

### 3. PLANS AND POLICIES

This chapter provides a summary of relevant City and County of San Francisco (City) and regional plans and policies that are applicable to the Seawall Lot 337 and Pier 48 Mixed-Use Project (Mission Rock Project or proposed project), focusing on the proposed project's potential inconsistencies with those plans and policies. Inconsistency with a policy, plan, or regulation does not necessarily result in a significant impact pursuant to the California Environmental Quality Act (CEQA). To result in an impact under CEQA, the inconsistency must be related to a direct or indirect physical impact on the environment and result in a significant, adverse impact (as determined by application of the significance criteria in this Draft Environmental Impact Report [Draft EIR] for the affected resource). The potential physical impacts on the environment related to such conflicts are discussed in Chapter 4, *Environmental Setting and Impacts*.

Relevant City plans and policies discussed in this chapter include the San Francisco General Plan (General Plan) and the Port of San Francisco (Port) Waterfront Land Use Plan (WLUP), as well as their relevant elements, the San Francisco Planning Code (Planning Code). The chapter also discusses regional plans and policies that are applicable to the proposed project, including the Bay Conservation and Development Commission (BCDC) San Francisco Bay Plan (Bay Plan), the San Francisco Waterfront Special Area Plan (an element of the Bay Plan), and the BCDC and Metropolitan Transportation Commission (MTC) San Francisco Bay Area Seaport Plan (Seaport Plan). Other applicable local planning documents, including the Bicycle Plan, Transit First Policy, Better Streets Plan, Sustainability Plan, Accountable Planning Initiative, and the Mission Bay South Redevelopment Plan, are also described for context.

As described in Chapter 2, *Project Description*, this Draft EIR analyzes two different land use assumptions, High Commercial and High Residential, to capture the full range of possible land uses that could be developed on the project site at Seawall Lot 337. The High Commercial Assumption and High Residential Assumption are largely similar in terms of the proposed overall square footage, building configuration, and other improvements; they would differ primarily in the mix of residential and office space provided and the height of proposed structures on three blocks (Blocks, H, I, and J). Because the intensity and mix of land uses is largely consistent between the two land use assumptions, the plan and policy consistency analysis below applies to both land use assumptions. The determination of a project's consistency with an applicable local general plan or policy or regional plan is ultimately made independently of the environmental review process by the project decision-makers when they decide whether to approve or disapprove a project. The analysis in this chapter is intended to provide decision-makers with a synopsis of relevant planning and policy considerations, including a preliminary conclusion about the proposed project's consistency with relevant plans and policies. These preliminary conclusions are intended to supplement the decision-makers' own understanding of the various and often competing policy considerations.

## **A. SAN FRANCISCO PLANS AND POLICIES**

### **SAN FRANCISCO GENERAL PLAN**

The General Plan, as adopted by the Planning Commission and the Board of Supervisors, contains the comprehensive, long-term land use policy for San Francisco. The General Plan serves as a guide to protect, preserve, and enhance the desirable quality and unique character of the city; improve the city as a place for living, commerce, and industry; coordinate the city's land use and circulation patterns for efficient functioning and the convenience and well being of its residents, workers, and visitors; and coordinate the city's growth and development with adjoining jurisdictions. The General Plan contains the following elements: Housing, Commerce and Industry, Recreation and Open Space, Community Facilities, Transportation, Community Safety, Environmental Protection, Urban Design, and Arts. In addition, the General Plan includes a Land Use Index that cross references the policies related to land use. The General Plan designates several planning areas and subareas; the project site does not fall within the boundaries of any of these area plans or subarea plans. The most relevant General Plan elements to a general consistency analysis for this project are the Urban Design Element, the Housing Element, the Commerce and Industry Element, the Environmental Protection Element, and the Transportation Element, described below.

The City decision-makers will evaluate the proposed project for conformance with the objectives and policies of the General Plan and consider potential inconsistencies as part of the decision-making process.

### **URBAN DESIGN ELEMENT**

The Urban Design Element of the General Plan, which guides the physical character and order of the city, is concerned both with development and preservation. The Urban Design Element aims to enhance and conserve the city's positive attributes and improve the living environment, including the protection of public views of open space and water bodies as well as the protection and enhancement of the aesthetic character of San Francisco. The Urban Design Element contains the following objectives and policies that are applicable to the proposed project:

- Objective 1: Emphasis of the characteristic pattern that gives the city and its neighborhoods an image, sense of purpose, and means of orientation.
- Policy 1.1: Recognize and protect major views in the city, with particular attention to those of open space and water.
- Policy 1.3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

- Policy 1.5: Emphasize the special nature of each district through distinctive landscaping and other features.
- Policy 1.8: Increase the visibility of major destination areas and other points for orientation.
- Objective 2: Conservation of resources that provide a sense of nature, continuity with the past, and freedom from overcrowding.
- Policy 2.3: Avoid encroachments on San Francisco Bay that would be inconsistent with the Bay Plan or the needs of the city's residents.
- Policy 2.4: Preserve notable landmarks and areas of historic, architectural, or aesthetic value and promote the preservation of other buildings and features that provide continuity with past development.
- Policy 2.5: Use care in remodeling of older buildings in order to enhance rather than weaken the original character of such buildings.
- Policy 2.6: Respect the character of older development nearby in the design of new buildings.
- Policy 2.7: Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.
- Objective 3. Moderate major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.
- Policy 3.1: Promote harmony in the visual relationships and transitions between new and older buildings.
- Policy 3.2: Avoid extreme contrasts in color, shape, and other characteristics that will cause new buildings to stand out in excess of their public importance.
- Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.
- Policy 3.4. Promote building forms that will respect and improve the integrity of open spaces and other public areas.
- Policy 3.5. Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.
- Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.
- Policy 3.7. Recognize the special urban design problems posed in development of large properties.

- Policy 3.8. Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city.
- Objective 4. Improve the neighborhood environment to increase personal safety, comfort, pride, and opportunity.
- Policy 4.12: Install, promote, and maintain landscaping in public and private areas.
- Policy 4.13: Improve pedestrian areas by providing human scale and interest.
- Policy 4.14: Remove and obscure distracting and cluttering elements.
- Policy 4.15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

Maximum height and bulk restrictions for development in the city are set forth in the revised Map 4 (Urban Design Guidelines for Height of Buildings) and revised Map 5 (Urban Design Guidelines for Bulk of Buildings) of the Urban Design Element, respectively. As discussed in Chapter 2, *Project Description*, Proposition D, the Mission Rock Affordable Housing, Parks, Jobs, and Historic Preservation Initiative, which was approved by San Francisco voters on November 3, 2015, amended the height and bulk restrictions for the project site by establishing the Mission Rock Height and Bulk District (see Figure 4.A-2 in Section 4.A, *Land Use and Land Use Planning*). As discussed below, adoption of a Special Use District (SUD) and Mission Rock Design Controls (Design Controls) for the proposed project would guide physical development on the project site, be applicable to all new buildings within the project site, and be consistent with the height and bulk restrictions for the Mission Rock Height and Bulk District. The General Plan defers to the Mission Rock Height and Bulk District and the Design Controls for the height limits that apply throughout the project site. The adoption of the Design Controls would ultimately be considered by decision-makers. The proposed Design Controls and SUD would generally be consistent with the above-outlined objectives and policies because the project has been designed to complement the city and neighborhood, include 8 acres of open space, and provide employment and open space opportunities for the area. The proposed building heights would be consistent with the Urban Design Element Policy 3.5 requirement (i.e., "heights of buildings should taper down to the shoreline of the Bay and ocean, following the characteristic pattern and preserving topography and views). The buildings closest to San Francisco Bay (Bay) on the east side of the proposed project would be shorter (ranging from 90 to 120 feet) than the buildings in the interior or along the west side of the project site (ranging from 90 to 240 feet), which are farther away from the Bay. Therefore, no amendments to the General Plan are contemplated or would be required. The proposed project would not conflict with the Urban Design Element. This is further explored in Section 4.B, *Aesthetics*, which concludes that the project would not degrade the existing visual character of the site or surroundings.

## HOUSING ELEMENT

The 2014 Housing Element seeks to ensure adequate housing for current and future San Franciscans through objectives and policies that address the city's growing housing demand, focusing on strategies that can be accomplished with the city's limited land supply. The Housing Element contains the following relevant objectives, which are applicable to the proposed project:

- Objective 1. Identify and make available for development adequate sites to meet the city's housing needs, especially permanently affordable housing.
- Objective 4: Foster a housing stock that meets the needs of all residents across lifecycles.
- Objective 5: Ensure that all residents have equal access to available units.
- Objective 7: Secure funding and resources for permanently affordable housing, including innovative programs that are not solely reliant on traditional mechanisms of capital.
- Objective 8: Build public and private sector capacity to support, facilitate, provide, and maintain affordable housing.
- Objective 12: Balance housing growth with adequate infrastructure that serves the city's growing population.
- Objective 13: Prioritize sustainable development in planning for and constructing new housing.

The proposed project would include approximately 1,000 to 1,600 new onsite housing units, with 40 percent of the units designated as affordable. Therefore, the proposed project, as further discussed in Section 4.C, *Population and Housing*, would be consistent with this objective.

## COMMERCE AND INDUSTRY ELEMENT

The Commerce and Industry Element contains objectives and policies concerning the broad range of economic activities, facilities, and support systems that constitute San Francisco's employment and service base. The Commerce and Industry Element contains the following relevant objectives and policies, which are applicable to the proposed project:

- Policy 1.1. Encourage development that provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.
- Policy 1.3. Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.
- Objective 3. Provide expanded employment opportunities for city residents, particularly the unemployed and economically disadvantaged.

- Objective 5. Realize San Francisco's full maritime potential.
- Policy 5.4. Avoid actions that may serve to displace desired existing maritime uses.
- Policy 5.6. Foster the relation of maritime activity to other segments of San Francisco economy.

Development on Seawall Lot 337 would consist of approximately 972,000 to 1.4 million gross square feet (gsf) of commercial uses and approximately 241,000 to 245,000 gsf of active/retail uses. As discussed in Section 4.C, *Population and Housing*, it is estimated that the proposed project would employ approximately 4,510 to 6,050 people, depending on the land use assumption implemented. The proposed project would also rehabilitate Pier 48 to accommodate a range of uses, including industrial, associated general office and storage, active/retail, restaurant, tour and exhibition space, and event-related uses as well as public access with the potential for expanded maritime uses on the aprons and along Channel Wharf. The proposed project would be generally consistent with the relevant policies and objectives discussed above and would not displace existing maritime uses. The proposed project would not conflict with relevant objectives and policies in the Commerce and Industry Element. This is discussed in Section 4.A, *Land Use and Land Use Planning*, which concludes that the project would not conflict with a land use plan.

## **ENVIRONMENTAL PROTECTION ELEMENT**

The Environmental Protection Element contains objectives and policies concerning the impacts of urbanization on the natural environment. The Environmental Protection Element contains the following relevant objectives and policies, which are applicable to the proposed project:

- Policy 9.2: Impose traffic restrictions to reduce transportation noise. Transportation noise levels vary according to the predominance of vehicle type, traffic volume, and traffic speed. Curtailing any of these variables ordinarily produces a drop in noise level. In addition to setting the speed limit, the City has the authority to restrict traffic on city streets, and it has done so on a number of streets. In addition, certain movement restraints can be applied to slow down traffic or divert it to other streets. These measures should be employed where appropriate to reduce noise.
- Policy 9.6: Discourage changes in streets which will result in greater traffic noise in noise-sensitive areas. Widening streets for additional traffic lanes or converting streets to one-way direction can induce higher traffic volume and faster speeds. Other techniques such as tow-away lanes and traffic light synchronization also facilitate heavier traffic flows. Such changes should not be undertaken on residential streets if they will produce an excessive rise in the noise level of those streets.

- Objective 10: Minimize the impact of noise on affected areas. The process of blocking excessive noise from our ears could involve extensive capital investment if undertaken on a systematic, citywide scale. Selective efforts, however, especially for new construction, are both desirable and justified.
- Policy 10.1: Promote site planning, building orientation and design, and interior layout that will lessen noise intrusion. Because sound levels drop as distance from the source increases, building setbacks can play an important role in reducing noise for the building occupants. (Of course, if provision of the setback eliminates livable rear yard space, the value of the setback must be weighed against the loss of the rear yard.) Buildings sited with their narrower dimensions facing the noise source and sited to shield or be shielded by other buildings also help reduce noise intrusion. Although walls with no windows or small windows cut down on noise from exterior sources, in most cases it would not be feasible or desirable to eliminate wall openings. However, interior layout can achieve similar results by locating rooms whose use require more quiet, such as bedrooms, away from the street noise. In its role of reviewing project plans and informally offering professional advice on site development, the Department of City Planning can suggest ways to help protect the occupants from outside noise, consistent with the nature of the project and size and shape of the building site.
- Policy 10.2: Promote the incorporation of noise insulation materials in new construction. State-imposed noise insulation standards apply to all new residential structures except detached single-family dwellings. Protection against exterior noise and noise within a building is also important in many nonresidential structures. Builders should be encouraged to take into account prevailing noise levels and to include noise insulation materials as needed to provide adequate insulation.
- Policy 10.3: Construct physical barriers to reduce noise transmission from heavy traffic carriers. If designed properly, physical barriers such as walls and berms along transportation routes can in some instances effectively cut down on the noise that reaches the areas beyond. There are opportunities for a certain amount of barrier construction, especially along limited access thoroughfares and transit rights-of-way (such as BART), but it is unlikely that such barriers can be erected along existing arterial streets in the city. Barriers are least effective for those hillside areas above the noise source. Where feasible, appropriate noise barriers should be constructed.
- Objective 11: Promote land uses that are compatible with various transportation noise levels. Because transportation noise is going to remain a problem for many years to come, attention must be given to the activities close to the noise. In general, the most noise-sensitive activities or land uses should ideally be the farthest removed from the noisy transportation facilities. Conversely, those activities that are not seriously affected by high outside noise levels can be located near these facilities.

Development of the proposed project would be generally consistent with these objectives and policies. The project would lead to an increase in traffic in the vicinity of the project site, as detailed in Section 4.E, *Transportation*. Project-added traffic would result in a substantial permanent increase in noise along three segments: Fourth Street from King Street to Fourth Street Bridge, Mission Rock Street from Terry A. Francois Boulevard to Third Street, and Mission Rock Street from Third Street to Fourth Street. Although it is likely that the residential developments located along segments where a project-related substantial permanent increase in traffic noise may occur would not experience unacceptable interior noise levels, the proposed project's traffic would still result in a substantial permanent increase in ambient noise levels along the three segments. Although mitigation in the form of sound walls were considered to reduce the project's traffic noise impacts, it was determined that this mitigation was infeasible in this dense urban area, with residential buildings located close to roadways. Mitigation Measure M-AQ-2.3 in Section 4.G, *Air Quality*, requires preparation of a transportation demand management plan with a goal of reducing one-way vehicle trips by 20 percent. This mitigation measure could reduce the amount of traffic on roadway segments that experience a significant traffic noise increase.

In addition, implementation of the proposed project would introduce new noise-sensitive land uses (residential and commercial) to an area where future noise levels may exceed levels in the Land Use Compatibility Chart of the General Plan. M-NOI-2.3 (Design of Future Noise-Sensitive Uses) requires that noise attenuation measures be incorporated into new units as necessary to ensure that interior noise levels would be maintained at acceptable levels, even with future traffic noise increases. This is further discussed in Section 4.F, *Noise*.

## **TRANSPORTATION ELEMENT**

The Transportation Element contains objectives and policies concerning the local and regional transportation system, including congestion management, vehicle circulation, transit, pedestrians, bicycles, citywide parking, and goods movement. The Transportation Element contains the following relevant objectives and policies, which are applicable to the proposed project:

- Objective 2: Use the transportation system as a means for guiding development and improving the environment.
- Policy 2.1: Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development and coordinate new facilities with public and private development.
- Policy 2.4: Organize the transportation system to reinforce community identity, improve linkages among interrelated activities, and provide focus for community activities.



- Policy 2.5: Provide incentives for transit, carpools, vanpools, walking, and bicycling and reduce the need for new or expanded automobile and automobile parking facilities.
- Objective 8: Maintain and enhance regional pedestrian, hiking, and biking access to the coast, the Bay, and ridge trails.
- Policy 8.1: Ensure that the Coast Trail, Bay Trail, and Ridge Trail remain uninterrupted.
- Objective 11: Establish public transit as the primary mode of transportation in San Francisco and as a means through which to guide future development and improve regional mobility and air quality.
- Policy 11.3: Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.
- Objective 14: Develop and implement a plan for operational changes and land use policies that will maintain mobility and safety, despite a rise in travel demand that could otherwise result in system capacity deficiencies.
- Policy 14.2: Ensure that traffic signals are timed and phased to emphasize transit, pedestrian, and bicycle traffic as part of a balanced multimodal transportation system.
- Policy 14.3: Improve transit operations by implementing strategies that facilitate and prioritize transit vehicle movement and loading.
- Policy 14.4: Reduce congestion by encouraging alternatives to the single-occupancy automobile through the reservation of rights-of-way and enhancement of other facilities dedicated to multiple modes of transportation.
- Policy 14.7: Encourage the use of transit and alternative modes of travel to the private automobile through the positioning of building entrances and convenient support facilities to prioritize access from these modes.
- Objective 16: Develop and implement programs that will efficiently manage the supply of parking at employment centers throughout the city so as to discourage single-occupant ridership and encourage ridesharing, transit, and other alternatives to the single-occupant automobile.
- Policy 16.5: Reduce parking demand through limiting the absolute number of spaces and prioritizing the spaces for short-term and ride-share uses.
- Policy 16.6: Encourage alternatives to the private automobile by locating public transit access and ride-share vehicle and bicycle parking at close-in and convenient locations onsite and parking facilities for single-occupant vehicles more remotely.
- Objective 18: Establish a street hierarchy system in which the function and design of each street are consistent with the character and use of the adjacent land.

- Policy 18.2: Design streets for a level of traffic that serves, but will not cause a detrimental impact on adjacent land uses or eliminate the efficient and safe movement of, transit vehicles and bicycles.
- Policy 18.5: Mitigate and reduce impacts of automobile traffic in and around parks and along shoreline recreation areas.
- Objective 23: Improve the city's pedestrian circulation system to provide for efficient, pleasant, and safe movement.
- Policy 23.2: Widen sidewalks where intensive commercial, recreational, or institutional activity is present and where residential densities are high.
- Policy 23.3: Maintain a strong presumption against reducing sidewalk widths, eliminating crosswalks, and forcing indirect crossings to accommodate automobile traffic.
- Policy 23.6: Ensure convenient and safe pedestrian crossings by minimizing the distance pedestrians must walk to cross a street.
- Objective 24: Improve the ambiance of the pedestrian environment.
- Objective 28: Provide secure and convenient parking facilities for bicycles.
- Policy 28.1: Provide secure bicycle parking in new governmental, commercial, and residential developments.
- Policy 28.3: Provide parking facilities that are safe, secure, and convenient.
- Objective 30: Ensure that the provision of new or enlarged parking facilities does not adversely affect the livability and desirability of the city and its various neighborhoods.
- Policy 30.1: Ensure that new or enlarged parking facilities meet need, locational, and design criteria.
- Policy 30.5: In any large development, allocate a portion of the provided off-street parking spaces for compact automobiles, vanpools, bicycles, and motorcycles commensurate with standards that are, at a minimum, representative of their proportion of the city's vehicle population.
- Policy 30.8: Consider lowering the number of automobile parking spaces required in buildings where Class I bicycle parking is provided.
- Objective 34: Relate the amount of parking in residential areas and neighborhood commercial districts to the capacity of the city's street system and land use patterns.
- Policy 34.1: Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and encourage low automobile ownership in neighborhoods that are well served by transit and convenient to neighborhood shopping.

- Policy 34.3: Permit minimal or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Development of the proposed project would be generally consistent with these objectives and policies. The project site would be accessible by all modes of transportation from Third Street, Mission Rock Street, and the reconfigured Terry A. Francois Boulevard. The proposed street network would connect to surrounding Mission Bay streets and introduce additional streets to further break the blocks into walkable distances. The streets would be part of the public realm, designed to emphasize varied and safe bicycle and pedestrian access, and integrated with active ground-floor uses across the project site.

Section 4.E, *Transportation and Circulation*, discusses how the project street design and bicycle facilities would prioritize pedestrian access over vehicular circulation and complement the ground-floor activities of the surrounding buildings. Nevertheless, implementation of the proposed project could have minor conflicts with the Transportation Element by providing parking garages that could cause delays for transit from long queues. Additionally, bicycle safety and accessibility would be affected at Pier 48, delays for transit would result from the project-related queuing, and hazardous pedestrian conditions would result at the intersection of Fourth and Mission Rock Streets. However, these potential impacts would be partially reduced through implementation of mitigation measures, thereby reducing the environmental impact and avoiding a conflict with the Transportation Element. See Section 4.E, *Transportation and Circulation*, for a more detailed discussion of potential impacts on transit, pedestrians, and bicycles as well as a discussion of mitigation measures.

## **PORT OF SAN FRANCISCO WATERFRONT LAND USE PLAN**

The Port WLUP applies goals and policies to guide development and revitalization of the city's 7.5-mile-long waterfront area within the jurisdiction of the San Francisco Port Commission. Adopted in 1997, and since amended, the WLUP establishes a framework for determining acceptable uses for the waterfront, retaining and expanding maritime and other trust-consistent uses on Port land, and providing revenue to rehabilitate the Port's historic piers and wharves and build new public improvements to increase public access. The proposed project would be in the South Beach/China Basin Waterfront Subarea, which extends from Pier 22½ on the north to Mariposa Street on the south. The WLUP contains the following objectives for the South Beach/China Basin Waterfront Subarea:

- Preserve and rationalize existing industrial maritime activities in the area.
- Preserve and improve existing maritime uses that provide focal points for public enjoyment of commercial and recreation-oriented maritime activities.

- Promote activities and public access to make the waterfront inviting and safe and improve the living environment of the new and emerging Rincon Hill, South Beach, and Mission Bay neighborhoods.
- Take advantage of proximity to downtown San Francisco by providing attractions for the general public while respecting the needs of adjacent residents.
- Create an integrated series of public access improvements that extend a shoreline PortWalk through the area and provide a unifying pedestrian connection between South Beach and Mission Bay at China Basin Channel.

The proposed project, which would include commercial, residential, active/retail, production, and open space uses, would be compatible with the WLUP. The proposed project would provide a range of open spaces and public access areas, including areas for civic gatherings and public access to the perimeters of the piers, linking the development of new commercial activities to that of new open space and public access areas. The proposed project would also rehabilitate and reuse the sheds, aprons, and the valley on Pier 48.

In the WLUP, the eastern portion of Seawall Lot 337 is identified as an “existing maritime area.” Its northern portion is within a “waterfront mixed-use opportunity area,” and the frontage along China Basin (China Basin Park) is identified as “open space and public access.” The proposed project would conflict with the “existing maritime area” designation in the WLUP, but the proposed use of the portion of the frontage along China Basin for an expanded China Basin Park would be generally consistent with the “open space and public access” designation. As part of the project approval process, the Port would seek amendments to the WLUP to reflect land use designations that are consistent with the proposed project and the SUD. The amendment to the WLUP would modify the “existing maritime area” designation at the project site to “waterfront mixed-use opportunity area” by amending the WLUP’s Map A, Maritime Uses, and the South Beach/China Basin Waterfront Subarea Map to reflect this change and amending the uses listed for Seawall Lot 337 and Pier 48 in the WLUP’s Acceptable Land Use Table for the South Beach/China Basin area to reflect the uses proposed for the project. The WLUP’s Development Standards for Pier 48 would also be amended to reflect standards that are consistent with the proposed rehabilitation and reuse of the pier, and the WLUP’s Waterfront Design and Access Element would be amended to replace the design criteria for Seawall Lot 337 to reflect the mixed uses that have been proposed under the project. These WLUP amendments would require approval by the San Francisco Port Commission.

The proposed project would result in a policy conflict with the WLUP because land uses under the proposed project would not be consistent with the currently designated land uses under the WLUP. However, the amendments to the WLUP would remedy this policy conflict. This is further discussed in Section 4.A *Land Use and Land Use Planning*.

## MISSION BAY SOUTH REDEVELOPMENT PLAN AREA

The Mission Bay South Redevelopment Plan, established in 1998, created the basic land use controls for the Mission Bay South Redevelopment Plan area. As shown in Figure 4.A-3 in Section 4.A, *Land Use and Land Use Planning*, the Mission Bay South Redevelopment Plan area is generally bounded by Mission Creek on the north, Terry A, Francois Boulevard on the east, Seventh Street on the west, and Mariposa Street on the south but excludes Seawall Lot 337, with the exception of Parcel P20. Parcel P20 is a narrow (approximately 0.3-acre) strip along the southern edge of Seawall Lot 337. The major objectives of the Mission Bay South Redevelopment Plan are to eliminate blighting influences and correct environmental deficiencies; retain and promote academic and research activities associated with the University of California, San Francisco (UCSF), Mission Bay campus; assemble land into parcels suitable for modern, integrated development; replan, redesign, and develop undeveloped and underdeveloped areas; provide flexibility to respond to market conditions; provide opportunities for participation by owners in redevelopment of their properties; strengthen the community's supply of housing; strengthen the economic base of the plan area; facilitate emerging commercial/industrial sectors; facilitate public transit opportunities; provide land for publicly accessible uses; and achieve the objectives expeditiously.

Development within the redevelopment area is controlled through redevelopment plans and designs for development; owner participation agreements between the Office of Community Investment and Infrastructure (successor agency to the Redevelopment Agency) and the original master developer, Catellus Development Corporation (now held by FOCIL-MB LLC); and interagency cooperation agreements. Mission Bay is a mixed-use, transit-oriented development.

Parcel P20 is identified as open space in the redevelopment plan. This parcel was originally intended to be a thin landscape buffer between the residential uses that were to be built on the south side of Mission Rock Street and then-existing industrial uses at Seawall Lot 337.

The open space designation is limited to recreational uses and uses that are accessory to and supportive of recreational use. Accessory uses include, but are not limited to, kiosks, pushcarts, and accessory parking. The redevelopment plan contains the following relevant objective and policies, which are applicable to Parcel P20:

- Objective 6. Provide a variety of open spaces to serve the Mission Bay South community and augment the city's open space network.
- Policy 1. Create parks, open space, and recreational facilities within a comfortable walking/wheelchair distance that serve the needs of Mission Bay South residents, workers, and visitors of all ages and are accessible to everyone, including the physically disabled and the elderly.

- Policy 2. Create an open space network that provides walking, jogging, and bicycle paths between recreation and open space areas throughout Mission Bay South, and provide connections to citywide pedestrian, bicycle, and open space networks where applicable.
- Policy 3. Orient development and parks, public and private open space, and pedestrian areas to facilitate solar access and wind protection for public open space where feasible and consistent with the land uses and intensities contemplated by this plan.
- Policy 4. Enhance parks and open spaces by maintaining view corridors from such areas.

As noted above, only Parcel P20 and no other portion of the project site is within the Mission Bay South Redevelopment Plan area. Development on this portion of the project site would conflict with this plan because Parcel P20 would be developed with a new parking structure and residential development on Block D and future development on Block H rather than uses consistent with its open space designation. To alleviate the conflict with the redevelopment plan, an amendment to the Mission Bay South Redevelopment Plan boundaries would be required to remove Parcel P20 from the plan area. However, because the narrow shape and location of Parcel P20 along the edge of the Mission Bay South Redevelopment Plan area make it unlikely to be developed as open space, removal of Parcel P20 from the plan area, in itself, would not conflict with any of the open space policies in the plan. Assembly Bill (AB) 2797, approved by the governor on September 23, 2016, streamlined the process for amending the Mission Bay South Redevelopment Plan area map and related documents. It provides that a plan amendment approved by the successor agency to the Redevelopment Agency (the Commission on Community Investment and Infrastructure) or the Board of Supervisors regarding removal of Parcel P20 from the Mission Bay South Redevelopment Plan area shall not require approval by the State Department of Finance or the controller, as otherwise would have been required under the law that dissolved redevelopment agencies. The amendment for the proposed project would be approved by the Board of Supervisors and the Commission on Community Investment and Infrastructure.

The proposed project would result in a policy conflict with the Mission Bay South Redevelopment Plan at Parcel P20 because land uses under the proposed project at Parcel P20 would not be consistent with planned land uses under the Mission Bay South Redevelopment Plan. No environmental impacts would result from removing Parcel P20 from the plan because, given its size and immediate adjacency to Mission Rock Street, it is unlikely that open space could be developed on this parcel. The proposed amendment to remove Parcel P20 from the Mission Bay South Redevelopment Plan would remedy this policy conflict. This is further discussed in Section 4.A, *Land Use and Land Use Planning*.

## PLANNING CODE

The Planning Code, along with the accompanying zoning map, establishes land uses as well as performance and development standards, such as height and bulk districts, and the regulations that govern development within those districts. Section 101.1(b) of the Planning Code, added in 1986 by Proposition M, identifies a set of Priority Policies, included in the General Plan, that form the basis for resolving General Plan inconsistencies. Included within Section 101.1(b) are policies to preserve a diverse economic base, landmarks and historic buildings, existing housing and neighborhood character, existing and future neighborhood-serving retail uses, parks and open space, and affordable housing.

## LAND USE DISTRICTS

Different components of the project site are subject to different zoning use classifications. Seawall Lot 337, Parcel P20, and China Basin Park are within a Mission Bay Open Space (MB-OS) Use District.<sup>1,2</sup> Only recreational uses and uses that are incidental to and supportive of recreational use are permitted in the district, including limited structures for or incidental to and supportive of use of the area for active and passive recreation. Pier 48 is within the Heavy Industrial (M-2) Use District. The M-2 Use District is generally separated from residential and commercial areas and allows heavy industrial uses, but some uses are permitted only as a conditional use or at some distance from residential districts. Residential use is allowed in the M-2 Use District at a density of one dwelling unit per 800 gsf of lot area or the density of the nearest R District, whichever provides the greatest density.

The proposed uses at Pier 48 would be allowed within the existing M-2 Use District. However, the proposed uses at Seawall Lot 337 and Parcel P20 would be inconsistent with the MB-OS Use District. An SUD would be created to update allowable land uses at the project site. As discussed above and illustrated in Figure 2-4 in Chapter 2, *Project Description*, the SUD would allow for a mixed-use development that responds to future market conditions. The proposed new zoning would permit the following uses, all of which would be located above lower floors of active/retail/production:

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<sup>1</sup> Seawall Lot 337 was rezoned in 1991 as part of an earlier Mission Bay Redevelopment Plan that the Board of Supervisors later rescinded without rescinding the rezoning of Seawall Lot 337. With the exception of Parcel P20, the current Mission Bay Redevelopment Plan, adopted in 1998, does not include the project site.

<sup>2</sup> As described in Chapter 2, *Project Description*, the Mission Rock Height and Bulk District was established by Proposition D, the Mission Rock Affordable Housing, Parks, Jobs, and Historic Preservation Initiative, which was approved by San Francisco voters on November 3, 2015. Proposition D amended Zoning Map Sheet HT08 to change the height and bulk classifications of the project site from OS and 40-X to a new Mission Rock Height and Bulk District. Proposition D also amended the Planning Code by adding a new section, Section 291, which governs the new Mission Rock Height and Bulk District.

- Blocks A, D1, F, and K would be zoned for primarily residential use.
- Blocks B, C, E, and G would be zoned for primarily commercial use.
- Blocks H, I, and J would be zoned for primarily commercial or primarily residential uses.
- Block D2 would be zoned to allow structured public parking up to 100 feet above grade.
- Permitted uses on Pier 48 would include industrial, general office and storage, active/retail, restaurant, tour, exhibition, event, and maritime uses.
- Assembly uses and other special events would be permitted at China Basin Park (for approximately 5,000 people) and Mission Rock Square (for approximately 2,000 people).

The project sponsor would seek approval to rezone the project site through an SUD and amend the Planning Code and zoning map to be consistent with the SUD controls. This would require a Planning Commission recommendation followed by Board of Supervisors approval of the Planning Code and zoning map amendments, which would include creation of a new Planning Code section establishing permitted uses, building forms, and other development controls for the new SUD, and amendment of the zoning map to show the boundaries of the new SUD. Design Controls would be adopted that would include a design review process for all vertical and open space development on the project site. The Planning Code text amendment would reference the Design Controls document. With the adoption of the proposed SUD and Design Controls, the proposed project would be made consistent with the Planning Code and zoning map. Physical environmental impacts would not result from these inconsistencies; this is further discussed in Section 4.A *Land Use and Land Use Planning*.

### **HEIGHT AND BULK DISTRICT (PROPOSITION D)**

The entire project site falls within the Mission Rock Height and Bulk District, included as Section 291 of the Planning Code. As explained above, Map 4 (Urban Design Guidelines for Height of Buildings) and Map 5 (Urban Design Guidelines for Bulk of Buildings) of the General Plan's Urban Design Element refer to the Mission Rock Height and Bulk District, which establishes the height and bulk regulations that would be applicable at the project site. Section 291 was added to the Planning Code with the passage of Proposition D, the Mission Rock Affordable Housing, Parks, Jobs, and Historic Preservation Initiative, on November 3, 2015. Section 291 establishes height and bulk limits for the Mission Rock Height and Bulk District and requires the adoption of design controls for the district to guide the design of improvements within established height limits.

The proposed project and proposed Design Controls are consistent with the height and bulk restrictions set forth in Section 291 for the Mission Rock Height and Bulk District and satisfy the requirement to adopt Design Controls for the district.



## BICYCLE PLAN

The City's Bicycle Plan comprises a citywide bicycle transportation plan and implementation strategy for specific bicycle improvements. In the project vicinity, Terry A. Francois Boulevard includes a Class II bicycle lane; it is also part of the San Francisco Bay Trail. China Basin Park contains a paved bicycle/pedestrian pathway. The Bicycle Plan identifies short- and long-term bicycle improvement projects within the city. In the project vicinity, the Bicycle Plan includes proposed improvements to Lefty O'Doul Bridge and Terry A. Francois Boulevard, to the south.

As described in Chapter 2, *Project Description*, the proposed project would develop Bridgeview Street, a proposed interior neighborhood street and bicycle connection, to directly connect with Mission Rock Street at the south end of the project site. The incorporation of Parcel P20 into the proposed project would create a bicycle connection through the project site from the Blue Greenway (south of Mission Rock Street along Terry A. Francois Boulevard). The proposed waterfront promenade and access to the Pier 48 aprons would include bicycle/pedestrian pathways. The proposed interior streets within the project site would be designed to emphasize varied and safe bicycle and pedestrian access. Implementation of the proposed project could conflict with the Bicycle Plan because bicycle safety and accessibility would be affected at Pier 48; further, hazardous pedestrian conditions could result at the intersection of Fourth and Mission Rock Streets. However, these potential impacts would be partially reduced through implementation of mitigation measures, thereby reducing the environmental impact and avoiding a conflict with the Bicycle Plan. See Section 4.E, *Transportation and Circulation*, for a more detailed discussion of potential impacts on bicyclists as well as a discussion of mitigation measures.

## TRANSIT FIRST POLICY

The City's Transit First Policy, added to the City Charter in 1973 and subsequently amended and codified in 2007 in Section 8A.115, was developed in response to the impacts of freeways on the city's urban character. The policy is aimed at restoring balance to an automobile-dominated transportation system and improving overall mobility for residents and visitors. The Transit First Policy encourages multi-modal transportation, the use of transit, and other alternatives to the prevalence of single-occupant vehicular travel. In addition, the policy emphasizes maintenance and expansion of the local transit system and the improvement of regional transit coordination.

As described on page 2-14 of Chapter 2, *Project Description*, the project site is adjacent to Mission Bay, a developing transit-oriented area. Numerous local public transit routes serve the project site, including the San Francisco Municipal Railway (Muni) T-Third and N-Judah light-rail lines; Muni coach routes 10-Townsend, 30-Stockton, 45-Union/Stockton, and 47-Van Ness; and Muni's 80X, 81X, and 82X motor coach lines. Regional transit providers in the project vicinity

include Caltrain, Golden Gate Transit, AC Transit, the Blue & Gold Fleet, the Water Emergency Transportation Authority (East Bay and Peninsula) ferries, and Bay Area Rapid Transit. As discussed in further detail in Section 4.E, *Transportation*, the proposed project includes a Transportation Demand Management (TDM) Program that would provide a comprehensive strategy for managing the transportation demands created by the project. The TDM Program developed for the proposed project includes measures to encourage the use of transit and other modes of transportation and discourage use of single-occupancy automobiles or automobiles in general (e.g., unbundled parking, bicycle parking, improved walking conditions, carshare parking, and real-time transportation information displays). Because the project site is located in proximity to numerous transit routes and the proposed project includes a TDM Program, the use of alternative transportation by project employees and residents is expected to be high. Implementation of the proposed project could nevertheless conflict with the Transit First Policy as a result of the queuing that would occur from operation of the new parking garages, which could cause delays for transit (Muni T line). Additionally, delays for transit would result from project-related queuing, hazardous conditions for bicyclists could result from conflicts at Pier 48, and hazardous pedestrian conditions could result at the intersection of Fourth and Mission Rock Streets. However, these potential impacts would be partially reduced through implementation of mitigation measures, thereby reducing the environmental impact. Generally, the project would still be consistent with the Transit First Policy. See Section 4.E, *Transportation and Circulation*, for a more detailed discussion of potential impacts on transit and mitigation measures.

## **BETTER STREETS PLAN**

The Better Streets Plan, adopted in 2010, identifies policies and standards for the design, location, and dimensions of pedestrian and streetscape items in the public right-of-way, including crosswalks, bulb-outs, street furniture, planters, and trees. The Better Streets Plan is a joint document of the Planning Department, San Francisco Public Works, San Francisco Municipal Transportation Agency (MTA), and the San Francisco Public Utilities Commission. The plan seeks to balance the needs of all city street users and includes goals, objectives, policies, and design guidelines as well as future strategies to improve the pedestrian realm in San Francisco. Pedestrian areas include primarily sidewalks and crosswalks but, in some instances, portions of roadways. Major concepts covered in the Better Streets Plan range from increased pedestrian safety and accessibility features to improved ecological performance of streets and streetscape greening.

As described in Chapter 2, *Project Description*, all streets within the project site would be designed to comply with the City of San Francisco's Better Streets Plan standards and guidelines. See Figure 2-11 in Chapter 2, *Project Description*, for a depiction of the proposed street network. The proposed street network would connect to surrounding Mission Bay streets

and introduce internal streets on the project site to further break the blocks into walkable distances. The streets would be part of the public realm, designed to emphasize varied and safe bicycle and pedestrian access, and integrated with active ground-floor uses across the project site. The widths of the proposed sidewalks would reduce street crossing distances. On Exposition Street, bulb-outs would be installed as a traffic-calming measure and as areas for stormwater treatment gardens. Tabletop crossings at the intersection of Exposition Street/Long Bridge Street and the Shared Public Way would increase pedestrian visibility and slow traffic. Street rooms<sup>3</sup> could be included on the sidewalks as social areas; these would include plantings, fixed and moveable furnishings, and kiosks.

The Shared Public Way and Terry A. Francois Boulevard would be designed as shared streets. These streets would facilitate pedestrian access, circulation, and use and complement the ground-floor activities of surrounding buildings. The Shared Public Way would conform to the applicable street typology, as defined in the San Francisco Better Streets manual (i.e., a street without curbs and affording minimal one-way vehicular access for drop-offs and loading). Terry A. Francois Boulevard would conform to the working waterfront and shared streets typology, with manufacturing activities that would encourage bicycle and pedestrian access to the waterfront.

Given these project components, the proposed project would not obviously conflict with the Better Streets Plan.

## SUSTAINABILITY PLAN

The City's Sustainability Plan<sup>4</sup> is intended to establish sustainable development as a fundamental goal of municipal public policy. It addresses both specific and general environmental issues. The specific issues addressed by the Sustainability Plan are related to air quality; biodiversity; energy, climate change, and ozone depletion; food and agriculture; hazardous materials; human health; parks, open spaces, and streetscapes; solid waste; transportation; and water and wastewater. Other, more general issues include the economy and economic development, environmental justice, municipal expenditures, public information and education, and risk management. The Sustainability Plan promotes energy reduction through implementation of the San Francisco Green Building Ordinance and the Municipal Green Building Ordinance. New private-sector residential buildings, nonresidential buildings greater than 5,000 gsf, and major renovations to existing buildings that would exceed 25,000 gsf are required to conform to energy conservation standards specified by the Port of San Francisco Building Code, including the Port of San Francisco

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<sup>3</sup> Street rooms are intimate social spaces within the streetscapes that are characterized by their small scale and special materials.

<sup>4</sup> City of San Francisco Commission on the Environment. 1997. *Sustainability Plan*. Available: <http://sustainablecity.org/Plan/Intro/intro.htm>. Accessed: December 8, 2016.

Green Building Standards Code, and intended to reduce greenhouse gas (GHG) emissions associated with new construction and rehabilitation activities, increase energy efficiency, and realize other environmental gains.

Under the Port of San Francisco Green Building Standards Code, all large commercial buildings and major renovations (more than 25,000 gsf) must achieve Leadership in Energy and Environmental Design (LEED) Gold certification from the U.S. Green Building Council, and all multi-family residential buildings must achieve LEED Silver certification. As described in Chapter 2, *Project Description*, the proposed project includes sustainability standards and guidelines to reduce the energy demand of the proposed buildings and uses and ensure compliance with the Sustainability Plan and Climate Action Plan.<sup>5</sup> As part of complying with the Port's Green Building Standards Code, the goal for overall development of the project would include LEED Gold certification for all commercial office/retail buildings and LEED Silver certification for all residential development onsite, as outlined in the Port of San Francisco Green Building Standards Code and other Port codes. Therefore, the proposed project would not conflict with the Sustainability Plan.

## **ACCOUNTABLE PLANNING INITIATIVE (PROPOSITION M)**

Voter-approved Proposition M (1986), the Accountable Planning Initiative, added Section 101.1 to the Planning Code to establish eight Priority Policies and amended the General Plan in similar fashion. The Priority Policies establish general policies and objectives to guide land use decisions. To the extent that the Priority Policies relate to physical environmental issues, those physical environmental issues are addressed in Chapter 4, *Environmental Setting and Impacts*, of this Draft EIR. These policies, and the sections of this Draft EIR that address the environmental issues associated with the policies, are:

1. Existing neighborhood-serving retail uses shall be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced (see Section 4.A, *Land Use*, and Section 4.C, *Population and Housing*);
2. Existing housing and neighborhood character shall be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods (see Section 4.B, *Aesthetics*);
3. The city's supply of affordable housing shall be preserved and enhanced (see Section 4.C, *Population and Housing*);

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<sup>5</sup> San Francisco Department of the Environment and San Francisco Public Utilities Commission. 2004. *Climate Action Plan for San Francisco*. September. Available: <https://sfenvironment.org/sites/default/files/fliers/files/climateactionplan.pdf>. Accessed: December 8, 2016.

4. Commuter traffic shall not impede Muni transit services or overburden our streets or neighborhood parking (see Section 4.E, *Transportation and Circulation*);
5. A diverse economic base shall be maintained by protecting the industrial and service sectors from displacement due to commercial office development and future opportunities for resident employment and ownership in these sectors shall be enhanced (see Section 4.A, *Land Use*, and Section 4.C, *Population and Housing*);
6. The city shall achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake (see Section 4.J, *Public Services*, and Section 4.M, *Geology and Soils*);
7. Landmarks and historic buildings shall be preserved (see Section 4.D, *Cultural Resources*); and
8. Parks and open space and their access to sunlight and vistas shall be protected from development (see Section 4.B, *Aesthetics*, and Section 4.I, *Wind and Shadow*).

Prior to issuing a permit for any project that requires an EIR under CEQA, and prior to taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project is consistent with the Priority Policies. Staff reports and approval motions prepared for the decision-makers will include a comprehensive project analysis and findings regarding the consistency of the proposed project with the Priority Policies. Because the proposed project cannot be approved without a finding of consistency with the Priority Policies, conflict with the Priority Policies would not occur.

## **B. REGIONAL PLANS AND POLICIES**

### **BCDC BAY PLAN AND SAN FRANCISCO WATERFRONT SPECIAL AREA PLAN**

BCDC is responsible for protecting and enhancing San Francisco Bay (Bay) as well as encouraging responsible and productive use of the Bay for this and future generations. The BCDC Bay Plan covers all of San Francisco Bay, a shoreline band located between the Bay shoreline and a line that covers land 100 feet landward of and parallel to the Bay shoreline, salt ponds and managed wetlands that have been diked off from the Bay, and certain waterways. The BCDC San Francisco Waterfront Special Area Plan, (Special Area Plan), an element of the Bay Plan, contains policies specific to Port land that is under BCDC jurisdiction. A portion of the project site falls within the shoreline band and is subject to BCDC review for consistency with the Bay Plan and the Special Area Plan.

Among Bay Plan policies that affect San Francisco's waterfront areas are port expansion and development, development and preservation of land for water-related industry, development of waterfront parks and recreational facilities, and the encouragement of private shoreline

development. The Bay Plan finds that there is minimal foreseeable future demand for new water-related industrial sites around the Bay and that such uses can be accommodated at existing water-related industries. The Bay Plan also notes that the Bay is the most important open space in the region and that it, along with its shoreline, provides unique recreational opportunities.

Bay Plan policies call for the preservation of scenic Bay views; the provision of diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, around the Bay; and encouragement for the development of water-oriented commercial recreational establishments, such as restaurants, specialty shops, private boatels, recreational equipment concessions, and amusements in urban areas adjacent to the Bay. In addition, the Bay Plan encourages the preservation of historic structures and districts, including public access to the exterior and, where appropriate, the interior of these structures.

The Bay Plan also includes the “Replacement Fill Policy,” also known as the “50 Percent Rule,” which includes certain public access and fill removal requirements that apply to publicly owned pile-supported piers, including piers along the San Francisco waterfront. The 50 Percent Rule requires pier development projects that include seismic retrofit or major substructure repair to limit the development to 50 percent of the pier area for water-oriented commercial recreational uses only. The remaining 50 percent of the pier area is required to provide onsite public access, fill removal, or a combination of the two.<sup>6</sup> As explained below, the California legislature amended BCDC’s Special Area Plan to expand the area within which BCDC is authorized to exempt work from the 50 Percent Rule to include Pier 48, thereby alleviating any potential inconsistency.

In 1996, BCDC and the Port initiated a public process to address inconsistencies between the Port’s draft WLUP and BCDC’s Special Area Plan, culminating in conforming amendments to both plans in 2000. Because the 50 Percent Rule impaired the Port’s ability to rehabilitate its piers and wharves north of China Basin, which were all believed to be eligible for listing as historic resources, amendments to the BCDC Special Area Plan were made. The amendments eliminated the 50 Percent Rule from Port’s pile-supported piers, bulkheads, and wharves located between Pier 35 and China Basin, allowing the broader range of land uses allowed under the Burton Act and public trust doctrine. To meet BCDC’s public-access and fill-removal mission objectives, the amendments also required the Port to remove specified piers and develop two major waterfront parks at the Pier 27 Cruise Terminal and Brannan Street Wharf on the South Beach waterfront; these were subsequently constructed.

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<sup>6</sup> San Francisco Bay Conservation and Development Commission. n.d. *San Francisco Bay Plan*. Available: [http://www.bcdc.ca.gov/laws\\_plans/plans/sfbay\\_plan#2](http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan#2). Accessed: July 17, 2014.

The Special Area Plan amendments also required the Port to nominate its finger pier facilities for recognition in the Embarcadero Historic District and listing in the National Register of Historic Places. The analysis for the nomination determined that Pier 48 is within the Embarcadero Historic District. The district was added to the National Register of Historic Places in 2006. Pier 48 would also have been subject to the 50 Percent Rule of the Bay Plan because of its location south of China Basin; however, AB 2797, approved by the governor on September 23, 2016, amended the Special Area Plan to exempt Pier 48 from the 50 Percent Rule, similar to the Port waterfront north of the project site.

The Special Area Plan designates Pier 48 as a port priority use area where maritime cargo shipping, public access, small boat dock facilities, and a limited amount of commercial recreation are allowed. The Special Area Plan identifies permitted uses for replacement fill on Pier 48 as maritime, public access, and marina uses. Its policies emphasize the need for major new developments to highlight maritime features and encourage the preservation of Bay views through a low-scale building height and bulk, as well as pedestrian access to the piers; minimize shade on pier public access areas; and preserve the waterfront's historic character. The proposed project would be consistent with these policies through its preservation of the existing structures on Pier 48 (which would be done consistent with the Secretary of the Interior's standards) and the provision of public pedestrian access to presently inaccessible apron areas.

The Special Area Plan also designates approximately 6 acres on the eastern edge of Seawall Lot 337 as a port priority use area where maritime cargo shipping, public access, small boat dock facilities, and a limited amount of commercial recreation are allowed. The proposed project would be consistent with applicable policies through the provision of public pedestrian access to presently inaccessible apron areas of Pier 48.

BCDC reviews permits for proposed projects in the shoreline band for consistency with the McAteer-Petris Act, the Bay Plan, and the Special Area Plan,<sup>7</sup> as amended by AB 2797.

## **SAN FRANCISCO BAY AREA SEAPORT PLAN**

The San Francisco Bay Area Seaport Plan (Seaport Plan), the product of a cooperative planning effort between BCDC and MTC and the maritime element of MTC's regional transportation plan, is also incorporated into BCDC's Bay Plan. BCDC uses the Seaport Plan to guide regulatory and planning consistency decisions; MTC uses it as a component of project funding decisions. One goal of the Seaport Plan is to reserve sufficient shoreline areas that will accommodate future growth in maritime cargo and minimize the need for new Bay fill for port development.

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<sup>7</sup> Special Area Plan, p. 7.

The Seaport Plan identifies the area south of China Basin, including Pier 48 and the eastern portion of Seawall Lot 337, as a port priority use area. The Seaport Plan reserves Pier 48 as a future site for neo-bulk cargo shipping and the eastern 6 acres of Seawall Lot 337 as a backland area for potential cargo operations.<sup>8</sup> Pier 48 has not been used for neo-bulk cargo operations at any time since the Seaport Plan was adopted in 2006, nor does the Port foresee any future demand for cargo use there because capacity at the Port's break bulk facility at Pier 80 exceeds demand. AB 2797 removed the port priority use designation from Pier 48 and a portion of Seawall Lot 337, effective January 1, 2017. AB 2797 directs BCDC and MTC to revise the Seaport Plan maps to remove the port priority use designation from these areas. However, the removal from the port priority use designation applies regardless of whether these conforming changes to the Seaport Plan have been made. With the changes to the Seaport Plan required under AB 2797, the proposed project would be consistent with the Seaport Plan.

## **ASSOCIATION OF BAY AREA GOVERNMENTS/MTC PLAN BAY AREA**

Plan Bay Area is the Regional Transportation Plan/Sustainable Communities Strategy adopted for the Bay Area by the Association of Bay Area Governments and MTC in fulfillment of the requirements of Senate Bill (SB) 375 (2008). The purpose of SB 375 is to meld regional transportation planning with land use strategies that will reduce future GHG emissions and meet regional targets. Pursuant to SB 375, Plan Bay Area identifies transit priority project areas and planned development areas, which are intended to accommodate future urban development as well as planned conservation areas that provide habitat, agricultural, and other benefits within the region.

The project site is identified by Plan Bay Area as a transit priority project area that is associated with future job growth. The project site is also located within the Port of San Francisco Priority Development Area (PDA), which Plan Bay Area designates as a place where growth would be appropriate to meet the goals of SB 375. Plan Bay Area contains general land use policies, and as an urban infill project, the proposed project is consistent with those policies. See Section 4.C, *Population and Housing*, for a full discussion of the proposed project's effects on planned growth.

SB 375 specifies that Plan Bay Area does not replace or otherwise impinge on local governments' planning and zoning policies and regulations. As a result, although Plan Bay Area provides an outline for GHG emissions reductions through future compact development patterns, it does not direct the actions of San Francisco. Notwithstanding, it is noted that, as discussed in Section 4.H, *Greenhouse Gas Emissions*, the proposed project would be consistent

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<sup>8</sup> The eastern edge of seawall lot 337 is designated as backland support space for Piers 48 and 50. Backland support space includes areas intended for storing materials or loading and unloading vessels.



with San Francisco's Greenhouse Gas Reduction Strategy. Additionally, as discussed in Section 4.E, *Transportation and Circulation*, the proposed project would not result in a substantial increase in the number of vehicle miles traveled or induce automobile travel substantially.

## **OTHER REGIONAL PLANS AND POLICIES**

Other regional plans and policies, such as the Bay Area Air Quality Management District's *Clean Air Plan*, the San Francisco Bay Regional Water Quality Control Board's *Water Quality Control Plan for the San Francisco Bay Basin*, and the San Francisco County Transportation Authority's *San Francisco Congestion Management Program*, directly address specific environmental issues or contain objectives or standards to maintain or improve specific characteristics of the city's, as well as the region's, physical environment. These plans are discussed in more detail in the relevant resource sections of this Draft EIR, as appropriate. As discussed therein, the proposed project is not expected to conflict substantially with any of these adopted environmental plans or policies.

## **C. PUBLIC TRUST DOCTRINE**

The Public Trust Doctrine governs the use of tidal and submerged lands, including former tidal and submerged lands that have been filled. It is not a codified set of laws but a common law doctrine that has been established in federal and state court decisions as well as decisions and interpretations by the California State Lands Commission and the California Attorney General. The purpose of the Public Trust Doctrine is to ensure that land that adjoins the state's waterways or is physically covered by those waters remains committed to water-oriented uses. Uses for public trust lands are generally limited to waterborne commerce; navigation; fishery uses; water-oriented recreation (e.g., fishing, swimming, boating), including commercial facilities that must be located on or adjacent to water; and environmental preservation, including natural resource protection and wildlife habitat study. Ancillary or incidental uses that promote public trust uses or accommodate the public's enjoyment of public trust lands are also permitted (e.g., hotels, restaurants, specialty retail establishments). Because the Public Trust Doctrine is based on judicial cases, there is no zoning code or general statute that sets forth a list of permitted public trust uses.

Waterfront land owned by the Port of San Francisco is public trust land. The proposed placement of certain non-trust uses on public trust land within the project site would be inconsistent with the Public Trust Doctrine. In order to resolve issues regarding the public trust status of portions of the project site, state legislation (SB 815 and AB 2797) has been enacted, authorizing the State Lands Commission to lift public trust use restrictions on Seawall Lot 337 for up to 75 years, or until December 31, 2105. Additionally, AB 2797, approved by the governor

on September 23, 2016, authorizes actions to add Parcel P20 to Seawall Lot 337, which lifted public trust restrictions on Parcel P20. This allows implementation of land uses at the project site that would not be permitted under the Public Trust Doctrine.

## **D. SUMMARY**

The discussion presented in this section indicates that the proposed project could conflict with policies in the Transportation Element of the General Plan, San Francisco Bicycle Plan, and Transit First Policy related to transit delays and potential hazardous conditions for bicyclists and pedestrians. However, these potential impacts would be reduced through implementation of mitigation measures, thereby partially reducing the environmental impact and avoiding a conflict with these plans and policies. Conflicts with the WLUP and Mission Bay South Redevelopment Plan related to the types of land uses permitted under each plan could also occur. Additionally, implementation of the proposed project could conflict with the allowable uses in the Planning Code. The staff report for the Planning Commission will evaluate the consistency of the proposed project with General Plan policies and applicable Planning Code regulations. Project applications include requests for amendments to the WLUP to modify the land use designation, Acceptable Land Use Table, Development Standards, and Waterfront Design and Access Element as well as amendments to the Mission Bay South Redevelopment Plan to remove Parcel P20 from the plan area. The project sponsor would seek approval to rezone the project site to a new SUD that would establish permitted uses, building forms, and other development controls consistent with the proposed project through amendments to the Planning Code and zoning map. With the adoption of these proposed amendments to the WLUP, Mission Bay South Redevelopment Plan, and the Planning Code and zoning map, the proposed project would be consistent with the WLUP, Mission Bay South Redevelopment Plan, and the Planning Code and zoning map.