Motion affirming the Planning Commission’s certification of the Final Environmental Impact Report prepared for the proposed India Basin Mixed-Use Project.

WHEREAS, The proposed India Basin Mixed-Use Project (“Project”) is a mixed-use development containing an integrated network of new public parks, wetland habitat, and a mixed-use urban village, and includes a significant amount of public open space, shoreline improvements, market-rate and affordable residential uses, commercial use, parking, environmental cleanup and infrastructure development and street improvements; and

WHEREAS, The Project site includes approximately 39 acres along the India Basin shoreline on San Francisco Bay, generally bounded by Hunters Point Boulevard on the northwest, Innes Avenue on the southwest, Earl Street on the southeast, and the San Francisco Bay on the northeast; and

WHEREAS, The Recreation and Park Department (“RPO”) and the privately owned real estate development company BUILD, are project sponsors for the Project; and

WHEREAS, The mixed-use urban village would be developed by BUILD and includes two options: (1) a residentially-oriented project with up to 1,575 dwelling units, approximately 209,000 square feet of nonresidential space, and 1,800 parking spaces; or (2) a commercially-oriented project with approximately 500 dwelling units, 1,000,000 square feet of commercial space, 50,000 square feet of institutional space, and 1,932 parking spaces; and

WHEREAS, The Planning Department determined that an Environmental Impact Report (hereinafter "EIR") was required for the proposed Project and provided public notice of that determination by publication in a newspaper of general circulation on June 1, 2016; and
WHEREAS, The Draft EIR was published on September 13, 2017, and circulated to governmental agencies and to interested organizations and individuals for a 47-day review period that started on September 14, 2017, and ended on October 30, 2017; and

WHEREAS, The Planning Commission held a public hearing on the Draft EIR on October 19, 2017, and planning commissioners, organizational representatives, and individuals made oral comments at that hearing; and

WHEREAS, The Department prepared a Responses to Comments ("RTC") document, which included responses to comments on environmental issues received at the Draft EIR public hearing that was held on October 19, 2017, and in writing during the 47-day public review period for the Draft EIR, as well as text changes or revisions that were proposed to the Project, in response to comments received or based on additional information that became available during the public review period and that represent a refinement or clarification to the text of the EIR; and

WHEREAS, The RTC also discussed revisions made to the Project after the publication of the Draft EIR, specifically, an increase of 335 dwelling units from an original figure of 1,240 units analyzed in the Draft EIR, a decrease of approximately 66,225 gross square feet of commercial space, and the elimination of the proposed school; and

WHEREAS, The comments and revisions addressed in the RTC did not identify new significant impacts or a substantial increase in the severity of previously identified impacts, nor did they identify feasible project alternatives or mitigation measures that are considerably different from those analyzed in the Draft EIR and that the Project sponsor has not agreed to implement, and no significant new information that would require recirculation of the Draft EIR under section 21092.1 of CEQA, California Public Resources Code, Sections 21000 et seq. ("CEQA") and CEQA Guidelines, Section 15088.5 was identified; and
WHEREAS, The RTC document was published on July 11, 2018, distributed to the Planning Commission and all parties who commented on the Draft EIR, and made available to others upon request at the Department offices; and

WHEREAS, On July 26, 2018, the Planning Commission, by Motion No. 20247, certified a Final Environmental Impact Report ("Final EIR") for the proposed Project under CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, that it is adequate, accurate and objective, and contains no significant revisions to the Draft EIR; and

WHEREAS, By letters to the Clerk of the Board, received by the Clerk's Office on August 23, 2018, in the case of Mikhail Brodsky on behalf of Archimedes Banya SF and 748 Innes Ave. HOA ("Banya"), and on August 27, 2018, in the case of Bradley Angel on behalf of Greenaction for Health & Environmental Justice ("Greenaction") (collectively, "Appellants"), Appellants appealed the Final EIR certification; and

WHEREAS, The Planning Department’s Deputy Environmental Review Officer, by memorandum to the Clerk of the Board dated August 29, 2018, determined that the appeals had been timely filed; and

WHEREAS, On October 2, 2018, and October 16, 2018, this Board held duly noticed public hearings to consider the appeals of the Final EIR certification filed by Appellants and, following the public hearings, the Board of Supervisors affirmed the Planning Commission’s certification of the Final EIR based on the written record before the Board of Supervisors as well as all of the testimony at the public hearings in support of and opposed to the appeals; and

WHEREAS, The written record and oral testimony in support of and opposed to the appeals and deliberation of the oral and written testimony at the public hearings before the
Board of Supervisors by all parties and the public in support of and opposed to the appeals of the Final EIR certification is in the Clerk of the Board of Supervisors File No. 180841 and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

MOVED, That this Board of Supervisors hereby affirms the decision of the Planning Commission in its Motion No. 20247 to certify the Final EIR and finds the Final EIR to be complete, adequate, and objective and reflecting the independent judgment of the City and in compliance with CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and, be it

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Final EIR; and, be it

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there is no significant new information that would require recirculation of the Final EIR under Section 21092.1 of CEQA and CEQA Guidelines, Section 15088.5.
Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed India Basin Mixed-Use Project.

September 25, 2018 Board of Supervisors - CONTINUED
Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani and Tang
Excused: 1 - Yee

October 02, 2018 Board of Supervisors - CONTINUED
Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang and Yee
Excused: 1 - Stefani

October 16, 2018 Board of Supervisors - APPROVED
Ayes: 10 - Brown, Cohen, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee
Noes: 1 - Fewer

I hereby certify that the foregoing Motion was APPROVED on 10/16/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board