

COASTAL CONSERVANCY

Staff Recommendation

February 15, 2024

**INDIA BASIN WATERFRONT PARK PHASE 3: SHORELINE PARK REDEVELOPMENT**

Project No. 23-064-01

Project Manager: Erica Johnson

**RECOMMENDED ACTION:** Authorization to disburse up to \$5,500,000 to the City and County of San Francisco Recreation and Park Department to implement the India Basin Waterfront Park Phase 3: Shoreline Park Redevelopment project, consisting of the redevelopment of the India Basin Shoreline Park into a mixed-use community park with improved public access and recreation amenities, enhanced habitat, and climate resilience in the City and County of San Francisco, and adoption of findings under the California Environmental Quality Act.

**LOCATION:** Hunters Point Blvd. & Hawes St., City and County of San Francisco

---

EXHIBITS

Exhibit 1: [Project Location Maps](#)

Exhibit 2: [Park Design Elements](#)

Exhibit 3: India Basin Mixed Use Project, Final Environmental Impact Report (Final EIR) ([EIR Response to Comments](#), [Draft EIR part 1](#), [Draft EIR part 2](#))

Exhibit 4: [India Basin Mixed Use Project, Mitigation Monitoring and Reporting Program](#)

Exhibit 5: [September 14, 2023, India Basin Waterfront Park Phase 2: 900 Innes Redevelopment Staff Recommendation](#)

Exhibit 6: [Project Letters](#)

---

**RESOLUTION AND FINDINGS**

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed five million five hundred thousand dollars (\$5,500,000) to City and County of San Francisco Recreation and Park Department (“the grantee”) to construct the India Basin Waterfront Park Phase 3: Shoreline Park Redevelopment project, consisting of the redevelopment of India Basin Shoreline Park into a mixed-use community park with improved public access and recreation amenities, enhanced habitat, and climate resiliency in the City and County of San Francisco.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.

In addition, to the extent appropriate, the San Francisco Recreation and Park Department shall incorporate the guidelines of the Conservancy’s ‘Coastal Access Project Standards’.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Conservancy has independently reviewed and considered the India Basin Mixed-Use Project Final Environmental Impact Report (Final EIR) certified by the San Francisco Planning Department on July 26, 2018, pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibit 3. The Final EIR is comprised of three parts: EIR Response to Comments, Draft EIR Part 1 of 2, Draft EIR part 2 of 2. The Conservancy has also reviewed the Mitigation Monitoring and Reporting Program adopted by the San Francisco Planning Department on July 26, 2018 and attached to the accompanying recommendation as Exhibit 4. The Conservancy finds, as described further in the accompanying staff recommendation, that:
  - a. The proposed project will have potentially significant environmental effects in the areas of Noise, Air Quality, Recreation, Utilities, Biological Resources, Hydrology and Water Quality, and Hazards and Hazardous Materials. The Conservancy finds that the mitigation measures identified in the Final EIR will avoid, reduce, or mitigate these possible significant environmental effects to less than significant levels and that these mitigation measures have been required or incorporated into the project.
  - b. The Conservancy further finds that the project will result in significant and unavoidable environmental effects to Cultural Resources, Noise, and Air Quality, but

environmental and other benefits of the proposed project as described in the accompanying staff recommendation outweigh or render acceptable these unavoidable adverse environmental effects to achieve the objectives of the proposed project.

- c. The Conservancy adopts the Findings regarding Significant Effects and Statement of Overriding Considerations set forth in the accompanying staff recommendation.

---

## STAFF RECOMMENDATION

### PROJECT SUMMARY:

Staff recommends that the Conservancy disburse up to \$5,500,000 to the City and County of San Francisco Recreation and Parks Department (SFRPD) to redevelop the India Basin Shoreline Park (Exhibit 1) into a mixed-use community park with improved public access and recreation amenities, enhanced habitat, and climate resilience (the project).

The project is the third and final construction phase of the India Basin Waterfront Park (IBWP) project, a park that was envisioned by the Bayview Hunters Point (BVHP) community. The IBWP consists of the redevelopment of two adjacent properties, 900 Innes and India Basin Shoreline Park. The IBWP project is being implemented by SFRPD in partnership with non-profits and community-based organizations such as the A. Phillip Randolph Institute, the Trust for Public Land, and San Francisco Parks Alliance. The IBWP brings together two properties, 900 Innes and India Basin Shoreline Park, into one approximately 8-acre mixed-use park that incorporates community goals, such as economic opportunity and environmental health, identified through a community participatory design process.

The project is the redevelopment of the India Basin Shoreline Park (Shoreline Park), which is a 5.6-acre park that was built on artificial fill. The Shoreline Park currently has outdated public amenities, limited space for recreation, no public access to the shoreline, degraded shoreline habitat, and outdated shoreline protection. The project includes re-grading the park's steep slopes so that the area can be utilized more effectively. After re-grading, park improvements that will be constructed include a more extensive trail network within the park, two basketball courts, an upgraded playground, additional picnic areas with a cookout terrace, new access to the shoreline, and 0.45 acres of enhanced tidal marsh and marsh transition zone habitat, interpretive exhibits about the history of the shoreline, a viewing dock of the historic remnants of the *Bay City* ferry, and more. All public access and recreation amenities will be placed above the projected year 2100 high-tide level.

The proposed project will include the specific elements described below and in Exhibit 2:

1. **Boathouse Building:** The boathouse will be constructed at the base of the recreational dock and will contain ADA-compliant restrooms, storage space for kayaks, and boat washing areas. The building will also help to support SFRPD's water recreation programming.
2. **Recreational Pier and Floating Dock:** The pier and dock will enable non-motorized watercraft, such as kayaks, to launch at the end of the dock, and the launch area will be

ADA compliant. This launch area will become a part of the San Francisco Bay Area Water Trail. There will also be benches and picnic tables on the pier and dock where people can fish or sit and view the surrounding habitat. These features will allow visitors to get close to the water's edge and view the restored wetland without damaging the habitat.

3. Marineway Lawn: The slopes will be regraded such that the lawn will provide a gentle slope down toward the water's edge, to a newly constructed gravel beach. The lawn will provide space for picnics and passive recreation. The lawn area will be bisected by pathways from adjacent gardens (described below) that will allow for a more extensive trail network in the park.
4. Trail Network, Gardens, and Bioretention Basins:
  - a. An updated, 0.17-mile ADA-compliant Bay Trail segment that has a dedicated lane for bikes (Class 1 bike path) will be constructed and serve as a connector from the 900 Innes Boatyard Park to the PG&E shoreline trail that leads to Heron's Head Park. This updated segment will be moved to a higher elevation than the previous Bay Trail segment in anticipation of sea level rise.
  - b. About 2.7 acres of native sage scrub will be planted along the edges of the Marineway Lawn to improve habitat quality in the park, and about 6% of these gardens will be constructed as bioretention basins to capture and treat stormwater runoff. In these gardens, there will be a trail network that connects to segments in lawn. This trail network will be a shared path designed for walking, biking, and skating.
  - c. The Marineway Lawn will have a marine walkway on either side of the lawn leading down to the gravel beach. These walkways will be designed for walking, biking, and skating.

**Site Description:** The Project site is a 5.6-acre property (not including areas that are public and private rights-of-way) that is part of the historic India Basin scow schooner boatyards which operated from around 1875-1936. After the decline of the shipping industry, the area became known as the 'Hunter's Point Ship Graveyard' due to five obsolete ships that were docked in India Basin, stripped of parts, and then left to decay. The project area was filled in the 1990's to extend the shoreline into the India Basin waters and develop a park, the India Basin Shoreline Park. At that time, SFRPD became the landowner and manager of Shoreline Park. Only the remnants of two out of the five historic ships, *Caroline* and *Bay City*, are all that remain visible after the development of Shoreline Park.

The Shoreline Park property is composed of artificial fill, which contains fine sand sediments, brick, concrete, asphalt, and other construction debris. As a result, during the biological resources assessment, there were no special status species or plants found on the property and or in the tidal marshes. Currently, the property is covered in ruderal, non-native grasses. The two tidal marshes on the property were found to be low quality habitat and littered with debris from old riprap, infill, and possible dumping. Despite its degraded habitat value, the open water area of the India Basin shoreline is considered part of the Essential Fish Habitat designated by

the National Marine Fisheries Service, specifically for the green sturgeon and California Central Coast steelhead. The India Basin shoreline is also known to support foraging by birds such as the American avocet, black-necked stilt, and western gull, as it is a stopover for birds migrating in the Pacific Flyway. Due to the habitat value of the area, and the nearby Heron's Head Park that sees a diversity of wildlife, this area is likely an important corridor to species of interest and has potential to support additional wildlife as conditions improve.

In 2014 the SFRPD and a private developer, BUILD, partnered on a larger 38-acre redevelopment effort along the India Basin Shoreline. SFRPD is redeveloping approximately nine acres into public parks and open space (India Basin Shoreline Park, 900 Innes Boatyard, India Basin Open Space) and BUILD will redevelop 29 acres into housing, commercial space, and recreation facilities (700 Innes). Together, the redevelopment project will connect to Heron's Head Park in the north and provide 64 acres of continuous open space connected via 1.7 miles of San Francisco Bay Trail, mixed recreation opportunities for residents and visitors, and enhanced shoreline habitat value and connectivity. The 900 Innes property and India Basin Shoreline Park will become one 8-acre park, India Basin Waterfront Park, after the redevelopment of both properties.

From 2014 to 2022, SFRPD has implemented the acquisition of the 900 Innes property, park planning and community engagement, park designs, and the first construction phase of the IBWP project, the remediation of the 900 Innes property. At the Conservancy's September 14, 2023, meeting, the Board authorized an award of \$5,100,000 to complete India Basin Waterfront Park Phase 2: 900 Innes Redevelopment (Exhibit 5), which will provide 2.4 acres of new, mixed-use park and shoreline access. Phase 2 began construction in November of 2023 and is slated to be complete and open to the public in May of 2024. The proposed project is planned to begin construction in June of 2024 and to be completed in June of 2026. During that time, the new 900 Innes Park will be open for the community to use until the completion of the proposed project. More information about project area, project history, and the community can be found under the "Site Description" section in the September 14th, 2023, Staff Recommendation, included as Exhibit 5.

**Grant Applicant Qualifications:** SFRPD manages 4,113 acres of recreational and open space, including 220 parks throughout the city. They have support from other city departments that specialize in contract administration, permitting, design and cost, and construction management which are all necessary to develop and implement a large-scale capital project like the proposed project. SFRPD is also the landowner of the property and has been managing the development of the IBWP project alongside non-profit, community, and private partners since 2014. Their staff managed the previous Conservancy grant in 2014 for planning the IBWP project, a previous San Francisco Bay Restoration Authority grant in 2019 for the remediation of the 900 Innes property, a Conservancy grant in 2023 for the redevelopment of the adjacent 900 Innes property into a park, in addition to other awards (federal and private) to be able to bring the IBWP project to the third and final construction phase, which is the proposed project. The SFRPD project manager has approximately 20 years of capital project experience, has overseen the previous phases of the project, and intends to see the proposed project through to completion. Letters of support from the project partners are included as Exhibit 6.

**CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:**

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

**Selection Criteria**

**1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.**

See the "Consistency with Conservancy's Strategic Plan" section below.

**2. Project is a good investment of state resources.**

The proposed project has all the permits and permissions necessary to begin construction upon authorization of the funds. The project also provides multiple benefits to the region (see "Project delivers multiple benefits and significant positive impact" section below) that should be implemented now in preparation for climate change impacts.

The project advances the State's **30X30 Executive Order** by restoring degraded shoreline habitat (Strategy 6.1) and buffering the community and the park amenities from sea level rise (Strategy 6.2) using a natural shoreline. The project is also consistent with the following regional and local plans:

- **San Francisco General Plan Recreation and Open Space Element and Environmental Protection Element (March 2014):** This is a section of a city-wide general plan. The proposed project helps to advance open space and recreation activities that improve resident's physical and mental health, environmental sustainability, address environmental justice across a community, and provides tangible economic benefit.
- **Bayview Hunters Point Area Plan (2010):** This is a plan to guide the future developments of the BVHP area. Some of the objectives in the plan the proposed project helps to achieve are to protect and accrue well designed open space, improve overall environmental quality of the area, revitalize community and local economy, resolve conflicts between adjacent industrial and residential areas. This also includes the India Basin Subarea Plan (2009) which calls out planning for the India Basin shoreline to include community design, open space, and community services and facilities.
- **India Basin Equitable Development Plan (2022):** This is a community driven plan that defines goals for the India Basin Waterfront Park, which are to preserve the culture and identity of the community, provide economic and social benefits to the community with minimum displacement, improve the local ecology and health of the community.
- **San Francisco Bay Trail Plan (1989):** This regional plan aims to complete a 500-mile Bay Trail network around the San Francisco Bay. The proposed project will update a Bay Trail segment to be ADA compliant and include a Class 1 bike path that will connect the recently redeveloped 900 Innes property and the PG&E shoreline trail that leads to Heron's head Park.

- **Port of San Francisco Blue Greenway Plan (2011):** The plan calls for the Port to promote public access within its jurisdiction through the implementation of the Bay Trail and Water Trail and to improve the City of San Francisco’s southern section of the Bay Trail. The proposed project includes a non-motorized boat launch point that is ADA compliant and a boathouse facility for Water Trail users, and a segment of Bay Trail that is also ADA compliant.

**3. Project benefits will be sustainable or resilient over the project lifespan.**

The park design incorporated sea level rise projections and the new park amenities (trails, bathrooms, boat house) have been sited to be above the projected sea level rise for a Year 2100 high-tide event except for the recreational dock, which is designed to float. The project will restore shoreline habitat by removing approximately 79 cubic yards of old riprap and replacing it with re-contoured gradual slopes that will support a variety of shoreline habitat, such as a new gravel beach and 0.45 acres of tidal marsh and marsh transition zones. These nature-based improvements and restoration will provide a buffer from storm surges and allow for gradual transition of habitat as sea level rises. About 0.26 acres of ruderal, non-native grasses will be replaced with native coastal sage scrub gardens in the upper region of the park, improving the habitat quality and tolerance to drought. A portion of those gardens are designed as bioretention basins that will capture and treat 5,400 cubic feet of stormwater runoff during rainfall events, which are anticipated to increase in intensity with climate change.

Site monitoring related to protection of native and sensitive species is provided by the SFRPD Natural Resource Division, as well as vegetation management, erosion control, and ecological monitoring. In addition, a habitat monitoring plan will be administered in the restored wetlands to ensure successful establishment of plants and habitat functioning for three years following the project. SFRPD has an annual operations budget that will fund long-term maintenance of the park and its improvements. Maintenance will be implemented by the SFRPD Operations and Structural Maintenance Division and Park Service Gardening staff.

**4. Project delivers multiple benefits and significant positive impact.**

The project provides multiple benefits through its community-informed design, such as improving and increasing access to the project area for multi-use (see “Project Summary” section above). The park design also includes habitat enhancement (see “Project benefits will be sustainable or resilient over the project lifespan” section above) and will improve overall water quality by reducing pollutant loading from stormwater into the bay and removing debris from the tidal marsh area. The project also provides climate resilience benefits (see “Project benefits will be sustainable or resilient over the project lifespan” and “Project Summary” sections above).

**5. Project planned with meaningful community engagement and broad community support.**

Since 2014, SFRPD staff has partnered with non-profits and community-based organizations such as the A. Phillip Randolph Institute, the Trust for Public Land, and San Francisco Parks Alliance to enhance their ability to lead outreach efforts for the community co-visioning process and design of the park. Together, they have engaged approximately 30 community groups, hosted over 31 community meetings and events, and developed an Equitable Development

Plan with a community lead committee to support the goals the community identified. More information can be found in the September 14, 2023, Staff Recommendation included as Exhibit 5, under the “Project planned with meaningful community engagement and broad community support” section.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$5,500,000</b>
U.S. Environmental Protection Agency San Francisco Bay Water Quality Improvement Funds	\$3,800,000
California State Parks Statewide Park Development and Community Revitalization Program	\$5,768,000
California State Parks	\$25,000,000
SFRPD 2020 Bond Fund	\$1,000,000
Private Funding	\$18,832,000
<b>Project Total</b>	<b>\$59,900,000</b>

Conservancy funding is anticipated to come from a Fiscal Year 2023/24 appropriation of the General Fund for the purpose of “urgent sea-level level rise adaptation and coastal resilience needs using nature-based solutions or other strategies” (The Budget Act of 2023, Chapter 38, Statutes of 2023 (AB 102)). The coastal resilience funds are available for the purposes set forth in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the coastal resilience funds and includes projects for the purpose of the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21 of the Public Resources Code. The proposed project is consistent with this funding source because it is located within the geographic boundary and supports the goals of San Francisco Bay Program (see Consistency with Conservancy’s Enabling Legislation section, below).

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed project is consistent with Section 31162 of Chapter 4.5 of Division 21 of the Public Resources Code which authorizes the Conservancy to undertake projects consistent with the San Francisco Bay Area Conservancy Program. Specifically, the project is consistent with:

Subsection (a) to “improve public access to, within, and around the bay, coast, ridgetops, and urban open spaces [...]”, the proposed project will improve a segment of the San Francisco Bay Trail and provide related public access amenities.

Subsection (b) to “protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance”, the proposed project will enhance both upland and wetland habitats and improve water quality in India Basin, which has been designated Essential Fish Habitat by National Marine Fisheries Service. The India Basin shoreline is also known to support foraging by birds, and so this area is likely an important corridor to species of interest.

Subsection (c) to “assist in the implementation of the policies and programs of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)), the San Francisco Bay Plan, and the adopted plans of local governments and special districts.” See the “Consistency with Conservancy’s Project Selection Criteria” section above.

Subsection (d) to “promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes”, the proposed project enhances natural areas within the park and provides access to these areas via trail network through the native sage gardens, access to the water via a new gravel beach, and fishing and non-motorized boat recreation via a recreational pier and dock. The proposed project will also include an interpretive program educating the public about the history of the shoreline, including tribes, various immigrant communities, and the current community.

**CONSISTENCY WITH CONSERVANCY’S [2023-2027 STRATEGIC PLAN](#):**

Consistent with **Goal 1.1, Benefit Systemically Excluded Communities**, the proposed project will commit funding to benefit the systematically excluded community known as the BVHP community (see “Project Site” section above).

Consistent with **Goal 2.4, Build Trails**, the proposed project will build a 0.17-mile segment of the Bay Trail, which will enhance connectivity to other parks locally and regionally, and increase the trail network within the park.

Consistent with **Goal 2.5, Recreation Facilities and Amenities**, the proposed project will improve public access amenities by providing new access to the shoreline via a gravel beach and recreational dock, ADA compliant pathways, and Class 1 bike path along the Bay Trail segment, restrooms, boathouse, interpretive exhibits and viewing platform, and enhanced green space in a highly urbanized area.

Consistent with **Goal 2.6, Piers and Waterfronts**, the proposed project will revitalize the waterfront by providing additional community gathering spaces on the waterfront, a recreational dock that allows access to the water for fishing or non-motorized boat launches, and a boathouse for rinsing and storing boats and recreation equipment.

Consistent with **Goal 4.1, Sea Level Rise Adaptation**, the proposed project will protect public infrastructure from sea level rise and improve the shoreline habitats to be able to adapt to climate change impacts such as drought, intense storms, and sea level rise.

**CEQA COMPLIANCE:**

On July 26, 2018, the San Francisco Planning Commission certified the India Basin Mixed-Use Project Final Environmental Impact Report (Final EIR) (Exhibit 3), approved the India Basin Waterfront Park Phase 3: Shoreline Park Redevelopment, and adopted a Mitigation Monitoring and Reporting Program. The proposed project is a component of the India Basin Mixed-Use project analyzed in the Final EIR. The India Basin Mixed-Use Project described in the Final EIR comprises redevelopment of four different areas (treated as four separate projects): 900 Innes, India Basin Shoreline Park, India Basin Open Space, and 700 Innes. The first three are parks and open space projects to be implemented by SFRPD and the fourth is a residential project to be implemented by BUILD. The proposed project consists of India Basin Shoreline Park only. This staff recommendation only describes impacts and mitigation measures for the proposed redevelopment of India Basin Shoreline Park and not the other three.

**1. Findings for Significant Effects that can be Mitigated to Less-Than-Significant Levels**

For the following resource areas, the Final EIR indicated that the proposed project will have potentially significant environmental effects, however changes or alterations have been required in, or incorporated into, the proposed project that mitigate to less than significant each of the potentially significant effects:

**Cultural Resources**

**Impact CR-2:** Construction activities, in particular grading and excavation, could disturb previously unknown archeological resources potentially located at the project site. This impact will be reduced to less-than-significant by Mitigation Measure M-CR-2a, which requires implementation of the Archeological Testing Program and is more fully described in the Final EIR (p. 3.4-53 to 3.4-56).

**Impact CR-3:** Construction would disturb human remains, including those interred outside of formal cemeteries. No known burial locations have been identified in the area with the completion of archaeological investigation, however it is possible that human remains could be inadvertently exposed during ground-disturbing activities. The impact can be mitigated to less-than-significant by Mitigation Measure M-CR-3a Legally Required Measures in the Event of Inadvertent Discovery of Human Remains described in the Final EIR (p. 3.4-57).

**Impact CR-4:** Construction could result in a substantial adverse change in the significance of a tribal cultural resource. Although research and outreach efforts have not revealed presence of tribal cultural resources as defined in PRC 21074, there is potential for construction to expose archeological resources in the study area. This potential impact will be mitigated to a less-than-significant level by Mitigation Measure M-CR-4a Tribal Cultural Resources Interpretive Program described in the Final EIR (p. 3.4-58).

**Noise**

**Impact NO-2:** Construction of the project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. This impact will be reduced to less-than-significant with Mitigation Measures M-

NO-2a Noise Control Measures during project Construction described in the Final EIR (p. 3.6-25).

### **Air Quality**

**Impact AQ-2:** The proposed project will generate construction related emissions of criteria pollutants (NO<sub>x</sub> and ROG) during the demolition, grading, building construction, paving, and architectural coating that violate an air quality standard. These impacts can be mitigated to less-than-significant using Mitigation Measures M-AQ-1a through M-AQ-1f that were proposed for both the construction and operations.

### **Recreation**

**Impact RE-2:** The proposed project would include recreational facilities, the construction of which would cause significant environmental effects but would not require the construction or expansion of other recreational facilities that might have an adverse effect on the environment. Temporary environmental impacts are necessary to construct the recreational facilities, however the impacts can be mitigated to less-than-significant using the necessary construction related mitigation measures found in the following sections: “Noise”; Section 3.7, “Air Quality”; Section 3.14, “Biological Resources”; and Section 3.15, “Hydrology and Water Quality.”

### **Utilities and Service Systems**

**Impact UT-2:** The proposed project would require or result in the construction of new water, wastewater, or stormwater drainage treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; however, these effects can be mitigated to less-than-significant. Runoff from new impervious surfaces on the property would be managed using swales and/or bioretention areas and would utilize an existing outfall on the property. Non-potable water will be used for park irrigation and there is potential for on-site wastewater to be treated at the property.

### **Biological Resources**

**Impact BI-1:** Construction of the project could have significant effects, either directly or through habitat modifications, on species identified as special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. These effects will be reduced to less-than-significant by implementation of four mitigation measures as well as by development of a storm water pollution prevention plan (“SWPPP”) and other erosion control measures identified in “Hydrology and Water Quality” section. The four biological impact mitigation measures are:

- Mitigation Measure M-BI-1a: Prepare and Implement a Hydroacoustic Monitoring Program for Special-Status Fish and Marine Mammals which requires the preparation of a hydroacoustic monitoring plan with details on underwater sound levels expected and practices to attenuate sound or restrict activities to certain times of day to minimize the impact on wildlife.
- Mitigation Measure M-BI-1b: Implement Avoidance and Minimization Measures for Special-Status Species, which requires preparation and implementation of a Worker

Environmental Awareness education program, management of all food related trash, and specified erosion control material that will prevent wildlife entanglement.

- Mitigation Measure M-BI-1c: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation, which requires implementation of a vegetation management program that controls weeds, restoration of areas temporarily disturbed by construction, and compensatory mitigation of permanently lost habitat.
- Mitigation Measure M-BI-1d: Avoid Ridgway's Rail Habitat During the Nesting Season, this does not apply to the proposed project as there is not suitable habitat and no observation of Ridgway's Rail.
- Mitigation Measure M-BI-1e: Avoid Nests during Bird Nesting Season requiring a qualified biologist to survey prior to construction and demolition activities to avoid nests during bird nesting season.

(Final EIR p. 3.14-31 to 3.14-33, p. 3.14-33 to 3.14-34, p. 3.14-34 to 3.14-36, p. 3.14-39, and p. 3.14-42, respectively).

**Impact BI-2:** Once completed the construction impacts of the project on sensitive natural communities will be less-than-significant; however, there could be temporary and permanent loss of about 1.20 acres of open water and 0.07 of tidal marsh when removing current shoreline and riprap and adding a new pier. These impacts will be reduced to less-than-significant by implementation of Mitigation Measure M-BI-1c, described above. The lost tidal marsh acreage will be replaced with new tidal marsh that exceeds the lost acreage.

**Impact BI-3:** The in-water work during the construction of the project could degrade the water quality of the Bay by temporarily increasing turbidity and pollutants. Given the ecological significance of the open water habitat designation of Essential Fish Habitat, this temporary impact could be significant. This impact will be reduced to less-than-significant by implementation of Mitigation Measures M-BI-1c (described above), and M-HY-1a and M-HY-1b (described below).

**Impact BI-4:** The proposed project would interfere with the movement of native resident or migratory fish or wildlife species or with established wildlife corridors. Open water and tidal habitats provide stopovers for birds, but by avoiding nesting season can be mitigated to less-than-significant. Underwater noise from construction and temporary removal of habitat (see Impact BI-2 above) are significant but can be mitigated to less significant with the restoration of natural habitat.

### **Hydrology and Water Quality**

**Impact HY-1:** The project could violate water quality standards or waste discharge requirements during water construction activities, such as pier and dock construction, riprap removal, and regrading. These activities will increase turbidity and resuspension of sediment. In addition, water construction equipment poses a risk of spilling hazardous materials. The impacts are significant, however can be mitigated to less-than-significant by

compliance with Best Management Practices in accordance with the Clean Water Act section 401 and 404 permits and the following mitigation measures:

- Mitigation Measure M-HY-1a: Monitor Turbidity during Construction measure requires monitoring of turbidity during construction and implementation of additional measures in the event turbidity levels exceed standards.
- Mitigation Measure M-HY-1b: Implement Pile Removal Best Management Practices, requiring contractors to use best management practices for pile removal in accordance with guidance prepared by the San Francisco Regional Water Quality Control Board
- Mitigation Measure M-HY-1c: Use Clamshell Dredges measure, which requires use of clamshell dredges to reduce resuspension of sediments.

(Final EIR p. 3.15-32 to 3.15-33, p. 3.15-33 to 3.15-36, and p. 3.15-36, respectively).

### **Hazards and Hazardous Materials**

**Impact HZ-1:** Construction of the project will likely involve the routine use, transport, storage, and disposal of common hazardous materials. Most of the potential effects of using hazardous materials during construction are less-than-significant due to regulations and laws governing processes of handling potentially hazardous materials and addressing accidental spills of materials during construction. These laws do not address impacts related to the potential for accidental spills during in-water construction work which could be significant. Impacts would be reduced to less-than-significant by implementation of Mitigation Measure M-HY-1a and M-HY-1c described above for best water quality management practices.

**Impact HZ-2:** Construction of the project could release or mobilize contaminants in soil to groundwater; generate fugitive dust emissions; or expose construction workers or the public to contaminated soils, sediments, or emissions during on-land and in-water construction and site preparation activities.

Mitigation Measure M-HZ-2a: Prepare and Implement a Site Mitigation Plan for Areas Above the Mean High-Water Line. Previous (2017) soil assessments conducted by SFRPD indicated that contamination testing results do not exceed safety criteria, however these assessments developed a draft plan that should be followed to mitigate and safely handle contaminated materials.

**Impact HZ-3:** The India Basin Shoreline Park property is on the Hazardous Waste and Substances Sites (Cortese) List established by the California Department of Toxic Substances Control pursuant to Government Code Section 65962.5. Environmental sampling by the SFRPD in 2017 has confirmed low levels of contamination. Construction of the proposed project could mobilize contaminants and so Mitigation Measures M-HZ-2a, M-HY-1a, and M-Hy-1b in this section and the previous section above can mitigate to less-than-significant.

## **2. Findings for Potentially Significant and Unavoidable Effects**

For the following resource areas, the Final EIR indicated that the proposed project will have significant environmental effects that although minimized or reduced by mitigation measures will not be less than significant level, either because no mitigations measures are available or mitigation measures were considered but identified as infeasible due to specific economic, legal, social, technological, or other considerations:

### **Cultural Resources**

**Impact CR-1:** Construction would cause a substantial adverse change in the significance of a historical resource. To implement the project, some character defining features of the site must be permanently removed or altered. Mitigation measures include Mitigation Measure M-CR-1a: Prepare and Implement Historic Preservation Plans and Ensure that Rehabilitation Plans Meet Performance Criteria, Mitigation Measure M-CR-1b: Document Historical Resources, Mitigation Measure M-CR-1c: Develop and Implement an Interpretative Plan, and Mitigation Measure M-CR-1e: Vibration Protection Plan. As they pertain the India Basin Shoreline Park property, the project area is part of the Scow Schooner Boatyard Vernacular Cultural Landscape which refers to features of the historical boatbuilding industry that occurred in this area, including ship hulls and marine ways. The remains of two ships, Bay City and Caroline are visible in the tidal areas.

### **Noise**

**Impact-C-NO-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects (900 Innes, India Basin Open Space, 700 Innes) in the vicinity of the project site, would substantially contribute to cumulative impacts related to noise. The impacts related to noise include construction, groundborne vibration, and traffic for the four projects occurring in the vicinity. These impacts are significant and unavoidable.

### **Air Quality**

**Impact AQ-1:** The proposed project would generate emissions of criteria (Clean Air Act and California Clean Air Act) pollutants and precursors during construction, operations, and overlapping construction and operational activities that could violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria pollutants. The impact is significant and unavoidable with mitigation. The main source of emissions of criteria air pollutants (primarily NO<sub>x</sub> and ROG) during construction is anticipated to be exhaust from the mobile equipment required to complete the work. However, mitigation measures M-AQ-1a through M-AQ-1e will help the proposed project meet the requirements of the City's Clean Construction ordinance:

- Mitigation Measure M-AQ-1a and M-AQ-1b: Minimize Off-Road Construction Equipment Emissions requiring emissions minimization plans that use alternative power sources to diesel for equipment, minimizing idling time, maintaining equipment, and reporting on construction activities and duration. Mitigation Measure M-AQ-1b passes through these requirements to all construction contracts.
- Mitigation Measure M-AQ-1c: Utilize Best Available Control Technology for In-Water Construction Equipment requires engine specifications for in-water equipment and

passes through M-AQ-1a and the engine specifications to construction contracts utilizing in water equipment.

- Mitigation Measure M-AQ-1d: Offset Emissions for Construction and Operational Ozone Precursor (NO<sub>x</sub> and ROG) Emissions which require offset to operational emissions or equivalent fee payment to the BAAQMD.
- Mitigation Measure M-AQ-1e: Implement Best Available Control Technology for Operational Diesel Generators requires that the operational backup diesel generators comply with ARB Airborne Toxic Control Measure emission standards for 2008 or newer model engines and meet or exceed particulate matter emission standard.
- Mitigation Measure M-AQ-1f: Prepare and Implement Transportation Demand Management.

(Final EIR p. 3.7-39 to 3.7-40, p. 3.7-40 to 3.7-41, p. 3.7-41 to 3.7-42, p. 3.7-42 to 3.7-43, and p. 3.7-50, respectively). Mitigation measure M-AQ-1f is not included in this list because it applied to the Transportation Impact Study, where the India Basin Shoreline Park property had less-than-significant impact on transportation.

**Impact C-AQ-1:** The proposed project will contribute to regional air quality impact even if the individual project does not result in nonattainment of ambient air quality standards. Mitigation Measures M-AQ-1a through M-AQ-1f would reduce the impact, but not to less-than-significant.

These impacts will remain significant and unavoidable. A Statement of Overriding Considerations (see below) is being adopted to address these significant and unmitigated impacts.

### **3. Statement of Overriding Considerations**

In the event a project has unavoidable significant environmental effects, the CEQA Guidelines require the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project (Title 14 California Code of Regulations Section 15093). If the specific project benefits outweigh the unavoidable significant environmental effects of the project, a Statement of Overriding Considerations may be adopted and the project approved, despite its significant environmental effects. The overall environmental benefits of the proposed project, as detailed in the “**Project Summary**” and “**Selection Criteria**” sections above, warrant the Conservancy’s decision to approve the proposed project. The proposed project’s public benefits that justify proceeding with the Project despite the environmental cost of the unavoidable significant environmental effects include:

- Improved community access to natural open space (native gardens, pebble beach, tidal marsh), new shoreline access (recreational dock, pebble beach), public access amenities (ADA compliant restrooms, trail, and non-motorized boat launch) and recreation

facilities and gathering spaces (lawn, updated basketball courts, interpretive exhibits and lookout point, cookout terrace, picnic tables, play structure).

- Enhanced tidal marsh habitat and sea level rise resilience. The project will restore shoreline habitat by removing approximately 79 cubic yards of old riprap and replacing it with re-contoured gradual slopes that will support a variety of shoreline habitat, such as a new gravel beach and 0.45 acres of tidal marsh and marsh transition zone. These nature-based improvements and restoration will provide a buffer from storm surges and allow for gradual transition of habitat as sea level rises.
- Enhanced upland habitat and drought tolerance. About 0.26 acres of ruderal, non-native grasses will be replaced with native coastal sage scrub gardens in the upper region of the park, improving the habitat quality and tolerance to drought.
- Improved water quality. A portion of the native gardens are designed as bioretention basins that will capture and treat 5,400 cubic feet of stormwater runoff during rainfall events, which are anticipated to increase in intensity with climate change.
- Helps the community achieve goals environmental health, economic opportunity, and cultural identity goals.

For these reasons, Conservancy staff recommends that the Conservancy find that the proposed project, as mitigated, avoids or reduces to less than significant all potentially significant environmental effects, except for the unavoidable significant environmental effects to **Cultural Resources, Noise, and Air Quality**. With respect to these unavoidable significant environmental effects, Conservancy staff recommends that the Conservancy find that the economic, social, and environmental benefits of the project outweigh the unavoidable significant environmental effects, thereby warranting its approval.

Upon approval of the project, Conservancy staff will file a Notice of Determination.