

SAN FRANCISCO BAY RESTORATION AUTHORITY

Staff Recommendation
February 22, 2019

900 INNES REMEDIATION PROJECT

Project No. RA-010
Project Manager: Kelly Malinowski

RECOMMENDED ACTION: Authorization to disburse up to \$4,998,600 to the City and County of San Francisco, Recreation and Park Department, to remediate and restore soft-bottom intertidal and subtidal habitat and to remove dilapidated structures at 900 Innes, San Francisco.

LOCATION: San Francisco, SFBRA West Bay Region

MEASURE AA PROGRAM CATEGORY: Safe, Clean Water and Pollution Prevention Program; Vital Fish, Bird and Wildlife Habitat Program; Integrated Flood Protection Program; Shoreline Public Access Program.

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Project Designs and Photographs](#)

Exhibit 3: [India Basin Mixed-Use Project EIR, Comments, Commenters, Responses, and Lead Agency Additions](#)

Exhibit 4: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the San Francisco Bay Restoration Authority adopt the following resolution pursuant to The San Francisco Bay Restoration Authority Act, Gov. Code § 66700:

“The San Francisco Bay Restoration Authority hereby authorizes the disbursement of an amount not to exceed four million nine hundred ninety-eight thousand and six-hundred dollars (\$4,998,600) to the City and County of San Francisco to remediate and restore soft-bottom intertidal and subtidal habitat and remove dilapidated structures at 900 Innes, San Francisco. Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Authority the following:

- a. A detailed work program, schedule, and budget.
- b. Names and qualifications of any contractors to be engaged in carrying out the project.
- c. A plan for acknowledgement of Authority funding.

- d. Evidence that all permits and approvals required to implement the project have been obtained.
- f. Evidence that the grantee has entered into a project labor agreement consistent with San Francisco Bay Restoration Authority Resolution 22.”

Staff further recommends that the Authority adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the San Francisco Bay Restoration Authority hereby finds that:

2. The proposed authorization is consistent with The San Francisco Bay Restoration Authority Act, Gov. Code § 66700.
3. The proposed authorization is consistent with The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (Measure AA).
4. The San Francisco Bay Restoration Authority has reviewed and considered the *India Basin Mixed-Use Project Final Environmental Impact Report* (FEIR) certified by the San Francisco Planning Commission on July 26, 2018 (which certification was affirmed by the San Francisco Board of Supervisors on October 16, 2018), pursuant to the California Environmental Quality Act, and attached to the accompanying staff recommendation as Exhibit 3. As discussed in greater detail in the accompanying staff recommendation, which is hereby incorporated, the FEIR indicates that the project has potentially significant effects in the areas of Cultural Resources, Noise, Air Quality, Biological Resources, Hydrology and Water Quality, and Hazards and Hazardous Materials; however, mitigation measures will be implemented that eliminate or substantially lessen all potentially significant effects of the project with the exception of impacts to Cultural Resources.
5. Statement of Overriding Considerations. The project may result in significant unavoidable effects to the India Basin Scow Schooner Boatyard Vernacular Cultural Landscape (Cultural Landscape). In particular, the removal of buildings on the site (the Boatyard Office, Tool Shed, and Water Tank) will alter or remove some of the character-defining features and distinctive setting, design, materials, workmanship, feeling, and association of the Cultural Landscape to such degree that the Cultural Landscape would no longer be able to convey the characteristics that justify its eligibility for listing in the California Register of Historical Resources (CRHR), and thus this impact would be significant. The impact will be lessened by Mitigation Measures M-CR-1a, M-CR-1b, M-CR-1c, and M-CR-1e but not to the degree that the resource would remain eligible for listing in the CRHR. In addition, the FEIR identifies a mitigation measure that would reduce the impacts on the Cultural Landscape, M-CR-1d, which provides for retaining the Boatyard Office Building, but would not reduce the impacts to a less than significant level, and this mitigation measure was rejected by the Planning Commission as infeasible because it conflicts with the policy goals identified for redevelopment of the project site, including the goals of providing accessible and safe access to the future park on the site.

However, specific environmental and social benefits of the project, as described in the accompanying staff recommendation, outweigh and render acceptable the unavoidable adverse impact of the project on the Cultural Landscape. The environmental benefits include benefits to fish and wildlife habitat by directly improving the soft-bottom substrate that

supports invertebrate populations; improving the Essential Fish Habitat, which is an identified restoration objective in the Subtidal Habitat Goals Report; and remediating contaminants in the intertidal and subtidal areas of the property to the degree necessary to support existing and future tidal marsh habitat. The social benefits include the facilitation of future redevelopment of the dilapidated and unusable project site into a park with numerous educational and public access amenities for the surrounding disadvantaged community.

PROJECT SUMMARY:

Staff recommends that the San Francisco Bay Restoration Authority disburse \$4,998,600 to the City and County of San Francisco (City) to remediate and restore soft-bottom intertidal and subtidal habitat and to remove dilapidated structures at City's 900 Innes site, which the City, through its Recreation and Park Department (SFRPD), acquired in 2014, and is located in the Bayview-Hunter's Point (BVHP) neighborhood. The proposed project will improve habitat for fish and wildlife, and facilitate future SFRPD actions on the site to restore wetland functions, improve ecosystem services, and enhance recreation and public access.

This proposed project is the necessary first phase of a multi-phased redevelopment plan (see Exhibit 2 Project Designs and Photographs) for the 900 Innes property (see Exhibit 1 Project Location and Site Map). In the subsequent phase of the redevelopment plan for 900 Innes, which is not part of the proposed project, SFRPD will create vegetated marsh and buffer habitat, install trails and other public access amenities, and restore a historic cottage on the site for use as a visitor center. The redevelopment of 900 Innes is a component of a larger effort by SFRPD to redevelop the India Basin Shoreline. SFRPD's redevelopment effort, which includes redevelopment of the adjacent India Basin Shoreline Park in addition to 900 Innes, is linked to the effort of a private entity, BUILD, to redevelop 700 Innes (also along the India Basin Shoreline) into a mixed-use housing and commercial development.

The proposed project consists of remediating the soft-bottom intertidal and subtidal sediments containing hazardous levels of contaminants (including Metals, PAHs, TPHs, and PCBs), and removing dilapidated structures related to the prior industrial activities. The dilapidated structures include several buildings on the property, docks, launch ramps, wharves, creosote-treated piles, and piers (see Exhibit 2 Project Designs and Photographs). This proposed project will: reduce the overall pollutant load in bay mud, improve important soft bottom substrate that supports invertebrate populations, improve Essential Fish Habitat, support birds, and ensure the safety of future park users, visitors, construction workers, and ecological receptors.

Sediment characterization reports have revealed environmental impacts and degraded habitat as a result of the historic, industrial boat-building and ship repair activities performed at the site, including elevated concentrations of metals, polycyclic aromatic hydrocarbons (PAHs), total petroleum hydrocarbons (TPHs), and polychlorinated biphenyls (PCBs) in the bay mud, which pose an adverse risk to human and ecological receptors. In addition to these contaminants, the old structures at the site include creosote-treated piles, abandoned marine infrastructure (docks, launch ramps, wharves) and piers, some of which have crumbled into the intertidal and subtidal areas of the site (shown in Exhibit 2 project photos). If left un-remediated, these pollutants and structures will continue to have adverse impacts to fish and birds.

In addition, the site is adjacent to the Bayview Hunters Point (BVHP) neighborhood, which qualifies as an economically disadvantaged community under SFBRA's definition. Residents of the BVHP neighborhood are living below twice the federal poverty level, and disproportionately bear a higher level of environmental and health burden. Historically, polluting industries were concentrated in the BVHP neighborhood, and left a legacy of contaminated sites and physical blight. To the south of this neighborhood is a decommissioned Hunters Point Naval Shipyard that was placed on the National Priorities List as a "Superfund" site. Further, BVHP has 2.4 active brownfields and approximately 4 leaking underground storage tanks per square mile, and is also burdened by stationary pollution sources.

The goal and objectives of the proposed project include intertidal and subtidal mudflat restoration to support habitat uses, as well as future park and open space uses. More broadly, the overall vision for the 900 Innes site, and India Basin Shoreline in its entirety (which includes adjacent projects), is to connect adjacent sites through high-functioning wetland habitat, as well as connect communities and green, open spaces through the San Francisco Bay Trail.

The proposed project meets Measure AA location and habitat eligibility criteria, and presents an opportunity to take the first important step toward restoration, by undertaking remediation activities, so that the site may be restored and turned into a park in a subsequent phase, as well as connected to adjacent habitat and recreation, and provide the BVHP neighborhood access to the San Francisco Bay.

The proposed project includes: planning and environmental assessments, design and engineering, permitting, construction, construction management, and oversight, inspection, and monitoring tasks. The proposed budget also includes a 20% contingency to cover unforeseen conditions. The project components include: demolition and removal of old structures (creosote-treated piles, abandoned infrastructure and buildings, and crumbling piers, wharves, and boat ramps), dredging and excavation, import and backfill of sediments to create a clean and suitable habitat layer, and grading and re-contouring of the shoreline to create elevations to support future vegetated intertidal areas.

Specifically, the project components are: (1) demolition and clean-up of existing shoreline, (2) dredging and excavation of at least 4,500 cubic yards of contaminated sediments, (followed by treatment or stabilization if necessary, and disposal at an approved upland facility, and then the import of approximately 4,500 cubic yards of backfill to create a suitable habitat layer and eliminate exposure pathways), (3) import and backfill of sediments to create a clean and suitable habitat layer, and (4) grading and re-contouring of the shoreline to create elevations to support future vegetated intertidal areas. The regraded site will support the establishment of approximately 0.30 acres of vegetated marsh and additional upland buffer habitat to help filter surface runoff and protect recreation surface waters.

Project proponents will coordinate through the Dredged Material Management Office (DMMO) in the San Francisco Bay Area, and will use the San Francisco Estuary Institute's SediMatch program, to work with resource agencies to ensure best management practices in design and construction, and to coordinate to find suitable backfill to then establish the proposed final habitat layer.

A list of Chemicals of Potential Concern (COPC) was developed based on the findings in the characterization report, and for each COPC, a Human Health Screening Level (HHSL) and/or Ecological Habitat Screening Level (EHSL) was developed, and together these serve as the

remedial action goals for the site. The proposed Remedial Action Plan will reduce pollutant loads at the site to allow for the larger restoration and redevelopment. Specifically, post-remediation objectives and outcomes include:

- A reduction of the concentrations of metals:
 - Copper will be reduced from a 95% UCL¹ of 1,884 to 89 mg/kg;
 - Lead will be reduced from a 95% UCL of 609 to 47 mg/kg; and
 - Mercury will be reduced from a 95% UCL of 47 to 0.58 mg/kg; Nickel from a 95% UCL of 535 to 132 mg/kg.
- A reduction of the concentration of PCBs in the upper two feet of sediment (habitat layer) from a 95% UCL of 5.4 to 0.18 mg/kg, and a reduction of maximum concentration from 16 to 1 mg/kg.
- A reduction of the concentration of TPH (oil) in the upper two feet of sediment (habitat layer) from a 95% UCL of 983 to 144 mg/kg, and a reduction of maximum concentration from 4,462 to 500 mg/kg.
- A reduction of the concentration of PAHs in the sediment from a 95% UCL of 10 to 4 mg/kg.
- Maintain two-feet of clean cover for period of 5 years, as measured by sediment surface elevation.

The regraded site will support SFRPD's plans for the subsequent phase of the redevelopment plan for 900 Innes, which include the establishment of approximately 0.30 acres of vegetated marsh and additional upland buffer habitat to help filter surface runoff and protect recreational surface waters. The planting pallet for this marsh will be developed in consultation with qualified ecologists and biologists to support local and regional flora and fauna, with the goal of increasing biodiversity, habitat connectivity, and continuity within the San Francisco Bay Area. Further, the remediation will ensure both the safety of future park users, visitors, and construction workers, as well as ecological receptors. Remediation of the site will enable the overall vision for the 900 Innes site, which is a clean waterfront that has much needed parks and provides public access to the San Francisco Bay shoreline for residents of the BVHP. The proposed project will also pave the way for greater connectivity in the area, connecting with adjacent sites through high-functioning wetlands habitat, connecting the BVHP neighborhood to the shoreline, and connecting communities through the expansion of the Bay Trail.

The marsh edge and upland buffer habitat that will be created in the subsequent phase of the redevelopment plan for 900 Innes will provide a resilient shoreline that can adapt with rising sea levels, improve water quality through filtration of nutrients and sediments in groundwater runoff, and help stabilize soils and minimize erosion in these areas. The remediation of sediments will be the first step in developing a more connected mudflat, tidal marsh, and upland buffer and transition zone, which will support the variety of flora and fauna, including migratory birds, that would benefit from this habitat.

The SFRPD is one of the largest landowners in the City and County of San Francisco, managing 4,113 acres of recreational and open space, many of which include natural habitat areas. Its portfolio includes Sharp Park in Pacifica, Golden Gate Park, Camp Mather, McLaren Park, Glen Canyon, and its Small Craft Harbors/Marina, among others. SFRPD regularly manages large-

¹ Upper Confidence Level

scale capital improvement projects, including ones adjacent to bay and coastal resources as evidenced by its completion of the West Harbor Renovation, and its maintenance dredging that abide by the Long Term Management Strategy (LTMS) policies. Along with its project delivery partners in the Department of Public Works, CCSF has a wealth of expertise in design, engineering, construction management, inspections, and environmental and regulatory compliance.

In 2015, San Francisco Mayor Ed Lee asked over 30 BVHP community, non-profit, City, and regional stakeholders to form a Community Task Force (Task Force) whose goal was to guide the site remediation, park design process, and future site programming of 900 Innes and surrounding India Basin sites. Given this mandate, the Task Force led the creation of the India Basin Waterfront Study (IBWS), a comprehensive planning and action document that presents a clear vision for the India Basin parks, trails and open space system founded on community input regarding amenities and programming and technical studies. As part of the 900 Innes planning and design process, over 20 public meetings and outreach events were held in the BVHP neighborhood, including six public Task Force Meetings, seven Concept Design Meetings and Presentations, and five remediation-related meetings.

The public outreach process has been a cooperative effort led by SFRPD, the San Francisco Parks Alliance, and the Trust for Public Land, with support from the Green Action Network and the A. Phillip Randolph Institute, both local non-profits with expertise in engaging the BVHP Community. Outreach included door-to-door multi-lingual (Spanish/ Chinese) flyer distribution to over 1,000 BVHP households, as well as local businesses, schools, community centers and events, and the Bayview Branch Public Library. BVHP-service providers, and public housing projects also received notification. Social media, dedicated email lists, local print and e-newsletters, and announcements on the SFRPD website and the India Basin Waterfront website was also used.

Partnerships with community-based organizations include *Parks 94124*, a trusted organization with deep roots in the community provides guidance for an effective community planning process within and for the focus community, and *Hunters Point Family (HPF)* who has received an EPA Job Training Grant, will partner with the San Francisco Parks Alliance (SFPA) and SFRPD to provide job opportunities for graduates from the HPF Environmental Workforce Development and Job Training Program.

Several partnerships with non-profits have enhanced the SFRPD's ability to develop this project. *The A. Philip Randolph Institute (APRI)*, an organization that supports racial equality, economic justice and to advocate for economically disadvantaged communities through community engagement and civic participation, and *GreenAction for Health & Environmental Justice (GreenAction)*, whose mission is to fight environmental racism, is leading an effort to assess the extent of the area's use by subsistence fishers, identify fisher demographics, and assess knowledge of the levels of fish toxicity, which will provide the basis for a longer-term subsistence fisher education project. Helping to lead outreach efforts with the SFRPD include *the Trust for Public Land (TPL)*, who has decades of experience working on public park projects in the BVHP neighborhood and is partnering on the 900 Innes park design, development, and funding. Other outreach leads include *the San Francisco Parks Alliance (SFPA)*, which is the organization that spearheaded the Blue Greenway project and secured the 2010 USEPA Area wide Planning Grant that identified this project site for redevelopment. Finally, the last outreach

lead in addition to SFRPD, the SFPA will coordinate public input and play a key role in park planning.

SFRPD has also formed a public-private partnership with BUILD, the project proponent of the adjacent 700 Innes project, since both projects are being designed in close collaboration and are being analyzed as a single, combined India Basin Mixed-Use Project for environmental review purposes. Together, SFRPD and BUILD have proposed to transform 38.84 combined acres of publicly owned, underutilized parkland, and privately owned, vacant land into a new mixed-use waterfront community connected by a network of public parks in the City and County of San Francisco.

SFRPD has identified two project risks or barriers associated with the delivery of the remediation project. The first risk includes managing expectations around sediment backfill and its sourcing to support remediation and habitat restoration objectives; the second risk is the limited understanding of physical baseline conditions of the historic boat-building and ship repair yard. Unforeseen conditions below grade could result in a more complicated means for completion. In order to mitigate risks and barriers, SFRPD will perform a structural analyses and investigations of the large wharf to ensure it can support large equipment necessary to deliver the remediation. Typical barges are too large for the site and much of the marine-based work has to be performed landside.

To mitigate financial risks, a 20% construction contingency of \$974,000 has been included as Task 7 of the proposed project, based on an estimated hard cost of \$4,873,000. The City of San Francisco applies best practices of including a construction contingency line to its budget for large capital projects to account for unforeseen site conditions including utilities, and due to the complexity of working within complex tidal waters. The State and City continue to experience construction cost escalation. SFRPD and DPW and its partners in capital delivery continue to monitor and track local market and bidding conditions. As SFRPD works towards design completion, it will employ professional cost estimators to ensure it captures costs accurately.

Site Description: The 900 Innes site was historically an industrial boat-building and ship repair site and consists of 2.4 acres, of which 1.5 acres is submerged, located on the eastern shore of the San Francisco Peninsula, off of Innes Avenue in the BVHP neighborhood in southeast San Francisco. The site is bordered by the San Francisco Bay to the northeast, industrial facilities to the southeast and northwest, and residences to the southwest. The property is relatively flat with surface elevations ranging from approximately mean sea level (MSL) at the shoreline, to as high as 35 feet relative to the North American Vertical Datum (NAVD88) at Innes Avenue.

The majority of the site is unpaved. Various old structures currently exist on the property including two storage buildings and an abandoned single-family home known as the Hunters Point Shipwright's Cottage, recorded as San Francisco Historical Landmark 260 (designated by the San Francisco Board of Supervisors in 2008). Extending into the bay from the site are 32-creosote treating pilings and two dilapidated piers. Adjacent to the project site is the 700 Innes property, which consists of approximately 13.6 acres of bay fill with no structures or previous development (see Exhibit 1 Project Location and Site Map). BUILD, Inc., the private firm that owns the 700 Innes property, has expressed interest in an agreement with SFRPD to jointly plan open space connectivity across the property.

WRA Environmental (WRA) performed a Biological Resources Assessment (BRA) at the project site and identified sensitive biological communities present consist of developed and undeveloped open water (i.e. submerged intertidal and subtidal habitat), extending to approximately the Highest Tide Line, or +7.63ft NAVD88. As noted in the 2015 Subtidal Habitat Goals Report, contaminants are a stressor of concern for soft substrate. The sediments at 900 Innes contain elevated concentrations of Metals, PAHs, PCBs, and TPHs which limit the functional value and ecosystem services provide by this habitat. During WRA’s assessment, American avocet, black-necked stilt, and western gull were observed foraging in the tidal waters as the San Francisco Estuary is a known key stop on the Pacific Flyway.

A majority of the shoreline consists of shallow water areas, rock debris covered in macro algae species, and degraded intertidal and subtidal areas which are paved, or littered with abandoned structures and marine debris (i.e. tires, building materials, docks, piers). At the adjacent SFRPD-owned and managed park sites, small communities of salt marsh were observed, which indicates the potential for habitat restoration and success at 900 Innes. The open water habitat at 900 Innes is predominantly intertidal, shallow, unvegetated and composed of mud substrate and is Essential Fish Habitat (EFH). It is also designated critical habitat for green sturgeon and California Central Coast steelhead but future plans seek to design with living shorelines in mind to ensure that any migration continues to support a variety of aquatic habitat.

The Historical Landmark on 900 Innes is an 1870s-era worker’s cottage known as the Hunters Point Shipwright’s Cottage and, though currently in a dilapidated state, provides potential for historical and cultural interpretation of the shipping industry uses of the southeast shoreline. India Basin was the heart of San Francisco’s scow schooner construction and repair community through the 1930s, with yard owners and their families living and working on Innes Street and its neighboring blocks. World War I submarine chasers and World War II mine sweepers were also constructed in the yard, which is less than half a mile from the Hunters Point Naval Shipyard. Maritime use of the property continued until 1992 when an illegal dredging charge led to the bankruptcy of the last boatyard on the property. Current use for construction equipment storage as well as decades of previous use for shipbuilding and repair operations have resulted in a number of known environmental conditions on the property and surrounding areas. SFRPD has completed Phase I and II assessments for 900 Innes, as well as acquisition of the site itself.

SFRPD acquired the 900 Innes site in 2014 to bridge the gap in open space and park networks within the India Basin waterfront. The acquisition of the park provides a unique opportunity to connect the Southeastern Parks (existing and proposed) and create a more interconnected habitat and open space system with connected trails and amenities.

PROJECT FINANCING

San Francisco Bay Restoration Authority	\$4,988,600.00
US EPA, SF Bay Water Quality Improvement Funds	\$1,200,000.00
US EPA Brownfields Funds	\$748,204.00
SFRPD General Funds	\$2,450,989.15
Private Donor	\$1,500,000.00

Project Total

\$10,887,793.15

SFRPD has successfully secured \$1.2M towards the project through the US EPA San Francisco Bay Water Quality Improvement Fund and \$748,204 from US EPA Brownfields Funds. Additionally, SFRPD will contribute \$2,450,989.15 from their General Fund and Open Space funds, and has secured an additional \$1.5M from a private donor.

CONSISTENCY WITH AUTHORITY’S ENABLING LEGISLATION, THE SAN FRANCISCO BAY RESTORATION AUTHORITY ACT:

The San Francisco Bay Restoration Authority Act (SFBRA Act), Government Code Section 66704.5 authorizes the Authority to grant funds for eligible projects. Consistent with Section 66704.5(a), the grantee is a public entity, the (SFRPD).

The proposed 900 Innes project is consistent with Section 66704.5(b)(1) because the project will remediate subtidal and tidal baylands along the shoreline of the San Francisco Bay, paving the way for additional restoration work in the future.

The proposed funding of the project’s construction, monitoring, and maintenance is consistent with Section 66704.5, which provides that the Authority may grant award grants for “all phases of planning, construction, monitoring, operation, and maintenance” of eligible projects.

CONSISTENCY WITH MEASURE AA PROGRAMS AND ACTIVITIES:

The proposed project is consistent with the *Safe, Clean Water and Pollution Prevention Program*, which calls for: “improving water quality by reducing pollution and engaging in restoration activities, protecting public health and making fish and wildlife healthier,” “reducing pollution levels through shoreline cleanup and trash removal from the Bay,” and “restoring wetlands that provide natural filters and remove pollution from the Bay’s water.”² The proposed project meets these goals by conducting large-scale remediation and clean-up of contaminant-laden intertidal and subtidal sediments and removing dilapidated structures, which will meet Environmental Health Screening Levels (EHSLs) and Human Health Screening Levels (HHSLs) protecting ecological receptors of tidal marsh and mud flat habitats and the health and safety of future redevelopment construction workers, park and open space workers and visitors. This proposed work will improve sediment quality in the intertidal and subtidal areas of the property to the degree necessary to support existing and future tidal marsh habitat that is currently proposed as part of the future 900 Innes site redevelopment.

The proposed project is also consistent with the *Vital Fish, Bird and Wildlife Habitat Program*, which calls for “protecting and restoring wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl, and fish” by directly improving the soft-bottom substrate that supports invertebrate populations, improving the Essential Fish Habitat which is an identified restoration objective in the Subtidal Habitat Goals Report, and remediating

² Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure: <http://sfbayrestore.org/docs/BallotMeasureLanguage.pdf>

contaminants in the intertidal and subtidal areas of the property to the degree necessary to support existing and future tidal marsh habitat³.

CONSISTENCY WITH MEASURE AA PRIORITIZATION CRITERIA:

Greatest positive impact. The proposed project will improve environmental conditions of the mudflat, tidal marsh and upland buffer at the site, which will enhance the fish habitat and foraging opportunities for local and migratory birds as well as improve aesthetics of a blighted property.

The remediation of intertidal and subtidal soft-bottom habitat and removal of dilapidated structures in the Bay will improve the sediment quality in the intertidal and subtidal areas of the property to the degree necessary to support existing and future tidal marsh habitat that is currently proposed as part of the future park redevelopment. The remediation will meet Environmental Health Screening Levels (EHSLs) and Human Health Screening Levels (HHSLs) protecting ecological receptors of tidal marsh and mud flat habitats and the health and safety of future redevelopment construction workers, park and open space workers and visitors.

The elimination of the blighted structures will also reduce existing issues with trespassing, vandalism, homeless encampments and discourage littering and illegal disposal and dumping this experienced in the community and leads to unwanted pollutants in the Bay. The SFRPD's future short-term and long-term improvements to the property will also provide passive and active recreation opportunities for this historically underserved community. The project is located on the Blue Greenway, a 13-mile open space corridor that extends the region's Bay Trail along the San Francisco's Southeastern Waterfront.

The subsequent phase of the redevelopment plan for 900 Innes includes creation of a new Bay Trail segment that will also provide connections to the planned mixed-use housing development proposed for 700 Innes, as well as the adjacent India Basin Shoreline Park. The new trail segment and other planned open space improvements will provide an environment for people to lead active, healthier lifestyles that can help reduce the risk of chronic diseases, and ultimately help transform Bayview Hunters Point into a vibrant, healthy and sustainable community. Interpretive signage installed during later phases will introduce residents to the natural environment, thus instilling the appreciation for their local landscape.

Greatest long-term impact. The project focuses on remediation of muddy soft-bottom habitat, an essential habitat for many species and one that supports a number of ecosystem services. Integrating restoration of subtidal and nearby marsh and upland habitat will provide greater ecological benefits at a cost savings, and help protect shorelines from climate change impacts. The regraded site will support the future establishment (in a subsequent phase) of approximately 0.30 acres of vegetated marsh and will provide buffer for submerged soft-bottom substrate and protect recreational surface waters.

³ Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure: <http://sfbayrestore.org/docs/BallotMeasureLanguage.pdf>

The proposed marsh edge would also provide a resilient shoreline that can adapt with rising sea levels, improve water quality through filtration of nutrients and sediments in groundwater runoff, and help stabilize soils and minimize erosion in these areas. The improvements will promote a more connected mudflat, tidal marsh, and upland buffer and transition zone to support the variety of flora and fauna including migratory birds. The project as a whole will foster community support for resource protection through anticipated educational programming through a non-profit partnership or stewardship programs, and provide coastal-oriented public access through designated trails, while avoiding adverse effects on sensitive resources and wildlife.

Leveraging resources and partnerships. See PROJECT FINANCING section above.

Economically disadvantaged communities. The project benefits the BVHP neighborhood, identified as a disadvantaged community by CalEnviroScreen as well as the San Francisco Bay Restoration Authority's definition of Economically Disadvantaged Communities. The BVHP is home to approximately 35,000 racially diverse residents of which 79% are racial minorities. It is one of the poorest neighborhoods in San Francisco and the Bay region with median household incomes that are significantly lower (at \$50,416) than the citywide median of \$75,609. Eighty-five percent of the residents in the Bayview neighborhood are living below twice the federal poverty level. The federal poverty level (FPL) is "a measure of income issued every year by the Department of Health and Human Services (HHS). Federal poverty levels are used to determine eligibility for certain programs and benefits."⁴ BVHP's unemployment rate of 18% is more than four times higher than the City's average unemployment rate of 3.5% and three times higher than the National Average of 5.3%.

The BVHP has one of the lowest levels of educational attainment in the City, with 29.6% of residents having no high-school diploma compared to 14.4% of residents citywide. Of all the people in the labor force for 27 weeks or more in 2013, those with less than a high school diploma had a higher working-poor rate (19.2%) than did high school graduates with no college (8.9 %)⁵. Education is also inversely related to the degree of exposure to indoor and outdoor pollution.

The BVHP neighborhood disproportionately bears a higher level of environmental and health burden. Historically, polluting industries were concentrated in the BVHP neighborhood and left a legacy of contaminated sites and physical blight. To the south of this neighborhood is the decommissioned Hunters Point Naval Shipyard that was placed on the National Priorities List as a "Superfund" site. To the east of the site is the decommissioned Pacific Gas and Electric Facility that has also been responsible for contaminating the land and bay waters. Per the California Communities Environmental Health Screening Tool (CalEnviroScreen), BVHP has 3.4 active brownfields and 4.1 leaking underground storage tanks per square mile. BVHP is also burdened by stationary pollution sources that include the Southeast Sewage Treatment plant, many under-regulated and unregulated dirty industries, and air pollution generated by thousands of vehicles traveling daily on two congested freeways that border the community, US Highway 101 and Interstate 280.

⁴ Federal Poverty Level definition and information: <https://www.healthcare.gov/glossary/federal-poverty-level-fpl/>

Bayview residents suffer from higher rates of several diseases in comparison to San Francisco as a whole: the adult hospitalization rate for diabetes is three times higher; congestive heart failure is almost two times higher; and asthma is two times higher. Factors such as limited physical exercise and lack of access to safe outdoor areas for recreational activities, combined with poor eating habits and food insecurity, are leading to higher obesity rates among San Francisco's poor and minority groups⁶, including the BVHP's African American and Latino residents who have a higher prevalence of overweight and obesity rates when compared with citywide rates.

Benefits to economy. The project will facilitate future redevelopment of the property into a new park in the community will raise property values, generate municipal revenues, and will attract homebuyers to the area. The new park will attract more customers to the existing businesses in the surrounding business district, particularly those that provide food service. The revitalization of the area will provide more recreation and social options for residents from nearby public housing reducing the existing isolation these lower income residents currently experience.

SFRPD also is collaborating with *Hunters Point Family*, a grassroots, community-based organization in BVHP, which has received an EPA Job training grant with the intent to provide employment opportunities for graduates of their program, Partnerships with Workforce Development. The project will aim to provide employment for local residents during the construction phase as part of the local hire ordinance that requires 50% of the construction workforce to be San Francisco residents, with 25% coming from disadvantaged communities. The proposed marsh edge and upland buffer habitat would provide a resilient shoreline that can adapt with rising sea levels, improve water quality through filtration of nutrients and sediments in groundwater runoff, and help stabilize soils and minimize erosion in these areas.

Engage youth and young adults. The project's outreach process will be a cooperative effort led by San Francisco Parks Alliance and the Trust for Public Land, with support from Green Action Network and the A. Phillip Randolph Institute, both local non-profits with expertise in engaging this community. The Recreation and Park Department Greenagers Program provides extra-curricular opportunity for underserved youth to play an important role in helping their communities and improving the city's green spaces. The program involves visiting different parks and open spaces in the city's southeast, meeting with program staff, researching issues, and developing projects at these parks and open spaces based on their findings. Working with other teens, they gain crucial skills in natural resource protection, habitat restoration, environmental education, park beautification as well as important work skills including networking, public speaking, teamwork, and community engagement.

Monitoring, maintenance, and stewardship. The remediation requires a Final Remedial Action Plan (RAP) and regulatory permits (Section 401, 404, Bay Conservation and Development Commission) from the governing regulatory agencies. SFRPD will comply with any post-construction performance monitoring required by and through the resource agency permits and Remedial Action Plan. SFRPD anticipates that the remediation approvals will require at

⁶ SF Department of Public Health, Promotion and Prevention, Shape Up San Francisco, Obesity Fact Sheet (2008), showing percentage of African Americans in San Francisco had a BMI of 30.0 or higher was almost 3 times higher, at 34.2%, and the percentage of Latinos/Hispanic with BMI of 30.0 or higher was almost 2x higher, at 27.0% compared to 14.8% citywide.

minimum 5-years of performance monitoring which would include annual sediment testing and Backfill Monitoring and Maintenance Reporting to ensure the project's remedial objectives have been met, and to ensure the regulatory community has access to the findings and data. Funding for these analyses and tests are anticipated to come from Maintenance and Operations Impact Fees currently under negotiation.

SFRPD will operate and maintain the site in perpetuity, consistent with its maintenance of other natural areas and sensitive habitat. SFRPD sets rigorous standards for maintenance, and as an organization continues to evaluate the performance of maintenance activities citywide through the Park Evaluation program. SFRPD continues to operate and maintain a robust network of parks and open spaces through a combination of lease revenues, General Funds, and impact fees. SFRPD staff continues to work with the Mayor's Office of Development and San Francisco Planning in securing funding for long-term operations and maintenance.

Oversite, inspection, and monitoring is expected on this project. Oversight services will include documentation of adherence to control plans and any reporting requirements. Entities which require reports showing compliance include the Regional Water Quality Control Board (RWQCB), Air Quality Management District (AQMD), Department of Public Health, and Department of Building Inspection.

In addition, the project will foster community support for resource protection through anticipated educational programming through a non-profit partnership or stewardship, and provide coastal-oriented public access through designated trails, while avoiding adverse effects on sensitive resources and wildlife.

Coastal Conservancy's San Francisco Bay Area Conservancy Program. The project meets all of the goals and requirements of the Coastal Conservancy's San Francisco Bay Area Conservancy Program. Specifically, it:

- a. Is consistent with the Subtidal Goals Report (2010) and the Baylands Ecosystem Habitat Goals Update (2015) as the project directly addresses habitat restoration for the benefit of fish, birds, wildlife, and people.
- b. Is located along the southern shoreline of San Francisco is located within the San Francisco Parks Alliance's Blue Greenway, which extends from China Basin to the southern border of the City and County of San Francisco. In addition to the 900 Innes project site, this includes a network of parks, trails, beaches, habitat, and bay access points along 13 miles of San Francisco's southeastern waterfront. Specifically, this proposed project will link subtidal and tidal habitat, as well as recreation and the Bay Trail, with adjacent sites, including linking to the adjacent India Basin Shoreline Park.
- c. Can be implemented in a timely way;
- d. Provides opportunities for benefits that could be lost if the project is not quickly implemented, as the project has leveraged significant match funding, and is also taking place in coordination with the adjacent 700 Innes development, and needed for the India Basin redevelopment just north of the project site;
- e. Includes matching funds from other sources of funding or assistance, including from City and County of San Francisco General Funds, as well as US EPA funds.

San Francisco Bay Conservation and Development Commission's Coastal Management Program. Policies under BCDC's Bay Plan, Water Quality Finding, provide direction and

guidance towards remediating and cleaning up existing contaminants, and under Aesthetics discuss removing unnatural debris from sloughs, marshes, and mudflats, which is consistent with the objectives of this proposed restoration project. Further, the overall vision for the 900 Innes and India Basin Shoreline Projects is consistent with BCDC's Coastal Management Program's Major Plan Proposal #4, which recognizes social equity in the distribution of recreational amenities and resources: *"The Bay and its shoreline offer particularly important opportunities for recreational development in urban areas where large concentrations of people now live close to the water but are shut off from it. Highest priority should be given to recreational development in these areas as an important means of helping immediately to relieve urban tensions."* The Major Plan Proposal is consistent with SFRPD's values, beliefs, and strategic plan of providing resilient, recreational opportunities in its Equity Zones.

San Francisco Bay Joint Venture's Implementation Strategy. The San Francisco Bay Joint Venture (SFBJV) seeks to protect, restore, increase, and enhance all types of wetlands, riparian habitat, and associated uplands throughout the nine Bay Area counties for the benefit of birds, fish and other wildlife. Consistent with these goals, the proposed project works to ensure the existence of the diverse habitats necessary to sustain migratory bird populations for the benefit of those species, resident, wildlife and the public. Though, the SFBJV Implementation Strategy was developed prior to SFRPD acquisition of the Property in 2014, and while not specifically identified in the Joint Venture Implementation Strategy list, the project is consistent with the goals of the SFBJV's Implementation strategy to complete restoration and enhancement of lands already in public ownership.

COMPLIANCE WITH CEQA:

On July 26, 2018, in accordance with the California Environmental Quality Act (CEQA), the San Francisco Planning Commission certified the *India Basin Mixed-Use Project Final Environmental Impact Report* (FEIR) and adopted the proposed Mitigation Monitoring and Reporting Program and CEQA findings for the India Basin Mixed-Use Project (India Basin Project). On October 16, 2018, the San Francisco Board of Supervisors affirmed the Planning Commission's actions. Subsequently, the FEIR was challenged in court by Banya 2000 LLC, which owns property adjacent to 700 Innes. The concerns alleged in the lawsuit relate to redevelopment of 700 Innes, not to 900 Innes. Under CEQA and the implementing regulations, the Authority must presume the FEIR is adequate unless there is a final judgment holding otherwise. (See Cal. Code of Regs. Title 14, Section 15231.) As of February 22nd, 2019, there has not been a final determination in the lawsuit. Accordingly, it is appropriate for the Authority to rely on the FEIR. Further, a court has not halted the India Basin Project from proceeding during the pendency of the lawsuit, and the SFRPB is proceeding with its schedule for implementing the first phase of the 900 Innes project.

The India Basin Project described in the FEIR comprises redevelopment of four different areas: 900 Innes, India Basin Shoreline Park, India Basin Open Space, and 700 Innes; the first three are to be redeveloped by SFRPD and the fourth is to be redeveloped by BUILD. The proposed project is the first phase of redevelopment of 900 Innes. Thus, the proposed project is a component of the India Basin Project evaluated by the EIR. Because the Authority's funds would be granted solely for the proposed project, this staff recommendation only describes impacts and mitigation measures for the proposed redevelopment of 900 Innes. Since the FEIR does not separately address the proposed project from the future phases of redevelopment of 900 Innes, this description identifies impacts and mitigation measures of the entire 900 Innes redevelopment, which is referred to as "the project" in this CEQA discussion.

The FEIR indicates that the proposed project will have potentially significant effects in the areas of Cultural Resources, Noise, Air Quality, Biological Resources, Hydrology and Water Quality, and Hazards and Hazardous Materials. These effects are mitigated to less than significant with one exception. The effect of the project on the India Basin Scow Schooner Boatyard Vernacular Cultural Landscape (which spans both the India Basin Shoreline Park and 900 Innes properties) cannot be mitigated with feasible mitigation measures and cannot be avoided. Therefore, the Planning Commission adopted a finding of overriding consideration for the impacts to the Cultural Landscape. This effect is described in greater detail below.

Set forth below is a summary of potentially significant impacts of the 900 Innes redevelopment and the mitigation measures that will substantially lessen those impacts.

A. Cultural Resources

Impact CR-2: Construction activities, in particular grading and excavation, could disturb archeological resources potentially located at the project site. Unless mitigated, ground-disturbing construction activity within the project site, particularly within previously undisturbed soils, could result in the inadvertent discovery of previously unknown archeological resources. Such a discovery could represent a substantial adverse change in the significance of a historical and/or unique archeological resource. This potential impact will be reduced to less than significant by Mitigation Measure M-CR-2a, which requires implementation of the Archeological Testing Program, as more fully described in the FEIR (p. 3.4-53 to 3.4-56).

Impact CR-3: Construction would disturb human remains, including those interred outside of formal cemeteries. It is possible that human remains could be inadvertently exposed during ground-disturbing activities in the portion of the study area landward of the 1859 shoreline (see DEIR Figure 3.4-1). Therefore, construction of the project could result in direct impacts on previously undiscovered human remains, including those interred outside of formal cemeteries, during ground-disturbing activities occurring landward of the 1859 shoreline. These potential impacts will be reduced to less than significant by Mitigation Measure M-CR-3a, which requires implementation of the Legally Required Measures in the Event of Inadvertent Discovery of Human Remains, as more fully described in the FEIR (p. 3.4-57).

Impact CR-4: The potential exists for construction of the project to expose prehistoric archeological resources in the study area. Thus, the potential also exists for project construction to cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. This impact would be significant. This potential impact will be mitigated to a less than significant level by Mitigation Measure M-CR-4a, which requires implementation of the Tribal Cultural Resources Interpretive Program, as more fully described in the FEIR (p. 3.4-58).

Impact C-CR-1:

The potential exists for the project to have a cumulative impact on cultural resources through during ground-disturbing activities. Disturbance of these resources during construction of the project or other cumulative projects could result in significant cumulative impacts on archeological resources. The contribution of the project could be cumulatively considerable. This cumulative impact will be mitigated to a less than significant level by implementation of Mitigation Measures M-CR-2a and M-CR-3a, included above, as well as M-CR-1a and M-CR-1b, included below.

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, which requires implementation of Noise Control Measures during project Construction and M-NO-2b, which requires implementation of Noise Control Measures for Pile Driving, as more fully described in the FEIR (pp. 3.6-25 and pp. 3.6-25 to 3.6-26, respectively).

Impact NO-3: Noise from stationary sources (such as the visitor center in the Shipwright's Cottage) associated with operation of the project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. This impact will be reduced to less than significant by Mitigation Measure M-NO-3, which requires that the design of future noise-generating facilities incorporate noise attenuation measures, such as locating parking and trash enclosures to face away from nearby residences, as more fully described in the FEIR (p. 3.6-30).

Impact NO-6: During construction of the project, groundborne construction vibration, particularly during pile driving, is anticipated to result in a significant noise impact on nearby residences and could cause damage to the Shipwright's Cottage. This impact will be mitigated to less than significant by Mitigation Measure M-NO-6, which provides for use of alternate pile-driving techniques when pile driving will occur closer than 150 feet to residents as well as use of

a vibration monitoring and use of vibration isolation techniques, as more fully described in the FEIR (pp. 3.6-38 to 3.6-39)

Air Quality

Impact AQ-2: The project would generate construction-related and operational emissions of criteria pollutants and precursors that could conflict with or obstruct implementation of the applicable air quality plan.

The most recent air quality plan is the 2017 Bay Area Clean Air Plan (the “Clean Air Plan”). The Clean Air Plan includes individual control measures that describe specific actions to reduce emissions of air pollutants and greenhouse gasses (“GHGs”), with measures assigned into categories such as mobile-source, stationary-source, and land use and local impacts measures. Without mitigation measures or the adoption of control measures, emissions associated with the project could conflict with the Clean Air Plan. The project would be consistent with the Clean Air Plan, however, with implementation of mitigation measures. Additionally, the project would be consistent with the Clean Air Plan by virtue of incorporation of control measures of the Clean Air Plan, including land use/local impact measures and energy/climate measures as well as the transportation demand management measures incorporated in the project. The project would also not hinder implementation of the Clean Air Plan. There are five mitigation measures that will reduce the air quality impacts to less than significant: 1) Mitigation Measures M-AQ-1a, requiring a plan for minimizing off-road construction equipment emissions that must include certain provisions including limits on idling times and use of alternatives to portable diesel engines, 2) M-AQ-1b, requiring a plan for minimizing on-road construction equipment emissions that includes requirements for minimization emissions from haul trucks, 3) M-AQ-1c, requiring that all construction contracts require contractors to implement specified measures for reducing emissions from in-water equipment 4) M-AQ-1d requiring either implementation of an emissions offset project or payment of an in lieu fee to reduce ozone precursors (NO_x and ROG) emissions, and 5) M-AQ-1e, requiring implementation of best available control technology for operational diesel generators, each as more fully described in the FEIR (pp. 3.7-39 to 3.7-40, pp. 3.7-40 to 3.7-41, pp. 3.7-41 to 3.7-42, pp. 3.7-42 to 3.7-43, p. 3.7-50, and pp. 3.7-50 to 3.7-53, respectively). In addition, implementation of the project must be consistent with the City’s Construction Dust Control Ordinance, which will reduce emissions of fugitive dust to less than significant levels.

Biological Resources

Impact BI-1:

Construction of the project could have significant effects, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. 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: M-BI-1a, which requires preparation and implementation of a hydroacoustic monitoring program for special-status fish and marine mammals and must include a variety of specified measures to reduce pile-driving sound in the marine environment; M-BI-1b, which requires implementation of avoidance and minimization measures for Special-Status Species, including a worker education program developed by a qualified biologist; M-BI-1c, which

requires preparation and implementation of a vegetation restoration plan and compensatory mitigation that must include specified weed control measures and minimum vegetation restoration measures, as well as compensation for permanent loss of wetlands and native coastal scrub; M-BI-1e requiring the avoidance of nests during bird nesting season; each as more fully described in the FEIR (pp. 3.14-31 to 3.14-33, pp. 3.14-33 to 3.14-34, pp. 3.14-34 to 3.14-36, p. 3.14-39, and p. 3.14-42, respectively).

Impact BI-2: Although once completed, the operational impacts of the project on sensitive natural communities will be less-than-significant, there could be temporary and permanent loss of sensitive natural communities as a result of construction of the project.

These impacts will be reduced to less than significant by implementation of Mitigation Measure M-BI-1c, described above.

Impact BI-3:

Construction of the project could degrade the water quality of the Bay by temporarily increasing turbidity and pollutants

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:

Newly constructed buildings would be in compliance with the adopted Standards for Bird-Safe Buildings, as required by Section 139 of the Planning Code. The Standards for Bird-Safe Buildings include requirements for façades, glazing, and lighting to prevent bird collisions. Therefore, operation of the project would not adversely affect resident or migratory birds by increasing the risk of collisions with new buildings or structures. At all four project site properties, operational impacts of the project on wildlife corridors would be less than significant. However, construction of the project may affect the ability of migratory birds to forage, nest, or stop over in the project vicinity, because habitat would be temporarily removed and both noise levels and human presence would increase. The construction impact of the project on migratory birds and their corridors could be significant. In addition, underwater noise from construction could result in temporary removal of open water and tidal marsh habitat for marine mammals and fish species. Therefore, underwater noise from construction could cause marine mammals to avoid the project area while migrating to or from haul-out sites or during foraging, and could cause fish to avoid the project area during foraging. The construction impact of the project on migrating marine mammals, fish, and their corridors could be significant. These impacts 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).

Hydrology and Water Quality:

Impact HY-1: The project could violate water quality standards or waste discharge requirements.

Compliance with the City's regulatory and permitting requirements for stormwater, treatment of wastewater in accordance with the City's National Pollutant Discharge Elimination System ("NPDES") permit, treatment of recycled water generated on-site to Title 22 requirements, and compliance with Article 6 of the Health Code will reduce the potential for water quality impacts of operation of the project to less than significant and no mitigation measures are necessary.

However, in-water construction activities, including pile removal and pier/dock construction, could cause increased turbidity and resuspension of sediment. In addition, using construction equipment in the water could result in an accidental spill of hazardous materials. Therefore, in-water construction activities could result in a significant impact. These impacts will be reduced to less than significant by compliance with existing water quality control measures required under the general construction permit, construction site runoff permit, batch wastewater discharge permit, and with the water quality control measures and waste discharge requirements (“WDRs”) of the permits required for dredging. In addition, three mitigation measures are required: M-HY-1a, which requires monitoring of turbidity during construction and implementation of measures in the event turbidity levels exceed standards; M-HY-1b, requiring implementation of best management practices for removal of piles, developed in accordance with guidance prepared by the San Francisco RWQCB; and M-HY-1c, which requires use of clamshell dredges for all dredging, to reduce resuspension of sediments and impacts to water quality; as more fully described in the FEIR (pp. 3.15-32 to 3.15-33, pp. 3.15-33 to 3.15-36, and p. 3.15-36, respectively).

Impact-C-HY-1:

Development of the project, combined with other reasonably foreseeable development projects in the vicinity, could increase the rate and volume of stormwater runoff if there were an overall increase in impervious surfaces. Other development could also affect water quality if the land use changes, the intensity changes, and/or drainage conditions were altered to facilitate the introduction of pollutants to surface waters. Thus, there could be a significant cumulative effect related to hydrology and water quality. This impact will be reduced to less than significant by compliance with construction-related water quality regulations, preparation and implementation of a SWPPP, and implementation of Mitigation Measures M-HY-1a, M-HY-1b, and M-HY-1c, described above.

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, such as small quantities of gasoline, diesel, oil, grease, and paint. Most of the potential effects of using hazardous materials during construction are less than significant due to regulations and laws governing project-related transport, storage, use, and disposal of potentially hazardous materials and laws addressing accidental spills of materials during construction. However, these laws do not address impacts related to the potential for accidental spills during in-water construction work. Such impacts could be significant and will be reduced to less than significant by implementation of Mitigation Measure M-HY-1b (addressing pile removal best management practices), described above.

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. To reduce these impacts to less than significant, Mitigation Measure M-HZ-2a requires preparing and implementing a site mitigation plan for areas above the MHW line, which is also required by Article 22A of the San Francisco Health Code (i.e., the Maher Ordinance). The provisions of the site mitigation plan prepared under Mitigation Measure M-HZ-2a would not be applicable to proposed construction activities below the MHW line, such as removal of the existing piers and piles.

However, implementing Mitigation Measures M-HY-1a and M-HY-1b, described above, would substantially reduce the likelihood that construction activities would mobilize contaminants from offshore sediments into Bay waters. In addition, Mitigation Measure M-HZ-2b requires preparation and implementation of a nearshore sediment and materials management plan, which would apply to portions of the properties below the MHW line.

The clean-up of contaminated soil and sediment on the 900 Innes property will be done in accordance with a remedial action plan (“RAP”) to be approved by the San Francisco Bay RWQCB. While the RAP is designed to protect future users and the environment from existing contamination, implementation of the RAP itself could result in disturbance of contaminated soil, sediment, and groundwater, which could expose receptors to health or safety risks. The effects of the removal of contaminated soils will be mitigated by Mitigation Measure M-HZ-2c, which specifies numerous minimum requirements for the RAP as more fully described in the FEIR (pp. 3.16-38 to 3.16-40), and will assure that the RAP is carried out in a manner that protects construction workers implementing the RAP from unacceptable exposures to hazardous materials or mobilization of contaminants to the environment during its implementation.

Impact HZ-3: The 900 Innes 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. Construction of the project could cause a release or mobilization of site contaminants to groundwater, generate fugitive dust emissions, or expose construction workers or the public to contaminated soils, groundwater, sediments, or emissions. In addition, operation of the project could create a significant hazard to the public or the environment by exposing visitors, occupants, or employees to site contaminants, especially during ground-disturbing maintenance activities such as landscaping, utility replacement, and subsurface repairs.

Implementation of Mitigation Measure M-HZ-2c will mean that the majority of contaminated soils will be removed from the site during the remedial action. After remedial actions, implementation of Mitigation Measures M-HZ-2a and M-HZ-2b will ensure that any remaining soils or sediments exceeding the established targeted cleanup goals from outside of the RAP-targeted remediation areas will be either removed before operational use, and/or otherwise mitigated to protect future users from exposure to or release of any residual contamination remaining at the site after construction. The required operation and maintenance protocols and deed restrictions will also ensure that future users would be aware of the residual contamination, and that appropriate precautions to prevent exposure would be taken during activities, such as utility installation/maintenance or landscaping, that might involve disturbance of soils beneath the clean fill or hardscape cap.

Implementing Mitigation Measures M-HZ-2a, M-HZ-2b, and M-HZ-2c will reduce to less than significant the operational impact of the project associated with the 900 Innes property’s existing site contamination and inclusion on the Cortese List.

Impact HZ-4: The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The potential for effects on the students during construction of the project will be reduced to less than significant by compliance with applicable federal, State, and local regulations and by implementing Mitigation Measure M-HZ-2a, described above.

Cumulative impacts related to hazardous materials could occur through the mobilization of contaminants in soil and/or groundwater at the project site for the project and the cumulative project(s) sites. Several of the cumulative project sites in the vicinity have been found to have contaminated soil and groundwater and are in the process of site remediation in some cases as explained above. The project would control mobilization of contaminants at the site through implementation of the following mitigation measures:

- Mitigation Measure M-HZ-2a, requiring implementation of a DPH-approved site mitigation plan including dust, odor, noise, and stormwater controls for above the MHW line;
- Mitigation Measure M-HZ-2b, requiring implementation of an approved nearshore sediment and materials management plan below the MHW line; and
- Mitigation Measure M-HZ-2c, requiring implementation of a San Francisco Bay RWQCB–approved remedial action plan for the 900 Innes property.

Additional mitigation measures related to water quality would also be implemented: Mitigation Measures M-HY-1a and M-HY-1b.

Unavoidable, Significant Effect on Cultural Resources

Impact CR-1: The project could cause a substantial adverse change in the significance of two historical resources as defined under CEQA. The project site contains two historical resources. The first is a City Landmark known as the Shipwright’s Cottage, which was built around 1875 and was found to be individually eligible for listing on the California Register of Historical Resources (CRHR). The second is the India Basin Scow Schooner Boatyard Vernacular Cultural Landscape (Cultural Landscape), which also extends onto the India Basin Shoreline Park property. The Cultural Landscape is eligible for listing on the CRHR and includes features of the historical boatbuilding industry that occurred in this area, including roads and paths, ship hulls, marine ways and docks, staging and storage areas, and buildings, including the Shipwright’s Cottage, and the Hunters Point Ship Graveyard (which is on the India Basin Shoreline Park property).

Although the project proposed for Authority funding does not affect the Shipwright’s Cottage, the larger 900 Innes project will rehabilitate the Shipwright’s Cottage and adaptively reuse it as a welcome center and public exhibition space. The changes proposed as part of the rehabilitation have the potential to affect the ability of the Shipwright’s Cottage to convey its historical significance and to lessen its integrity of setting, design, materials, and feeling, which would be a significant impact. This impact will be mitigated by implementation of Mitigation Measures M-CR-1a, M-CR-1b, M-CR-1c, and M-CR-1e, described below, which will lessen impacts of the project on the Shipwright’s Cottage to such a degree that the resource will still be able to convey the characteristics that justify its eligibility for listing in the CRHR.

The project will alter or remove some of the character-defining features and distinctive setting, design, materials, workmanship, feeling, and association of the Cultural Landscape. (See FEIR p.3.4-52 to 3.4-62). The alterations contemplated as part of the project will change the appearance of the site from an industrial boatyard to a contemporary recreational park, but will maintain many character-defining features of the landscape. The design of the project will reference the site’s historical function as a boatbuilding and boat-repair yard. Nonetheless, removal of certain buildings has the potential to irrevocably diminish the India Basin Scow Schooner Boatyard as a vernacular cultural landscape. Thus, the FEIR indicates that the project

will have a significant effect on the Cultural Landscape. Mitigation Measures M-CR-1a, M-CR-1b, M-CR-1c, and M-CR-1e will lessen the severity of the impact on the Cultural Landscape but not necessarily to the degree that the resource would remain eligible for listing in the CRHR.

The FEIR identified a mitigation measure that could reduce the impacts on the Cultural Landscape (M-CR-1d, which entails retaining the building known as the Boatyard Office Building) but would not reduce the impacts to a less than significant level. The Planning Commission rejected retention of the building as infeasible because it conflicts with the City's and SFRPD's policy goals identified for India Basin Shoreline Park and 900 Innes. The City concluded that retention of the Boatyard Office Building would cause the larger project not to achieve several objectives, including creating a safe environment for park users, creating an entry experience that meets certain goals, and creating Americans with Disabilities Act (ADA)-accessible pathways providing waterfront access and safe interactions with highly trafficked routes such as the Class 1 bicycle path. Specifically, the City determined that retaining the Boatyard Office Building would prevent ADA access to the park because it would create an unsafe connection point with the garden path and the Class I Bike Path; would also impede safety of the project by blocking sight lines to the park and from the proposed terraced garden between Innes Avenue and the water and detract from the entry experience along Innes Avenue. For these reasons, the City rejected Mitigation Measure M-CR-1d as infeasible.

Thus, the impact of the project on the Cultural Landscape would be significant and unavoidable. The mitigation measures that will reduce the impacts to the Shipwright's Cottage to less than significant and reduce the impacts to the Cultural Landscape are Mitigation Measures M-CR-1a, which requires the preparation and implementation of historic preservation plans containing specified measures for both the Shipwright's Cottage and the Cultural Landscape; M-CR-1b, which requires professional documentation of the historic resources, including by photography and video recordation; M-CR-1c, which requires development and implementation of an interpretative program regarding the historic resources; and M-CR-1e, which requires a plan for protecting historic structures from construction activities.

As a result of the unavoidable significant effects of the project on the Cultural Landscape, as well as unavoidable significant effects of the larger India Basin Project, the Planning Commission adopted a statement of overriding considerations, in which it found that the specific overriding economic, legal, social, technological and other benefits of the India Basin Project independently and collectively outweigh the significant and unavoidable impacts. Authority staff recommend that the Authority find that the unavoidable and significant effect on the Cultural Landscape is outweighed and rendered acceptable by the environmental and social benefits of the project as described in this staff recommendation.