (1) evidence that the design complies with all applicable codes; and (2) evidence that a thorough and independent review of the design details, calculations, and construction drawings has been made.

B. Public Access

1. **Overall Area Reserved for Public Access**
The approximately 1.89 acre (82,668-square-foot) area, along approximately 660-linear feet of shoreline, as generally shown on Exhibit A, shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes. If the permittees wish to use the public access area for other than public access purposes, they must obtain prior written approval by or on behalf of the Commission.

The overall proposal for public access for this project includes:

New public access in the Bay: 0.19 acres (8,280 square feet)

New public access in the shoreline band: 1.27 acres (55,536 square feet)

New public access outside of the Commission's jurisdiction: 0.43 acres (18,852 square feet)

2. **Improvements Within the Total Public Access Area**
   Prior to the use of any structure authorized herein, RPD shall install the following improvements, as generally shown on attached Exhibits B-1 and B-2. The Port shall not be responsible for such improvements and shall incur no costs or enforcement liability for violations related to this special condition, provided that the Port and RPD execute and provide documentation of the Memorandum of Understanding ("MOU") required in Special Condition II.B.9 of this permit:

   a. San Francisco Bay Trail
      A minimum 15-foot-wide, approximately 382-foot-long paved Bay Trail segment, including two wood deck platforms.

   b. Shoreline Access Trail
      A minimum 5-foot-wide crushed stone secondary pathway system, including maximum 30-inch-tall post and stanchion fencing, and low retaining walls.

   c. Temporary Bikeway/Shared Pathway Hudson Avenue Connector
      A minimum 12-foot-wide, approximately 329-foot-long paved Bikeway/Shared Pathway connecting the Bay Trail to Bayview Hunters Point Boulevard along the Hudson Avenue right-of-way. A vehicle barrier may be located at the point where the park and Hudson Street connect, but this barrier should not restrict bicycle or pedestrian circulation. (The temporary Bikeway/Shared Pathway shall remain until the time when the anticipated development at 10 Hudson Street shall require streetscape improvements to accommodate vehicles associated with this project, at which time the pathway will be replaced according to Special Condition II.B.8 ("Future Public Access Connection to Neighboring Parcels") below.)

   d. Temporary Bay Trail Connection to India Basin Open Space
      A temporary connection of the Bay Trail (minimum 8-foot-wide, approximately 454-foot-long paved pathway) between the 900 Innes property and the India Basin Open Space. (The connection is on private property and is dependent on an agreement with the property owner. Evidence of this agreement shall be provided to the Commission prior to construction. A permanent connection is planned to be constructed when the property is acquired, and the 700 Innes Development is constructed. The temporary pathway shall remain until such time that a permanent connection can be established with the India Basin Open Space property, at which time the pathway will be replaced according to Special Condition II.B.7 ("Future Public Access Connection to Neighboring Parcels") below.)

   e. Temporary Trail Connection to India Basin Shoreline Park
      A minimum 12-foot-wide, approximately 250-foot-long paved pathway connecting to India Basin Shoreline Park. (The temporary trail shall remain until the time that a permanent connection can be established with the India Basin Shoreline Park property, at which time the pathway will be replaced according to

Special Condition II.B.7 ("Future Public Access Connection to Neighboring Parcels") below.) Any fencing along the pathway shall not exceed 30 inches in height.

f. Innes Edge
An approximately 900-square-foot wood deck area with 12-foot-tall pergola, including fixed benches, urban swings, and moveable seating.

g. Innes Garden and Accessible Paths
Approximately 5.5- to 7-foot-wide ADA-accessible paved paths and ramps with a series of switch backs, planted gardens, stone stairs, and four wood overlook decks with retaining walls, seat walls, lighting, and required handrails.

h. Pier 1
An approximately 1,400-square-foot pile supported public pier, with one large round bench (approximately 10 feet in diameter) and an appropriate quantity of moveable tables and chairs, including ADA-accessible furnishings and companion seating areas

i. Pier 2
An approximately 4,794-square-foot pile supported public pier, with four large round benches between 8 and 10 feet in diameter, and two large, curved benches (each approximately 24 feet in length) and an appropriate quantity of moveable tables and chairs, including ADA-accessible furnishings and companion seating areas, as well as interpretive art paving elements.

j. Floating Dock
An approximately 960-square-foot pile-supported floating dock for water access, including an ADA-accessible gangway and pile-supported ramp connecting to Pier 2.

k. Platform Connecting Piers 1 and 2
An approximately 1,700-square-foot wood deck platform connecting Piers 1 and 2 including appropriate numbers of ADA-accessible furnishings and companion seating areas.

l. Metal Grate Overlook
An approximately 206-square-foot ADA-compliant metal grate overlook with railing, including an approximately 272-square-foot Reclaimed Metal Feature as an interpretive element placed underneath the overlook.

m. Marine Way Tracks
Reuse of historic marine way tracks as interpretive elements within an approximately 380-square-foot area on the east shoreline, and an approximately 279-square-foot area on the west shoreline.

n. Public Restroom
Within the Food Pavilion, one ADA-accessible restroom in the upper level, and a multi-stall restroom with at least one ADA-accessible stall in the lower level, both of which shall be made available to the public during operational hours of the park.

o. Planted Areas
Approximately 44,076 square feet of landscape planting, planted areas including marsh and transition zones, decorative planting, and bioretention areas.

p. Public Access Furnishings
In addition to other furnishings noted, the following furnishings shall be installed at various locations within the park, at a minimum: six bike racks that accommodate 12 bikes; five trash and recycling receptacles; eight 7-foot-long benches; two urban swing sets that can accommodate six individuals; 40 movable Adirondack chairs; a water fountain; and appropriate lighting and electrical outlets.

3. **Public Access Signs, Wayfinding, & Interpretive Elements**
Prior to construction of any improvements authorized by this permit, the permittees shall submit for review and approval by or on behalf of the Commission a comprehensive Public Access, Wayfinding Sign & Interpretive Elements Plan ("Plan") that establishes a signage program found to maximize public recognition, use, and enjoyment of the site's public access improvements. The Plan will identify appropriate measures to communicate to the diversity of social and linguistic groups residing in the surrounding community, and at minimum will provide signage in English and Spanish. The Plan shall provide detail on the location, quantity and design of wayfinding, interpretive, "Public Shore," and Bay Trail signs. The Plan shall also include interpretive elements. The Plan shall be reviewed through the plan review process established in Special Condition II.A ("Specific Plans and Plan Review") above.

4. **Maintenance**
The areas and improvements within the total 82,668-square-foot area shall be permanently maintained by and at the expense of the permittees or their assignees. Such maintenance shall include, but is not limited to, repairs to all path surfaces; replacement of any trees or other plant materials that die or become unkempt; repairs or replacement as needed of any public access amenities such as signs, benches, drinking fountains, trash containers and lights; periodic cleanup of litter and other materials deposited within the access areas; removal of any encroachments into the access areas; assuring that the public access signs, interpretive elements, and sculptures remain in place and visible; and repairs to any public access areas or improvements that are damaged by future subsidence or uneven settlement, flooding, or inundation caused by sea level rise. Within 30 days after notification by staff, the permittees shall correct any maintenance deficiency noted in a staff inspection of the site. The Executive Director may extend this

deadline upon a finding that one is warranted, such as if there is a reasonable delay in completion of the maintenance task based on availability of necessary parts or contracting issues. The Port shall not be responsible for maintenance and shall incur no costs or enforcement liability for violations related to this special condition, provided that the Port and RPD execute and provide documentation of the MOU required in Special Condition II.B.9 of this permit.

5. **Assignment**
   The permittees shall transfer maintenance responsibility to a public agency or another party acceptable to the Commission at such time as the property transfers to a new party in interest but only provided that the transferee agrees in writing, acceptable to counsel for the Commission, to be bound by all terms and conditions of this permit.

6. **Reasonable Rules and Restrictions**
   The permittees may impose reasonable rules and restrictions for the use of the public access areas to correct particular problems that may arise. Such limitations, rules, and restrictions shall have first been approved by or on behalf of the Commission upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access areas, and would tend to correct a specific problem that the permittees have both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior.

7. **Future Public Access Connection to Neighboring Parcels**
   The permittees shall facilitate the construction of a future public access connection between their property and the neighboring parcels to facilitate the completion of the Bay Trail, and to provide a spur to connect to Bayview Hunters Point Boulevard along the Hudson Avenue right-of-way. Within one year of commencement of construction of any shoreline public access area on the neighboring parcels, the permittees shall install improvements to create a physical connection to the new public access areas from the public access areas required herein. At such time, the permittees shall reasonably coordinate the design, construction, and maintenance with the permittees of the adjacent parcels to create a continuous and seamless transition between the public access areas. The exact manner in which the connection is made shall be reviewed, and if adequate, approved by or on behalf of the Commission pursuant to Special Condition II.A ("Specific Plans and Plan Review"). The Port shall not be responsible for such improvements and shall incur no costs or enforcement liability for violations related to this special condition, provided that the Port and RPD execute and provide documentation of the MOU required in Special Condition II.B.9 of this permit.

8. **Special Events and Programming**
   Within one year following the opening of the park, the permittees shall submit a Special Events and Programming Plan for review and approval by or on behalf of the Commission, according to the process outlined in Special Condition II.A ("Specific Plans and Plan Review") above. The plan shall be approved if found that it ensures adequate measures to avoid conflicts with users not associated with private or limited-access events within the public access areas required by Special Condition II.B.1 ("Public Access Area").

   The plan shall: detail any and all measures required to ensure the park can be utilized during park hours of operation by members of the public not participating in an event; establish appropriate zones within which events may be conducted (which may be conducted utilizing RPD's event permitting process); establish parameters as to the appropriate frequency and duration of special events; establish event categories, such as "free and open to the public – no restrictions", "ticketed/limited access with no fee (public safety or resource limitations)", and or "fee-based, private"; and establish management measures required for events, including their set-up and take-down. The plan shall also establish requirements for an ongoing monitoring plan to allow for the Commission to evaluate the ongoing success of the special event programming in achieving the goal of activating the waterfront, and to identify known issues, complaints, or adverse impacts to Bay resources and public access. Finally, the plan shall establish a mechanism for periodic review by or on behalf of the Commission to ensure the plan's objectives are being met, and a requirement to modify or terminate such events if found not to be in compliance with the plan's requirements.

9. **Memorandum of Understanding**
   Prior to commencing construction, the Port and RPD shall enter into an MOU and provide a copy of the MOU to the Commission. Pursuant to the MOU, the Port will, among other things, assign, and RPD will accept, all obligations and liabilities the Port may have under the BCDC permit, including for construction and maintenance of public access amenities.

C. Community Facilities

The following facilities shall be operated as community-oriented facilities for the general uses described below.

1. **Shop Building**
   The approximately 1,400-square-foot Shop Building shall be used for skills-building workshops, educational activities, and creative performances, with the potential for additional flexible activation (e.g., as a stage, dance studio, or covered temporary market area) outside of regular workshops.

2. **Shipwright's Cottage**
   The approximately 900-square-foot Shipwright's Cottage shall be operated as a flexible community space with a welcome center and gallery/community amenity space.

3. **Food Pavilion**
   The approximately 1,800-square-foot Food Pavilion shall provide space for a food vendor from the community, selected by RPD's Request For Proposal contracting process, to operate, and shall provide seating and tables available to park visitors. The Food Pavilion shall also provide one ADA-accessible restroom on its upper level, and a multi-stall restroom on its lower level, both of which shall be made available to the public during park operational hours.

D. View Corridor

1. **Visual Access**
   The permittees shall establish in perpetuity two view corridors, as described here and shown on Exhibit A to this permit, to allow visual access from Innes Avenue through the park to the Bay. With the exception of the items authorized and required herein, the permittees shall not install any structures or appurtenant features within the view corridors, and the permittees shall not install any additional plantings in the view corridors that exceed three feet in height, and trees must provide a canopy that is a minimum of 84 inches from the ground at maturity, and/or that have been approved by or on behalf of the Commission pursuant to Special Condition II.A ("Specific Plans and Plan Review") of this permit.

   a. View Corridor 1
      An approximately 95-foot-wide view corridor shall be established along Innes Avenue between the eastern side of Food Pavilion and the western side of the Shipwright's Cottage, from the northern edge of the project to the bayward edge of the waterfront park.

   b. View Corridor 2
      An approximately 65-foot-wide view corridor shall be established along Innes Avenue between the eastern side of Shipwright's Cottage and the property line separating 900 Innes and the adjacent development project, from the northern edge of the project to the bayward edge of the waterfront park.

   The permittees shall maintain the view corridors. Maintenance shall consist of the regular maintenance of trees, including working with SF Public Works Department to maintain trees along Innes Avenue in a way that promotes clear views to the Bay from the sidewalk and street; trimming of shrubs and any plants to prevent their exceeding three feet in height above the upper promenade elevation; and clearing and replacing of any dead plants, shrubs, and trees. Temporary chain link fencing may be installed in View Corridor 2 in association with construction of Griffith Avenue, thus temporarily limiting the view through this view corridor.

E. Bay Resources

1. Environmental Work Window

The permittees shall conduct all work authorized by this permit below the Mean High Water line between June 1st and November 30th of each year, unless the permittees seek and obtains approval by the Executive Director to work outside this window, and consults with and receives concurrence from the National Marine Fisheries Service (NMFS) and the California Department of Fish and Wildlife (CDFW).

2. Water Quality

The permittees shall ensure that activities authorized herein occurring in the Commission's Bay jurisdiction fully comply with the San Francisco Bay Regional Water Quality Control Board ("RWQCB") Water Quality Certification dated March 29, 2022 (or as subsequently revised).

3. USFWS and NMFS Consultations

Prior to construction of any improvements authorized herein, the permittees shall obtain either concurrence letters or a biological opinion issued by the National Marine Fisheries Services (NMFS) and the United States Fish and Wildlife Service (USFWS), if required by those agencies. The permittees shall submit a copy of the consultations to the Commission for review and approval within 30 days of their receipt, and demonstrate that the project will comply with resource protection measures as recommended by these agencies.

4. Pile Driving

To reduce impacts to migratory special-status fish species, all in-Bay construction activities (including, but not limited to, pile driving and removal) shall occur only during the environmental work window for fish from June 1 to November 30. Work may be authorized past November 30 at the discretion of the Executive Director, and in consultation with other relevant resource agencies, if appropriate measures are taken to avoid impacts to sensitive species including herring (e.g., driving piles during low tides, use a biological monitor, etc.).The permittees shall use a cushion block to minimize sound levels when pile driving with an impact hammer, and employ a soft-start method to allow fish and other animals to evacuate the area during pile driving.

5. Habitat Monitoring Program

Prior to construction of any improvements authorized herein, the permittees shall submit a Habitat Monitoring Program for the planting areas and zones within the approximately 5,527-square-foot "Natural Shoreline" area shown in the plan entitled "Planting-Overall (L180B.1)," prepared by Gustafson Guthrie and Nichol, dated July 1, 2021, for review and approval by or on behalf of the Commission. The Program shall be designed in a manner consistent with the requirements outlined in the San Francisco Bay Regional Water Quality Control Board's Water Quality

Certification and Order, dated March 29, 2022 (See Section 6.6 "Mitigation and Mitigation Monitoring," including Conditions 19-24), to ensure successful establishment of the habitat areas during the 3-year period following construction.

6. **Stockpiling of Materials**
   Prior to stockpiling any materials within the area of the Commission's jurisdiction, the permittees shall submit a Construction Operations and Management Plan (COMP) which provides detail on proposed stockpiling activities. The COMP would be submitted for review and approval by or on behalf of the Commission, pursuant to Special Condition II.A. The COMP shall be signed by a qualified engineer and shall demonstrate that the shoreline can physically support stockpiling at the proposed location(s), and that the stockpiling will not result in adverse impacts to the Bay or the public access required by this permit.

7. **Certification of Contractor Review**
   Prior to commencing any grading, demolition, or construction, the general contractor or contractors in charge of that portion of the work shall submit written certification that s/he has reviewed and understands the requirements of the permit and the final BCDC-approved plans, particularly as they pertain to work in environmentally sensitive areas.

F. Flooding and Adaptation

1. **Flood Reports**
   If any portion of the public access improvements required by Special Condition II.B.2 ("Improvements within the Public Access Area"), are subject to flooding that results in its closure in whole or in part, the permittees shall submit to the Commission a written report within 30 days after the flooding with documentation of: the date and duration of the closure; the location of the affected site; the recorded water levels during the closure period; the source of flooding (e.g., coastal flooding, groundwater flooding, stormwater backup, or overland flow); the resulting damage or cleanup; and illustrative photographs with site details.

2. **Sea Level Rise Adaptation Planning Process**
   The permittees shall initiate a sea level rise adaptation planning process for the public access improvements required by Special Condition II.B.2 ("Improvements within the Public Access Area") that will ensure the provision of shoreline access into the future, and for as long as any use authorized herein remains in place. Within 180 days of the first occurrence of flooding that results in closure of any portion of the public access, as described in the flood reports required by Special Condition II.E.1 ("Flood Reports"), the permittees shall submit for Commission review and approval a Sea Level Rise Adaptation Plan that conforms to the requirements in Special Condition II.D.3, below. The plan shall be reviewed by or on behalf of the

Commission pursuant to the process outlined for plan review in Special Condition II.A ("Specific Plans and Plan Review"). The specific actions required to implement the Sea Level Rise Adaptation Plan may be required to obtain a permit or permit amendment from the Commission.

3. **Requirements for Sea Level Rise Adaptation Plan**
According to the schedule in Special Condition II.F.2 ("Sea Level Rise Adaptation Planning Process"), above, the permittees shall submit for Commission review and approval a sea level rise adaptation plan that achieves the following objectives:

   a. Adaptation Measures
   RPD maintains a lifecycle system to monitor its assets. As part of this protocol, RPD anticipates that on a periodic basis within the 50-year lifetime of the project, the site will be assessed to project future needs for maintenance and how existing conditions impact functionality. If it is determined that an adaptation plan is necessary through this process or as identified above in Section II.F.2 ("Sea Level Rise Adaptation Planning Process"), a plan shall be developed to address impacts to the project due to flooding for the period during which the authorized uses will remain in place. An adaptation plan would include measures to extend the life of the design and protect it from flooding. Alternatives such as raising the elevation of the public access, installing a flood protection device (e.g., seawall, barrier wall, bulkhead, etc.,) would be evaluated to determine an alternative that is consistent with Commission policies then in effect. The permittees may otherwise propose an alternative, equivalent shoreline public access area that the Commission finds provides maximum feasible public access consistent with the project.

   b. Implementation Schedule
   A timeline shall be established to implement the required adaptation measures to ensure that the project addresses the impacts of flooding and storm activities, and that the required public access remains viable and is not subject to regular flooding events.

   c. Best Available Science
   The adaptation plan shall incorporate sea level rise and storm projections based on the current best available science at the time it is developed and/or updated.

III. Findings

This authorization is given on the basis of the Commission's findings and declarations that, as conditioned, the work authorized herein is consistent with the McAteer-Petris Act, the San Francisco Bay Plan (Bay Plan), the San Francisco Waterfront Special Area Plan (SF Waterfront SAP), the California Environmental Quality Act (CEQA), and the Commission's amended coastal zone management program for San Francisco Bay for the following reasons:

A. Use

The site is located within a San Francisco Bay Plan-designated "Waterfront Park, Beach" Priority Use Area, identified on Bay Plan Map No. 5. The project authorized by this permit redevelops the site as a waterfront park, in a manner consistent with the objectives of the Priority Use Area.

The project area is also located within the San Francisco Waterfront Special Area Plan (SF Waterfront SAP) in the southern waterfront of San Francisco. The SF Waterfront SAP discusses that this portion of the shoreline has "little public access to the Bay along this extensive stretch of waterfront…Significant recreation potential also exists at a number of other sites, including Warm Water Cove, Islais Creek, and India Basin..." The SF Waterfront SAP allows for public recreation, open space, public access and marina uses within India Basin and states that "[t]he India Basin area should be developed as a major waterfront park in accordance with the Recreation and Open Space Plan of the City of San Francisco. Some fill may be needed." Additionally, SF Waterfront SAP Map 7 shows the project area as a Park Priority Use area. The project is therefore also consistent with the uses identified in the SF Waterfront SAP.

B. Bay Fill

Among other requirements, Section 66605 of the McAteer-Petris Act requires that fill in the Bay should only be authorized when: (a) the fill is limited to water-oriented uses or minor fill to improve shoreline appearance or public access, and the public benefits from the fill clearly exceed public detriment from the loss of water areas; (b) there is no alternative upland location; (c) the fill is the minimum amount necessary to achieve the project's purpose; (d) the nature, location, and extent of the fill minimizes harmful effects to the bay, such as the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish and wildlife resources; (e) the fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters; (f) that the fill will, to the maximum extent feasible, establish a permanent shoreline; and (g) the applicant has valid title to the properties in question. Bay Plan Recreation Policy 7 states in part that "small amounts of Bay filling may be allowed for shoreline parks and recreational areas that provide substantial public benefits and that cannot be developed without some filling."

1. Fill Required By The Project

The project results in placement of approximately 6,268 square feet and 19.86 cubic yards of fill within San Francisco Bay. The fill includes construction of facilities to support the new park uses, including two recreational piers, a pile-supported floating dock and connecting gangway and ramp, and the reinstallation of historic marine way tracks removed during recent remediation work as interpretive features. The project also includes fill resulting from work to recontour the shoreline in order to establish a new profile that supports mudflats, low to high marsh, and transition zones between subtidal open waters and upland habitat.

The recreational in-water facilities authorized by this permit are for a water-oriented use for which there is no upland location. The recreational facilities are integral to the design of the park and provide the public with opportunities to experience the Bay which would not otherwise be available on this constrained site. They are designed to minimize fill to the extent practicable while still achieving the objectives of the project. The new facilities replace private docks and piers removed during recent remediation work at the site (authorized by the Commission under BCDC Permit No. 2019.003.00) that had a larger footprint, but which were inaccessible to the public. As the new facilities replace approximately 14,930 square feet and 147 cubic yards of dilapidated and private structures, there is no net loss of open water area compared to the previous condition of the site. The recontouring of the shoreline, which involves both cut and fill, allows for habitat enhancement that benefits the Bay, enhances resiliency from flooding, and complements the park setting. The public benefits of the fill thus exceed the detriment from the loss of open water area.

2. **Effects on Bay Resources**

Section 66605(d) reads in part, "the nature, location, and extent of any fill should be such that it will minimize harmful effects to the Bay's resources, e.g., the volume, surface area or circulation of water, water quality, and fertility of marshes . . .". The Bay Plan contains a related number of policies regulating effects of development on Bay resources, discussed in the sections below.

a. Fish and Wildlife

The Bay Plan Fish, Other Aquatic Organisms and Wildlife Policy 4 states, in part, that "[t]he Commission should consult with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species… and give appropriate consideration of (their) recommendations in order to avoid possible adverse impacts of a proposed project on fish, other aquatic organisms and wildlife habitat."

The Bay Plan policies on Subtidal Areas states, in part, "[a]ny proposed filling...project in a subtidal area should be thoroughly evaluated to determine the local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic plants; and (e) the Bay's bathymetry. Projects in subtidal areas should be designed to minimize and, if feasible, avoid any harmful effects." The permittees have prepared a Biological Assessment (BA) examining the extent of effects to species federally listed as threatened or endangered along with any designated or proposed critical habitats, Essential Fish Habitat (EFH), and Habitat Areas of Particular Concern (HAPCs). This BA has been prepared to support consultation with the NMFS and USFWS under Section 7 of the Federal Endangered Species Act of 1973 (ESA), and

for EFH under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The permittees shall adhere to the conservation measures, including best management practices, provided by NMFS and USFWS within their consultation documents (either a Letter of Concurrence or Biological Opinion).

Special Condition II.E.3 ("USFWS and NMFS Consultations") requires that, prior to commencing construction, the permittees submit concurrence letters or Biological Opinions issued by the NMFS and USFWS, which provide conservation recommendations to be implemented for the project. CDFW staff have also been consulted on the project. Special Condition II.E.4 ("Pile Driving") imposes limitations with respect to all in-Bay construction activities (including, but not limited to, pile driving and removal) to avoid and reduce impacts to special-status species.

b. Water Surface Area and Volume

Bay Plan Water Surface Area and Volume Policy No. 1 states, in part, "[t]he surface area of the Bay and the total volume of water should be kept as large as possible in order to maximize active oxygen interchange, vigorous circulation, and effective tidal action. Filling and diking that reduce surface area and water volume should therefore be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative."

The project involves fill in the Bay, which will primarily result in shade impacts. As discussed above, the project is designed to minimize fill while achieving the objectives of the project. Compared to the conditions of the site prior to the remediation activities approved by the Commission under BCDC Permit No. 2019.003.00, there is no net loss of surface area in the Bay.

c. Water Quality

Bay Plan Water Quality Policy No. 1 states, in part, "Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality."

As discussed above, the overall effect of the remediation work and the installation of the recreational facilities will not result in a reduction in water surface area because significant debris and maritime structures have been removed from the project site.

The Bay Plan Water Quality Policy No. 2 states, "Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's *Water Quality Control Plan, San Francisco Bay Basin* and should be protected from all harmful or potentially harmful pollutants. The policies, recommendations, decisions, advice and authority of the State Water Resources Control Board and the Regional Board should be the basis for carrying out the Commission's water quality responsibilities." Water Quality Policy No. 3 states, in part, "New projects should be sited, designed, constructed and maintained to

prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain non-polluting materials; and (c) applying appropriate, accepted and effective best management practices…"

The project requires construction activities with the potential for adverse water quality impacts resulting from construction activities, excavation, and ground disturbance. These impacts could include release of sediment into the Bay, accidental spills of containments such as fuel, or transmission of containments through surface runoff. To address such impacts, the project includes Avoidance and Minimization Measures, including project-specific Best Management Practices (BMPs) for construction. These include:

- measures related to soil disposal in the unanticipated event that contaminated soils are identified during construction;
- dust-control practices;
- measures to control runoff;
- limiting in-water construction activities including pile driving, to the approved environmental work window, June 1 to November 30, for fish species and September 1 through January 30 for the California Ridgway Rail;
- measures to avoid transmission of construction related materials or wastes into the Bay;
- spill contingency plans to address hazardous waste spills;
- a biological monitoring; and
- measures to reduce noise due to pile driving.

On March 29, 2022, the San Francisco Bay Regional Water Quality Control Board (RWQCB) issued a 401 Water Quality Certification for the project, finding that "offshore remediation work and shoreline enhancement activities are expected to provide an overall ecological uplift," and that "removal of structures along with the overall ecological uplift at the Project site will mitigate the Project's direct impacts to waters of the State." The certification also stated that the project does not violate water quality standards, and discharge from the project will comply with applicable provisions of various sections of the Clean Water Act (CWA). Special Condition II.E.2 ("Water Quality") requires the project to be constructed consistent with the RWQCB certification, including compliance with the conditions of its Order.

d. Tidal Marshes and Tidal Flats

Bay Plan Tidal Flats and Tidal Marshes Policy No. 2 states, in part: "Where a transition zone does not exist and it is feasible and ecologically appropriate, shoreline projects should be designed to provide a transition zone between tidal and upland habitats."

Bay Plan Tidal Flats and Tidal Marshes Policy No. 6 states, in part: "Any habitat project should include clear and specific long-term and short-term biological and physical goals, success criteria, a monitoring program, and as appropriate, an adaptive management plan."

Bay Plan Tidal Flats and Tidal Marshes Policy No. 8 states, in part: "The level of design; amount, duration, and extent of monitoring; and complexity of the adaptive management plan required for a habitat project should be consistent with the purpose, size, impact, level of uncertainty, and/or expected lifespan of the project.

The project involves work both within the Bay and within the 100-foot shoreline band to recontour the shoreline by excavating materials and placing replacement fill of sand and cobble in order to establish a new shoreline profile to support the establishment of mudflats, low to high marsh, and transition zones occurring between subtidal open waters and upland habitat. The application states:

> "The project seeks to provide tidal marsh and upland habitats (at elevations that correspond with the existing on-site tidal marsh elevations and as cross referenced at the adjacent Heron's Head Park site) without impacting the existing habitats to the maximum extent possible. Low marsh and tidal mudflat areas are not a part of this project's footprint and the grading of these areas will remain unchanged from the work performed during the remediation. As is demonstrated at the existing site and in adjacent areas, pickleweed dominated tidal marsh has naturally self-established by seed and plant segments rooting. The shoreline edge for the project allows for this to continue to occur and the grading design supports this. Further up gradient, around Mean High Water (MHW), the project provides restoration planting of appropriate native and upland species and landscape irrigation for their establishment."

The application also indicates that the planting area will be designed to accommodate natural shifts in the plant communities as a result of sea level rise, including the increased salinity and flooding which will be more favorable to mid and high marsh species. According to the application, marsh vegetation will naturally migrate via seed and rhizomes into areas with favorable environmental conditions. The application indicates the planting area will be monitored to

ensure routine maintenance of addressing missing, dead/unhealthy plants, and invasive species, to tracking vegetation patterns over time and adapting maintenance as needed to maintain project goals.

To ensure the success of the plantings, Special Condition II.E.5 ("Habitat Monitoring Program") requires the permittees to submit for review and approval on behalf of the Commission a Habitat Monitoring Program that includes clear and specific biological and physical goals and success criteria for the tidal marsh and upland habitats created by the project. The Program shall be designed in a manner consistent with the requirements outlined in the San Francisco Bay Regional Water Quality Control Board's Water Quality Certification and Order dated March 29, 2022 (See Section 6.6 "Mitigation and Mitigation Monitoring," including Conditions 19-24), to ensure successful establishment of the habitat areas during the 3-year period following construction. Following this 3-year period, ongoing maintenance of the planted areas is required as established in Special Condition II.B.4 ("Maintenance").

To prevent conflicts between park users and the habitat established within these areas, visually unobtrusive post-and-stanchion fencing will be installed along certain planting areas adjacent to trails.

3. **Sound Safety Standards**

In addition to Section 66605(e) of the McAteer-Petris Act regarding the seismic and flooding standards by which fill is designed and constructed, the Bay Plan contains the following related policies.

The Bay Plan Safety of Fills Policy No. 4 states, in part, that "[a]dequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project…. New projects on fill or near the shoreline should…be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project."

Special Condition II.A ("Specific Plans and Plan Review") requires the permittees to submit professionally-prepared engineering plans for in-water work prior to construction to ensure that the fill authorized herein is constructed to comply with sound safety standards, applicable code, and have received independent review of design details and calculations. As discussed in more detail in Section II.F ("Flood and Adaptation"), the in-water improvements are to be constructed at an elevation above the 100-year flood, including when future sea level rise is taken into account during the improvements' design life of 50 years

4. **Valid Title**

Portions of the Bay within which fill is to occur are held in the public trust and are administered by the San Francisco Recreation and Park Department. The Port of San Francisco is a co-permittee on this project. It controls a 6,000-square-foot parcel

("Parcel 10") located on the eastern boundary of the project, where RPD will install the pile-supported ramp. The northeastern corner of Pier 2 is also within Parcel 10, as are shoreline restoration areas close to Pier 2 and the pile-supported ramp.

C. Public Access

The Commission finds that the project, as conditioned, is consistent with McAteer-Petris Act, Bay Plan, and San Francisco Waterfront SAP policies related to public access for the following reasons:

1. Maximum Feasible Public Access

Section 66602 of the McAteer-Petris Act states, in part, that "maximum feasible public access, consistent with a proposed project, should be provided." Bay Plan policies on Public Access state, in part, that "[a] proposed fill project should increase public access to the Bay to the maximum extent feasible" (Policy No. 1), and "maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline" (Policy No. 2).

The project is an approximately 2.54-acre public park that provides access to the shoreline on the site which slopes down to the shoreline along Innes Avenue. Special Condition II.B ("Public Access") requires that the project's open spaces and recreational piers be provided for public access, consistent with the objectives of the Bay Plan's Public Access policies. This includes 0.19 acres (8,280 square feet) within the Commission's Bay jurisdiction, 1.27 acres (55,536 square feet) within the Commission's 100-foot shoreline band jurisdiction, and 0.43 acres (18,852 square feet) outside of the Commission's permitting jurisdiction, primarily on the sloped walkway that provides the connection between Innes Area and the lower-lying waterfront. The public access facilities provided within these areas are discussed in the section below on "Improvements within the Waterfront Park." Special Condition II.A ("Specific Plans and Plan Review") has been included to ensure that the public access areas are constructed consistent with the plans submitted as part of the application.

Also within the overall project site are several buildings for various community-oriented functions that are appropriate and compatible within a waterfront park setting. These buildings, discussed more in the section below, are intended to draw diverse user groups to the park.

The project provides public access at a site that is currently inaccessible to the public and provides no official opportunities for access to the shoreline of San Francisco Bay. According to the application, the overall intent of the project is to restore and enhance the 900 Innes site into an integrated park network which will extend along the greater India Basin shoreline, and which also includes the 6.2-acre India Basin Open Space immediately to the south (recently authorized under BCDC Permit

No. 2020.001.00), the City's 5.6-acre India Basin Shoreline Park immediately to the north (anticipated to be revitalized in the coming years), and the Port of San Francisco's Heron's Head Park farther to the north.

The project is located within an area of the City and County of San Francisco's shoreline that has traditionally been underserved in terms of shoreline public access and open space. The application states that the project is intended to "develop a seamless park user experience along India Basin that ensures a high level of waterfront and recreational access for neighborhood users and create a significant amenity on the Bayview-Hunters Point recreation loop/waterfront."

In addition to improving recreational amenities for existing residents, the project provides public access that will serve anticipated population growth in the near vicinity. A study for the 700 Innes Mixed-Use Development project (700 Innes Project) immediately south of the project site found that 2,934 Bay View Hunters Point residents (1,042 housing units) live within the project census tract. The recently authorized 700 Innes Project is anticipated to result in 1,240 new residential units for 3,400 people, as well as 275,000 square feet of new commercial space and 50,000 square feet of educational space that together will produce over 900 jobs. Moreover, within a two-mile radius of the project, a number of other projects are in various stages of development that would result in another 14,400 new housing units for 34,000 new residents in the Bayview Hunters Point area.

2. **Improvements within Waterfront Park**

As discussed in the "Use" section above and identified on the Bay Plan Map No. 5, the project site is located within a designated "Waterfront Park, Beach" Priority Use Area. Bay Plan Recreation Policy No. 4 speaks to facilities that should be provided in waterfront parks, stating: "Where possible, parks should provide…docking and picnic facilities for boaters…. To capitalize on the attractiveness of their bayfront location, parks should emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical, and cultural education and interpretation, viewpoints, beaches, and fishing facilities."

The following sections discuss the facilities and improvements located within the park, including how they relate to San Francisco Bay Plan policies.

a. Connections to and Along the Shoreline

Bay Plan Public Access Policy No. 10 states, in part: "Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available."

The project provides a network of ADA-accessible walkways and trails. A minimum 15-foot-wide Bay Trail runs along the length of the site, and will create a continuous connection between India Basin Open Space to the south and India Basin Shoreline Park to the north. From Innes Avenue, a network of accessible paths and stairs run along the slope, transitioning from the street-level down to

the Bay Trail. Additionally, a 12-foot-wide Bikeway/Share Pathway runs between Hunters Point Boulevard and the Bay Trail. A minimum 5-foot-wide spur trail is also provided closer to the shoreline.

The application indicates that the Bay Trail connection to India Basin Open Space to the south of the project site is temporary in nature, and will be replaced in a later phase of the project. Similarly, because India Basin Shoreline Park to the north of the project site is planned to be rehabilitated, the Bay Trail connection on the north end of the site will be redesigned and replaced in the future. Special Condition II.B.2.d ("Temporary Bay Trail Connection to India Basin Open Space") and Special Condition II.B.2.e ("Temporary Trail Connection to India Basin Shoreline Park") are included to require the permittees to provide for these connections as soon as the ultimate planned connections can be constructed.

The project will include wayfinding signage coordinated with those in other open spaces within the project vicinity to assist visitors in navigating the area and create a sense of shoreline unity. Special Condition II.B.3 ("Public Access and Wayfinding Signage") requires the permittees to submit for review and approval a Public Access Signage Plan (Sign Plan) to ensure that the signs and their locations are designed to maximize public recognition, use, and enjoyment of the site's public access improvements. The Sign Plan shall provide detail on the location, quantity, and design of wayfinding, "Public Shore," and "Bay Trail" signs and the project's interpretive elements. The Sign Plan will identify appropriate measures to communicate to people of diverse social and linguistic groups residing in the surrounding community, and at minimum will provide signs in English and Spanish.

Finally, Special Condition II.B.2 ("Improvements Within the Total Public Access Area") is included to ensure adequate and appropriate facilities for users of the Bay Trail and a waterfront park, at minimum, including: six bike racks that accommodate 12 bikes; five trash and recycling receptables; eight 7-foot long benches; five large round benches (approximately 8 to 10 feet in diameter) on the piers; three 24-foot long large curved benches on the Pier 2, including the on-grade portion of Pier 2; two urban swing sets that can accommodate six individuals; and 40 movable Adirondack chairs.

b. Piers and Recreational Dock

Bay Plan Recreation Policy 1 states in part: "Diverse and accessible water-oriented recreational facilities, such as launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels…."

Water-oriented recreational facilities provided by the project include two public piers (Pier 1 and Pier 2) and a floating dock that function as Bay overlooks and provide users a closer connection to the Bay. The approximately 1,400-square-foot Pier 1 includes benches for seating. The approximately 4,794-square-foot Pier 2 provide space for visitors to gather and picnic, facilitated by the availability of Adirondack chairs, small bistro style chairs and tables, and larger round and curved seating.

The floating dock is not specifically intended by the permittees to function as a boat launch, and other sites exist within the India Basin network with facilities designed for this purpose. However, it would be possible to launch small personal craft from this dock at the appropriate tide. Visitors who launch small boats from the India Basin Shoreline Park therefore could temporarily dock at the floating dock. Only non-motorized watercrafts are permitted at the floating dock.

c. Barrier-Free Access

Bay Plan Public Access Policy 8 states, in relevant part: "Public access improvements provided as a condition of any approval…should be designed and built to encourage movement to and along the shoreline…[and] permit barrier free access for persons with disabilities to the maximum feasible extent."

The application states that the project was designed with accessibility in mind. All trails and walkways are ADA-accessible, as are the floating structures and piers. Along Innes Avenue, the project includes an ADA-accessible concrete path that continues down the site's steep slope, designed as a central feature and attractive garden. Both public restrooms include an ADA-accessible stall.

d. Community Facilities

Bay Plan Recreation Policy No. 4(a), on the subject of facilities appropriate within a Waterfront Park, states in part: "…limited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay." The project includes several buildings which are designed for community-oriented uses. Along Innes Avenue, the Food Pavilion provides an approximately 1,500-square-foot space for food vendors to operate, and provides seating and tables available to all park visitors in the upper level. At the shoreline adjacent to Pier 1, the approximately 1,460-square-foot Shop Building is designed for skills-building workshops, educational activities, and creative performances, with the potential for additional flexible activation (e.g., as a stage, dance studio, or covered temporary market area) outside of regularly scheduled workshops.

The project also includes a historic structure, the Shipwright's Cottage, which is being rehabilitated and reused as a welcome center. Bay Plan Recreation Policy 4(b) states, in part: "Historic Buildings in waterfront parks and wildlife refuges should be developed and managed for recreation uses to the maximum

practicable extent consistent with the Bay Plan Map policies… should be preserved consistent with applicable state and federal Historic Preservation law and should be used consistent with the Bay Plan recreation policies. Public access to the exterior of these structures should be provided. Public access to the interiors of these structures should be provided where appropriate." The Shipwright's Cottage will be rehabilitated to Secretary of Interior standards for historic structures, and utilized as a flexible community space with a welcome center and gallery/community amenity space.

The Shipwright's Cottage and the Shop Building provide community space which can be reserved by obtaining permits RPD's Department of Permits and Reservations. Special Condition II.C ("Community Facilities") is included to require the use of these facilities for purposes consistent with those stated in the application and described in this permit, specifically community-oriented spaces that are compatible with a waterfront park and have the benefit of attracting diverse user groups to the park and the shoreline.

e. Memorandum of Understanding Between Port and RPD
Special Condition II.B.9 requires that the Port and RPD enter into, and provide documentation of, a Memorandum of Understanding ("MOU"), pursuant to which the Port will, among other things, assign, and RPD will accept, all obligations and liabilities the Port may have under the BCDC permit, including construction and maintenance. The co-permittees have proposed this approach to clearly document which co-permittee is responsible for construction and maintenance of public access areas as agreed to by and between the co-permittees. Special Conditions II.B.2, II.B.4, and II.B.7 state that the Port shall not be liable for these conditions, provided the MOU required under Special Condition II.B.9 is executed prior to commencing construction.

3. **Visual Access**
Bay Plan Appearance, Design, and Scenic View Policy No. 2 states, in part: "All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore." Bay Plan Appearance, Design, and Scenic View Policy No. 4 states, in part: "Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline."

The park includes several structures which have been sited to preserve views of the Bay along Innes Avenue. The Food Pavilion and Shipwright's Cottage buildings on Innes Avenue are located at either end of the project site to maintain wide views of the Bay from along the street. A maintenance building is located outside of the field of view from the street, behind an existing structure on the neighboring lot.

Special Condition II.D ("View Corridor") is included to require the permittees to maintain the significant views from Innes Avenue. This condition restricts the development of new structures in the view corridors and requires careful management of vegetation and planting. The Shop Building is located within a view corridor, however given its location at the base of the site's steep slope and its low A-frame roof design, clear views over the Shop Building toward the Bay will be maintained from the perspective of a pedestrian along Innes Avenue.

The Department of Public Works is developing the Innes Avenue Street Improvement Plan, which, when complete, will identify the quantity and scale of trees along 900 Innes Avenue. It is RPD's expectation that, since the street trees will shade the sidewalk and the Innes Edge trellis, as well as frame the entrance of the park and views toward the Bay, the trees will not impede views to the Bay. Special Condition II.D allows for staff, on behalf of the Commission, to review and approve the plantings to ensure they are compatible with the objectives of the view corridors.

4. **Operations and Maintenance**

Bay Plan Public Access Policy No. 7 states, in relevant part: "Public access improvements provided as a condition of any approval should include an ongoing maintenance program."

The application states that: "After construction of the Project, 900 Innes would be operated and maintained by RPD. RPD would incorporate the 900 Innes Park into its operations and maintenance plan, and would have permanent site presence at the new India Basin Maintenance Building. RPD gardeners would maintain landscaping and plantings through routine RPD maintenance protocols and requirements, and would also develop and implement planting and maintenance schedules after completing final design but prior to completing Project construction. RPD custodial staff would perform general site maintenance, including but not limited to parks and restroom custodial services and refuse pick up." Special Condition II.B.4 ("Maintenance") requires that required public access areas required of the permit be maintained on an ongoing basis and that maintenance issues be addressed in a timely fashion.

Special Condition II.B.6 ("Reasonable Rules") allows for the establishment of reasonable rules and restrictions on use and operation of the required public access, subject to approval by or on behalf of the Commission. It is anticipated the RPD will request to establish rules, including regular park operating hours and uses consistent with standard RPD park rules and regulations. It is understood that these requests will not result in closure of the San Francisco Bay Trail, which is an important 24-hour transportation route that should be accessible to the public at all times.

5. **Special Events and Programming**

The project involves significant public programming, much of it housed within structures that are not required public access areas, but which are located within the park. These include the Shop Building and the Shipwright's Cottage. The application indicates that the Shop Building contains a multipurpose community room for events, classes, performances and meetings. Use of the community space would be permitted by RPD's Department of Permits and Reservations. Additionally, the seating outside of the Shop Building on Pier 1 could be used for these reserved purposes when the building's garage door is open. The Shipwright's Cottage includes a community classroom space on the lower level with capacity for 26 occupants, complemented by a deck with space for movable seating. It would also be reservable through RPD's Department of Permits and Reservations.

In terms of special events within areas required by this permit as public access, the application states only: "RPD would allow special events that would potentially close certain areas of 900 Innes on a temporary and short-term basis only. Special events would need to be permitted through RPD's Department of Permits and Reservations for approval."

Public programming and special events have the potential to activate and enhance public access areas, and therefore in recent years, the Commission has approved many permits that incorporate provisions to allow for such uses. Properly managed events can exist without preventing other members of the public from accessing and enjoying the shoreline and important public access facilities within the park. However, within required public access areas, should special events or programming occur, careful thought and attention is necessary to balance the needs of various user groups. Therefore, Special Condition II.B.8 ("Special Events and Programming") requires the permittees to submit within one year following the opening of the park, a Special Events and Programming Plan for review and approval by or on behalf of the Commission. The plan will detail and establish: any and all measures required to ensure the park can be used at all times by members of the public not participating an event; appropriate event zones within which special events may be conducted; appropriate frequency and duration parameters; availability of utilities such as water and power; and management measures required for special events, including their set-up and tear-down. The plan would also establish requirements for an ongoing monitoring plan so the Commission can evaluate whether special event programming is successfully achieving activation of the waterfront. The monitoring plan would also include measures to identify known issues, complaints, or adverse impacts to Bay resources and public access. Finally, the plan would establish a mechanism for periodic review by or on behalf of the Commission to ensure the plan's objectives are being met, and a requirement to modify or terminate such events if found out of compliance with the plan's requirements.

D. Sea Level Rise

The Commission finds that the project, as conditioned, is consistent with San Francisco Bay Plan policies related to climate change and sea level rise for the following reasons:

1. Public Benefits and Resilience

Bay Plan Climate Change Policy No. 7 states, in part: "Until a regional sea level rise adaptation strategy can be completed, the Commission should evaluate each project proposed in vulnerable areas on a case-by-case basis to determine the project's public benefits, resilience to flooding, and capacity to adapt to climate change impacts." The project's significant public benefits are discussed in the section on Public Access above. Policy 7 further states that "a public park," such as the project authorized by this permit, is among a number of enumerated "specific types of projects should be encouraged if they do not negatively impact the Bay and do not increase risks to public safety."

The permittees state that the project has a 50-year design life (through roughly 2070), which it defines in its application as the period or duration over which project elements will function as originally constructed, assuming they undergo routine maintenance or repairs. As discussed further below, improvements provided by the project are built at grades that are assumed not to be at risk for inundation from flooding during this 50-year design life. The upper gangway landing of the dock and the bayward end of Pier 2 may be affected by rising seas by 2070, but are envisioned to be modified to respond to rising water levels if they remain in place.

While coastal flooding from sea level rise is not anticipated to adversely impact the park during its design life, the application states that the "service life" of the project, which is to say it's useful life, is likely longer depending on the amount of non-routine retrofits, improvements, or adaptations implemented. Therefore, the analysis below considers the project's capacity to adapt to rising sea levels beyond the 2070 design life through 2100.

One element of the project is not resilient to flooding, however this is by design. The project retains historic marine way tracks (+7 feet NAVD88 on the landward side), which were used for launching and hauling vessels. These elements are placed at existing grade as an interpretive design element to provide context on the historic uses at the site, and are designed to be resilient to flooding, and will be inundated by Bay water during present day flood events, such as King Tides. In the future, they will be increasingly inundated, but are anticipated to be visible through the water and continue to serve an interpretive function.

2. Potential Flood Risk

Bay Plan Climate Change Policy No. 2 states: "When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when

needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices."

Bay Plan Public Access Policy No. 6 states: "Public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding."

a. Risk Assessment

As part of its application, the permittees provided a risk assessment and coastal engineering analysis prepared by Moffatt and Nichol engineers. The report describes the project's environmental conditions, coastal processes, and vulnerability to future sea level rise, and summarizes the basis of analysis for shoreline engineering and design for the project. Consistent with the Commission's policies, the analysis relies on the best-available science summarized in the 2018 State of California Sea-Level Rise Guidance ("2018 State Guidance") prepared by the California Ocean Protection Council.

The 2018 State Guidance includes a range of sea level rise projections. One set of projections ("low risk") is appropriate for use in projects where decision-makers can be fairly risk tolerant, in that the project is easily adapted, the consequences of failure are low, and so forth. A low risk aversion planning scenario for this project would be to plan for 2.4 feet of sea level rise by 2100 under a low-emissions scenario (i.e., assuming coordinated global reductions in greenhouse gas emissions) and 3.4 feet under a high-emissions scenario (i.e., "business-as-usual" emissions). Another set of projections (H++ scenario) is designed for projects where extreme risk tolerance is called for, because there is little-to-no adaptive capacity or the consequences of flooding to public health, public safety, or environmental impacts would be great. An extreme risk aversion planning scenario (H++ scenario) for this project would be to plan for 10.2 feet of sea level rise by 2100.

The analysis in this permit, as in the report prepared by Moffatt and Nichol, relies on the "medium-high risk" aversion planning scenario. According to the 2018 State Guidance, this planning scenario is appropriate to provide "a precautionary protection that can be used for less adaptive, more vulnerable projects or populations that will experience medium to high consequences as a result of underestimating sea level rise..." The Commission has frequently analyzed applications for similar regional parks and open spaces using the "medium-high risk" aversion planning scenario. The medium-to-high risk

projections are chosen such that the likelihood that sea-level rise will meet or exceed the projections is low (though they may underestimate the potential for extreme sea level rise).

Based on these projections, the following analysis anticipates that 1.9 feet of sea level rise will occur at 2050. After 2050, if global greenhouse gas emissions are curbed consistent with the United Nations Framework Convention on Climate Change (UNFCCC) 2015 Paris Agreement—a "low-emissions" scenario—5.7 feet of sea level rise would be anticipated to occur at 2100. If global emissions are not aggressive reduced and a "business-as-usual" scenario occurs—a "high-emissions" scenario—6.9 feet of sea level rise is anticipated to occur at 2100. The Moffatt and Nichol report assumed the "high-emissions" scenario, and thus projections below reflect this planning scenario.

Table 1 shows the projected water levels for the Mean High Water (MHW), the Mean Higher High Water (MHHW) mark, a King Tide, and the Base Flood Elevation (BFE). The MHW is an average of all high tides measured over 19 years (the tidal epoch), which occurs at least once each day over a typical year. The MHHW represents an average of the higher high tide that occurs each day. A King Tide is the approximate highest tide that occurs in a given year (4 to 6 times a year on average) when lunar and solar gravitation effects coincide, and typically lasts about 3 to 4 hours. The Base Flood Elevation (also known as the 1% Annual Chance Event or 100-year Return Period water level) is a measure developed by FEMA and defined as "the flood having a one percent chance of being equaled or exceeded in any given year."

Table 1. Projected Tidal Datum Planes for use in 900 Innes Project Planning/Design (NAVD 88)

Year	SLR Proj.	MHW	MHHW	King[a]	BFE[b]
2020	0'	+5.9'	+6.5'	+7.8'	+9.9'
2050	1.9'	+7.8'	+8.4'	+9.7'	+11.8'
2070	3.5'	+9.4	+10.0'	+11.3'	+13.4'
2100	6.9'	+12.8'	+13.3'	+14.7'	+16.8'

[a.] Occurs 4 to 6 times on average each year, with each event lasting 3 hours

[b.] 1 percent annual chance of flooding elevation as defined by FEMA.

Ground elevations vary at the project site, resulting in some areas being more or less vulnerable to flooding during high water levels or storm events over time. Since the 900 Innes project site rests on a slightly sloping hill, the parts of the project at the top near the park entrance and along the sloping hill are not anticipated to be vulnerable to flooding before 2100 based on the selected planning scenario.

Features along the shoreline and in the water, such as the Bay Trail (+15 to +16 feet NAVD88 nearest the center of the park), the secondary Shoreline Access Trails (as low as +11 feet NAVD88), the Temporary Pathway to IBOS (+14 feet NAVD88), the Shop Building (+15.1 feet NAVD88), and Piers 1 and 2 (+15 feet NAVD88, +13 feet NAVD88 at the bayward end) are at elevations above current high water levels and storm events. They are, however, anticipated to be inundated under certain flood events discussed below.

b. Mid-Century (2050)

Employing the selected planning scenario, with an anticipated rise in sea level of 23 inches (1.9 feet), the following water levels would be anticipated at 2050:

- The MHHW level would be +8.4 feet NAVD88.
- A King Tide would be +9.7 feet NAVD88.
- The Base Flood Elevation would be +11.8 feet NAVD88.

Under this scenario, most improvements within the park are not anticipated to experience flooding, even during storm events, as most structures on the shoreline and in the Bay are constructed to an elevation of +15.1 feet NAVD88. The bayward end of Pier 2 is constructed at a lower elevation of +13 feet NAVD88 to enhance the viewing pleasure of visitors on the piers looking bayward, however this remains more than a foot above the projected 2050 Base Flood Elevation of +11.8 feet NAVD88.

An exception is a low-lying secondary Shoreline Access Trail, located west of the Shop Building. This portion of the trail is lower on the site than the Bay Trail to provide a closer connection to the water. Portions of this trail would be constructed as low as +11 feet NAVD88, and thus be expected to experience occasional flooding during extreme flood events. Because the Bay Trail is at an elevation where it would not experience flooding during a storm event, occasional loss of this path for public use would not significantly affect the public's experience of the park. Should flooding result in damage to the trail, Special Condition II.B.4 ("Maintenance") requires maintenance of the public access, including repairing any damage that may occurring as a result of flooding.

c. End of Design Life (2070)

The project has a 50-year design life, through approximately 2070. Employing the selected planning scenario, with an anticipated rise in sea level of 42 inches (3.5 feet), the following water levels would be anticipated at 2070:

- The MHHW level would be +10.0 feet NAVD88.
- A King Tide (which occurs 4 to 6 times on average each year, with each event lasting approximately 3 hours), would be +11.3 feet NAVD88.
- The BFE would be +13.4 feet NAVD88.

As discussed above, the majority of improvements constructed within the park have a minimum elevation of +15 feet NAVD88, and are thus constructed above the projected 2070 Base Flood Elevation of +13.4 feet NAVD88. The exceptions are the low-lying secondary Shoreline Access Trail discussed above, the upper gangway landing of the dock (1.2 feet lower than projected BFE), and the bayward end of Pier 2 (0.4 feet lower than projected BFE). The Moffatt and Nichol memorandum states: "If the temporary flooding associated with a 100-year water level at the two above locations is deemed to be undesirable at the time, the project sponsor (SF Recreation and Park Department) would implement appropriate adaptations such as low parapets or temporary barriers. No other adaptations are envisioned over the 50-year design life of the park."

d. End of Century (2100)

Employing the selected planning scenario, with an anticipated rise in sea level of 83 inches (6.9 feet), the following water levels would be anticipated at 2100:

- The MHHW level would be +13.4 feet NAVD88.
- A King Tide (which occurs 4 to 6 times on average each year, with each event lasting approximately 3 hours), would be +14.7 feet NAVD88.
- The BFE would be +16.9 feet NAVD88.

Beyond the project's 50-year design life, flooding of project elements along the shoreline, including the Bay Trail and Shop Building (+15 feet NAVD88) would be anticipated during storm events. Almost 80 percent of the secondary Shoreline Access Trail would be at risk of projected King Tides.

e. Groundwater

The Moffatt and Nichols report considers the potential for flooding from groundwater in the event the groundwater table is influenced by rising water levels in the Bay, finding that such flooding is not anticipated within the design life of the project. The report states: "The Geotechnical Study completed as part of the proposed project indicates that subsurface conditions consist of 4' to 16' of artificial fill, underlain by compressible young bay mud, with older Bay clay and bedrock below that. The varying thickness of permeable artificial fill results in groundwater elevations that vary between -3.5' NAVD and +7' NAVD. The

Report also recommends using a maximum groundwater elevation of +8 NAVD for design purposes, which is approximately 2' below the BFE and about 7' below proposed grades for park features… This implies that shallow groundwater conditions (groundwater within 1'of proposed park grades) would occur after 6' of SLR has occurred." As discussed above, 6 feet of sea level rise is not anticipated within the 50-year design life of the project, given the selected projections in line with the 2018 State Guidance. Past the design life of the project, should the project remain in place and measures be required to address flood risk from either coastal events, groundwater, or a combination of flooding risk factors, adaptive management measures may need to be implemented as discussed in the section below.

3. **Adaptive Management**

Bay Plan Climate Change Policy No. 3 states: "To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas—should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century."

Public Access Policy No. 7 states: "Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby."

In regard to adaptation measures that would be required to extend the life of the project beyond its 50-year design life, the Moffat and Nichol report states:

"If there is a desire by the community to extend the useful life of specific park elements beyond 2070, adaptation planning and implementation could be initiated by about 2060 to allow sufficient time for planning, design, and obtaining approvals. A variety of adaptation options including repairs, retrofits and new edge treatments that incorporate potential changes in user experience and patterns, changes in habitat typology, and learning opportunities should be considered.

"Adaptations should be constructed by about 2080 to address the trail flooding; these could consist of a short-height seawall or berm along the top of embankment, or the trail could be raised. The Shop Building itself is a non-habitable structure and is constructed using flood resilient materials (concrete shell with metal cladding and metal roof), which would therefore not be damaged or adversely impacted during a rare flood event."

The permittees further state, elsewhere in its application:

> "As a public agency, the Department maintains a lifecycle system to monitor its assets for Capital Renewal or Maintenance and informs resource planning for all its assets (piers, docks, parks, facilities, playgrounds, pools, rec centers, etc.). RPD anticipates that on a periodic basis, assessment of this site would be conducted to project future needs for maintenance planning and retrofit, and how existing conditions would impact functionality of the park. At that time, RPD would determine if an adaptation plan is necessary. Surrounding the 900 Innes site is a shoreline habitat program that maximizes wetlands and species that can adapt with sea level rise."

Therefore, it may not be necessary to implement adaptation measures before the site is significantly redesigned or retrofit, an action that would require the Commission to issue a new permit or amend its authorization for this project.

The project is expected to experience only occasional flooding that would affect use of the public access it provides during the 50-year design life. Special Condition II.B.F ("Flooding and Adaptation") is included to require that the permittees report any flood events that affect required public access improvements.

The Moffatt and Nichol report outlines strategies for adaptation that can be implemented in the future to ensure the ongoing viability of the park for public access. At such time as flooding results in closure of any public access facilities required herein, the permittees are required by Special Condition II.B.F ("Flooding and Adaptation") to commence with a Sea Level Rise Adaptation Planning process. The resulting plan will identify preferred adaptation measures to modify the public access areas required by this permit, or to provide alternative shoreline public access at the site that achieves the Commission's objectives related to public access. The plan will include an implementation schedule designed to ensure that such actions will be completed in a timely manner so that the public access remains viable and is not subject to regular flooding events. Such a plan will be based on the best-available science at the time it is developed, and selection and implementation of an appropriate adaptation measure will warrant Commission authorization.

E. Environmental Justice and Social Equity

The Commission finds that the project, as conditioned, is consistent with San Francisco Bay Plan policies related to environmental justice and social equity.

The Commission's policies on Environmental Justice and Social Equity state, in part, that "[t]he Commission's guiding principles on environmental justice and social equity should shape all of its actions" (Environmental Justice and Social Equity Policy No. 1). These policies further state, in part, that "[e]quitable, culturally relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects…in underrepresented and/or identified vulnerable and/or disadvantaged communities, and such outreach and engagement should continue throughout the Commission review and

permitting processes. Evidence of how community concerns were addressed should be provided. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action" (Environmental Justice and Social Equity Policy No. 3). Additionally, "[i]f a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed" (Environmental Justice and Social Equity Policy No. 4).

1. **Community Profile**

   The Commission has developed a Community Vulnerability Mapping Tool to help inform its analysis of how socioeconomic indicators and contamination burdens contribute to a community's vulnerability. The mapping tool collects information at the level of Census blocks and tracts and can be used by the Commission to help identify certain disadvantaged and vulnerable communities. These communities include those disproportionally affected by environmental pollution and hazards that can lead to negative public health effects, exposure, or environmental degradation, as well as with higher concentrations of people with socioeconomic characteristics indicative of a higher degree of social vulnerability. The mapping tool thus helps inform the Commission on how and where community engagement should occur, and what issues may be of relevance in the Commission's review.

   The project site is located within a formerly industrial area of waterfront in the Bayview Hunters Point neighborhood of San Francisco. The area has historically been the location of San Francisco's heaviest industries, including boatyards, as well as its greatest concentration of public housing. The project site is directly adjacent to established residential communities. According to the Commission's Community Vulnerability Mapping Tool, the communities adjacent to the project are categorized as having high or moderate levels of social vulnerability, due to high rates of people with very low income, people of color, people with disabilities, and other factors. The communities are also characterized as having "highest" or "high" contamination vulnerability due to high rates of indicators identified by the California Office of Environmental Health Hazard Assessment's CalEnviroScreen. The score is reflective of the historic industrial nature of the project site.

2. **Community Outreach and Engagement**

   Prior to applying for a BCDC permit, the permittees conducted community engagement for the project, which informed the design of the proposed public access. According to the application, RPD started working with various members of the adjacent community and non-profit organizations as early 2014, in an effort to incorporate social justice and equity considerations into the design and operations of the park. After the acquisition of the 900 Innes Boatyard Property in 2014, local

officials established the India Basin Waterfront Task Force, which was comprised of Bayview Hunters Point community leaders, landowners, and non-profit parks partners. Community outreach to the broader residents in the vicinity of the park was achieved with the assistance of the locally-based A. Philip Randolph Institute, which incorporated canvassing door-to-door and providing transportation assistance to increase awareness of and participation in Task Force-facilitated meetings and to obtain residents' input on park improvements and programming. RPD staff and its non-profit partners also attended community events and festivals to collect feedback from a broader community. Topics discussed during these canvassing events included community needs, priorities, and the amenities that could be added to enhance the recreational experience at these parks. The permittees believe the engagement efforts helped to advertise the project to young people in the surrounding community, the local public housing tenants' association, local non-profit leaders, and Bayview Hunters Point residents, which were among the public participants at the February 28, 2020 Design Review Board meeting in which 900 Innes was discussed, as well as the April 16, 2020 BCDC Commission meeting on the major permit application for the remediation phase of the park redevelopment project.

The application states that the process was designed with recognition toward the impact of a major public park investment on historically underserved neighborhoods. The application states that RPD and the India Basin Waterfront Task Force sought to reduce residential and business displacement by using the parks at India Basin as a catalyst to create cultural, educational, and economic opportunities to allow existing communities, especially existing Black residents, to thrive in place. In 2018, the RPD and the India Basin Waterfront Task Force initiated an equitable development planning process, enlisting an engagement manager and group of Bayview Hunters Point community leaders with expertise in workforce training, business development, youth development, public arts, and local history to help prepare an Equitable Development Plan. Overarching goals of the Equitable Development Plan included the following:

- Support the development of the parks at India Basin, designed in partnership with the existing Bayview-Hunters Point community.
- Mitigate displacement of the Black community living and working in Bayview-Hunters Point.
- Acknowledge and correct historic and systemic environmental injustices within Bayview-Hunters Point.
- Provide sustained resources that support and guide ongoing community organizing, capacity-building, and decision-making efforts within Bayview Hunters Point.
- Leverage the Parks as a catalyst for environmental remediation and regeneration.

Aspects of the project's design are intended by the permittees to reflect the larger concerns about social justice, workforce training, and economic development. The Food Pavilion is intended to provide aspiring Bayview merchants, restauranteurs, and chefs with economic opportunities through food-serving retail uses that celebrate Bayview's culture. In response to concerns raised by leaders preparing the Equitable Development Plan about how high capital costs associated with commercial spaces stunts entrepreneurship, the Food Pavilion was programmed to allow local entrepreneurs have at their disposal equipment such as exhaust hoods, cooktops, refrigeration, storage areas, and concession support areas. The Shop Building is intended to house skills-building workshops, educational activities, and creative performances, with the potential for additional flexible activation (e.g., as a stage, dance studio, or covered temporary market area) immediately outside of regular workshops in the building.

F. Design Review Board

The 900 Innes project was reviewed by the Commission's Design Review Board on November 7, 2016 and February 28, 2020.

At its November 7, 2016 meeting, the Board reviewed the project alongside the 700 Innes and India Basin Open Space Redevelopment Project, which has since been authorized by the Commission under BCDC Permit No. 2020.001.00. At that time, the presentation also included a design for a major renovation of the adjacent City-owned India Basin Shoreline Park, which is currently on hold. The Board provided high-level comments on the three open spaces and how they fit together, and raised questions related to urban design principles, views, community outreach, and sea level rise.

At its February 10, 2020 meeting, the Board saw a revised presentation on the project. Board members expressed that the design changes since its previous meeting were generally good and that the program had been responsive to outreach. They made various comments related to safety, access, views, programming and special events (which they felt would be key to success of the park), ongoing maintenance, recreation, the design of the shoreline habitat areas, and resilience measures. With these comments, the Board asked the project proponents to continue to work closely with staff to ensure their comments and suggestions were incorporated to the extent feasible in revisions to the design.

G. Public Trust Uses

Activities authorized herein are located within areas subject to the public trust. The project is consistent with public trust needs for the area, as it provides water-oriented recreation and open space improvements.

H. Coastal Zone Management Act

The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Management Program for San Francisco Bay, as amended, and approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972.

I. Environmental Review

SFRPD conducted a joint environment review process with Build, Inc., owners of a proposed mixed-use development, which includes parks and open spaces, located at 700 Innes Avenue. The 900 Innes Park Redevelopment project activities were considered during this environmental review process. The project was reviewed by multiple City and County of San Francisco Commissions, including the San Francisco Recreation and Park Commission, Port Commission, Planning Commission, Municipal Transportation Agency, and the San Francisco Public Utilities Commission, as part of the Mixed-Used Project at India Basin. The City of San Francisco Board of Supervisors certified the Environmental Impact Report and Negative Declaration (State Clearinghouse Number 2016062003) for the India Basin Mixed-Used Project (700 Innes Avenue, 900 Innes Avenue, India Basin Open Space, and India Basin Shoreline Park) on November 1, 2018. The City of San Francisco Board of Supervisors determined that for the overall mixed-use development, including the 900 Innes Park Redevelopment activities, there would be significant effects on the environment, and adopted findings of overriding consideration pursuant to Sections 15091 and 15093 of CEQA and a statement of overriding consideration was made. Mitigation measures were also made a condition of the project.

J. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from $10 to $2,000 per day up to a maximum of $30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to $30,000 in addition to any other penalties; penalties for negligent violations of between $50 and $5,000 per day; knowing and intentional penalties of between $100 and $10,000 per day; and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land, or structure within the area of the Commission’s jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution

This permit shall not take effect unless the permittees execute the original of this permit and return it to the Commission within ninety days after the date of the issuance of the permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. **Notice of Completion**

The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. **Permit Assignment**

The rights, duties, and obligations contained in this permit are assignable. When the permittees transfer any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this permit, the permittees/transferors and the transferees shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignees execute and the Executive Director receives an acknowledgment that the assignees have read and understand the permit and agree to be bound by the terms and conditions of the permit, and the assignees are accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the permit.

D. **Permit Runs with the Land**

Unless otherwise provided in this permit, the terms and conditions of this permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

E. **Other Government Approvals**

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This permit does not relieve the permittees of any obligations imposed by State or Federal law, either statutory or otherwise.

F. **Built Project must be Consistent with Application**

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the permit and any plans approved in writing by or on behalf of the Commission.

G. **Life of Authorization**

Unless otherwise provided in this permit, all the terms and conditions of this permit shall remain effective for so long as the permit remains in effect or for so long as any use or construction authorized by this permit exists, whichever is longer.

H. **Commission Jurisdiction**

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this permit. Any area not subject to the

jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

I. **Changes to the Commission's Jurisdiction as a Result of Natural Processes**
This permit reflects the location of the shoreline of San Francisco Bay when the permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this permit does not guarantee that the Commission's jurisdiction will not change in the future.

J. **Violation of Permit May Lead to Permit Revocation**
Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation of the permit. The Commission may revoke the permit for such violation after a public hearing held on reasonable notice to the permittees or their assignees if the permit has been effectively assigned. If the permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this permit shall be removed by the permittees or their assignees if the permit has been assigned.

K. **Should Permit Conditions be Found to be Illegal or Unenforceable**
Unless the Commission directs otherwise, this permit shall become null and void if any term, standard condition, or special condition of this permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this permit becomes null and void, any fill or structures placed in reliance on this permit shall be subject to removal by the permittees or their assignees if the permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

L. **Permission to Conduct Site Visit**
The permittees shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

M. **Abandonment**
If, at any time, the Commission determines that the improvements in the Bay authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittees, their assignees or successors in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

N. Best Management Practices

1. Debris Removal

All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittees, their assignees, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

2. Construction Operations

All construction operations shall be performed to prevent construction materials from falling, washing or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittees shall immediately retrieve and remove such material at their expense.

O. In-Kind Repairs and Maintenance

Any in-kind repair and maintenance work authorized herein shall not result in an enlargement of the authorized structural footprint and shall only involve construction materials approved for use in San Francisco Bay. Work shall occur during periods designated to avoid impacts to fish and wildlife. The permittees shall contact Commission staff to confirm current restricted periods for construction.