

B. LAND USE AND LAND USE PLANNING

Section 4.B, Land Use and Land Use Planning, examines the effects of the Proposed Project related to land use and land use planning. The Environmental Setting discussion describes the existing land uses within, and in the vicinity of, the project site. The Regulatory Framework discussion identifies applicable local, regional, and State plans and policies. The Impacts and Mitigation discussion identifies the significance criteria for land use and land use planning impacts, identifies the project features pertaining to the topic of Land Use and Land Use Planning, discusses the effects on existing land use that would occur if the Proposed Project were implemented, and discusses the cumulative land use effects of the Proposed Project in combination with other proposed, planned, or reasonably foreseeable future projects.

ENVIRONMENTAL SETTING

EXISTING PROJECT SITE

The project site occupies the southern portion of the Pier 70 area, as shown on Figure 2.1: Project Location, in Chapter 2, Project Description, p. 2.6. The 69-acre Pier 70 area is owned by the Port of San Francisco and encompasses an historic shipyard property along San Francisco's Central Waterfront. Most of Pier 70 (66 of the total 69 acres) is listed on the National Register of Historic Places as the Union Iron Works Historic District.¹ Portions of Pier 70 are still used today for ship repair operations, as well as for other industrial operations. The southwest corner of the project site (the 3.6-acre Hoedown Yard) is outside of the Pier 70 area and is owned by the Pacific Gas and Electricity Company (PG&E).

As discussed in Chapter 3, Plans and Policies, several local, regional, and State plans and policies are applicable to the project site or portions of it: the *San Francisco General Plan*; the *General Plan's Central Waterfront Area Plan*; the Port of San Francisco's *Waterfront Land Use Plan* (WLUP); the Port of San Francisco's *Pier 70 Preferred Master Plan*; the Association of Bay Area Governments' *Plan Bay Area*; the San Francisco Bay Conservation and Development Commission's *Bay Plan*; and the Public Trust Doctrine, administered by the State Lands Commission.

¹ United States Department of the Interior, National Park Service, National Register of Historic Places Registration Form, *Union Iron Works Historic District*, April 17, 2014.

The project site is zoned P (Public) and M-2 (Heavy Industrial), as shown on Figure 4.B.1: Existing Use Districts in the Project Vicinity.² As discussed in Chapter 3, Plans and Policies, on pp. 3.3-3.4, and shown on Figure 4.B.2: Existing Height and Bulk Districts in the Project Vicinity, the westernmost portion of the project site along Illinois Street is currently within a 65-X Height and Bulk District. The remainder of the project site (encompassing the 28-Acre Site and the eastern portion of the Hoedown Yard) is currently in a 40-X Height and Bulk District.

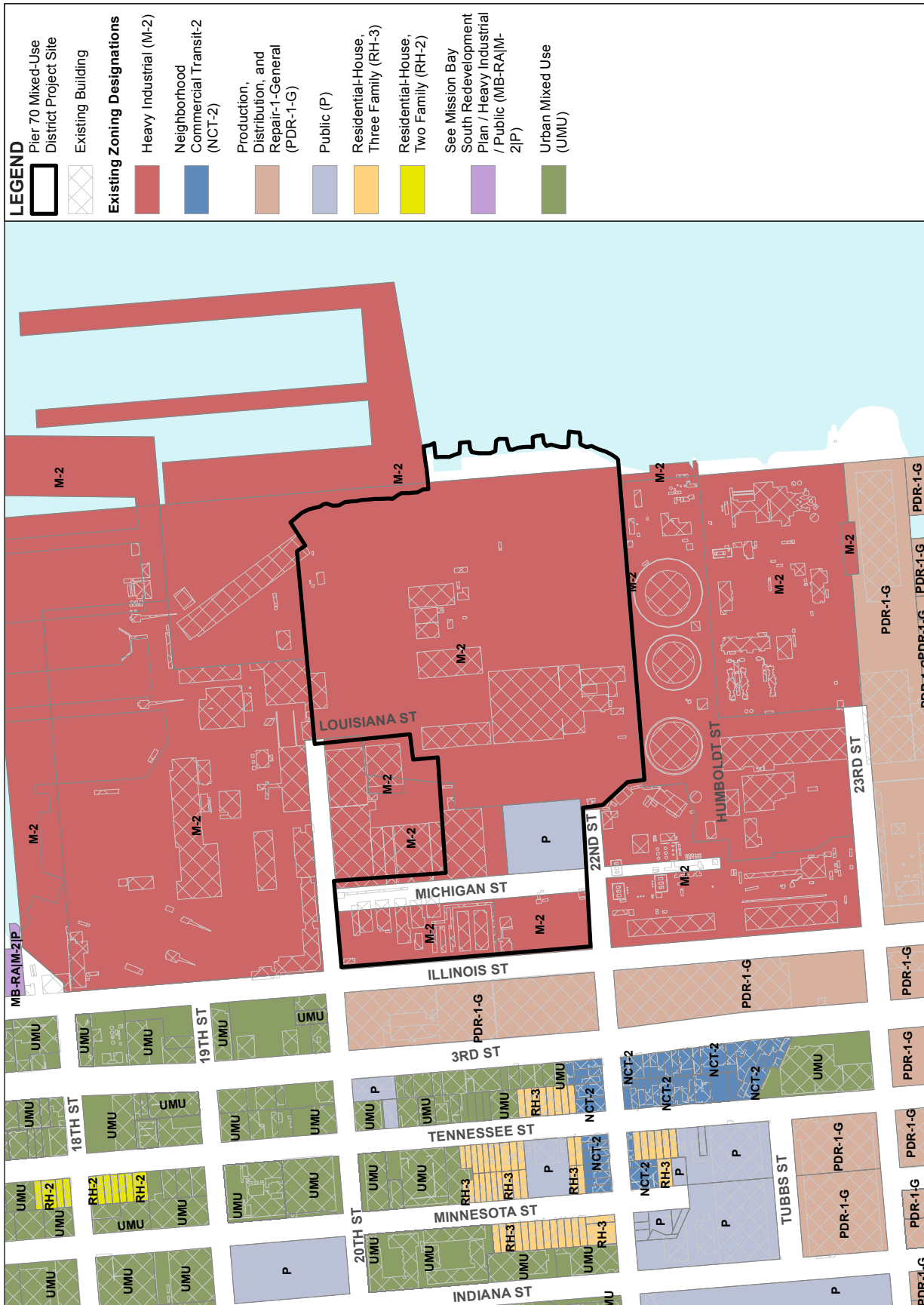
The project site currently contains approximately 351,600 gross square feet (gsf) of deteriorating buildings and facilities. Current uses on the site, all of which are temporary, include special event venues, artists' studios, self-storage facilities, warehouses, automobile storage lots, a parking lot, a soil recycling yard, and office spaces, as further described below.

28-Acre Site

The existing buildings on the 28-Acre Site are mostly low- to mid-rise (45- to 82-foot-tall) structures. (See Figure 4.B.3: Existing Building Heights in the Project Vicinity. See also Figure 2.2: Existing Site Plan, p. 2.11.) The Port has entered into interim leases for all of the useable buildings. Current uses of these buildings are as follows:

- Building 2, formerly Warehouse No. 2, a warehouse space, is leased by Paul's Stores for storage.
- Building 11, known as the Noonan Building and previously used as administration and design offices for the World War II shipbuilding yard, is currently leased as artists' studios and office space.
- The Building 12 complex and the paved lot to the west of the complex are licensed by Forest City from the Port (authorized by the Revocable License Agreement for Special Events) for community, arts and cultural, and special events. The complex, which was once used for producing ship hull plates from templates, is made up of five buildings: Building 12 (former Plate Shop No. 2), Building 15 (former Layout Yard), Building 16 (former Stress Relieving Building), Building 25 (former washroom and lockers), and Building 32 (former Template Warehouse).
- Building 19 is currently part of the BAE Systems lease premises and is used to store sandblasting grit. Under the BAE lease, Building 19 will be removed from the BAE leasehold as part of BAE's shipyard master plan, which is still under development.
- Building 21, an electrical substation and a former Risdon Iron and Locomotive Works and Pacific Rolling Mill Company building, is leased to the SOMArts Cultural Center for storage.

² Planning Code Section 210.4: M-2 Districts (Heavy Industrial). These Districts are the least restricted as to use and are located at the eastern edge of the City, separated from residential and commercial areas. The heavier industries are permitted, with fewer requirements as to screening and enclosure than in M-1 Districts, but many of these uses are permitted only as conditional uses or at a considerable distance from Residential Districts. Most of the land zoned M-2 is controlled by the Port of San Francisco.



Source: San Francisco Planning Department (2015)

PIER 70 MIXED-USE DISTRICT PROJECT

FIGURE 4.B.1: EXISTING USE DISTRICTS IN THE PROJECT VICINITY

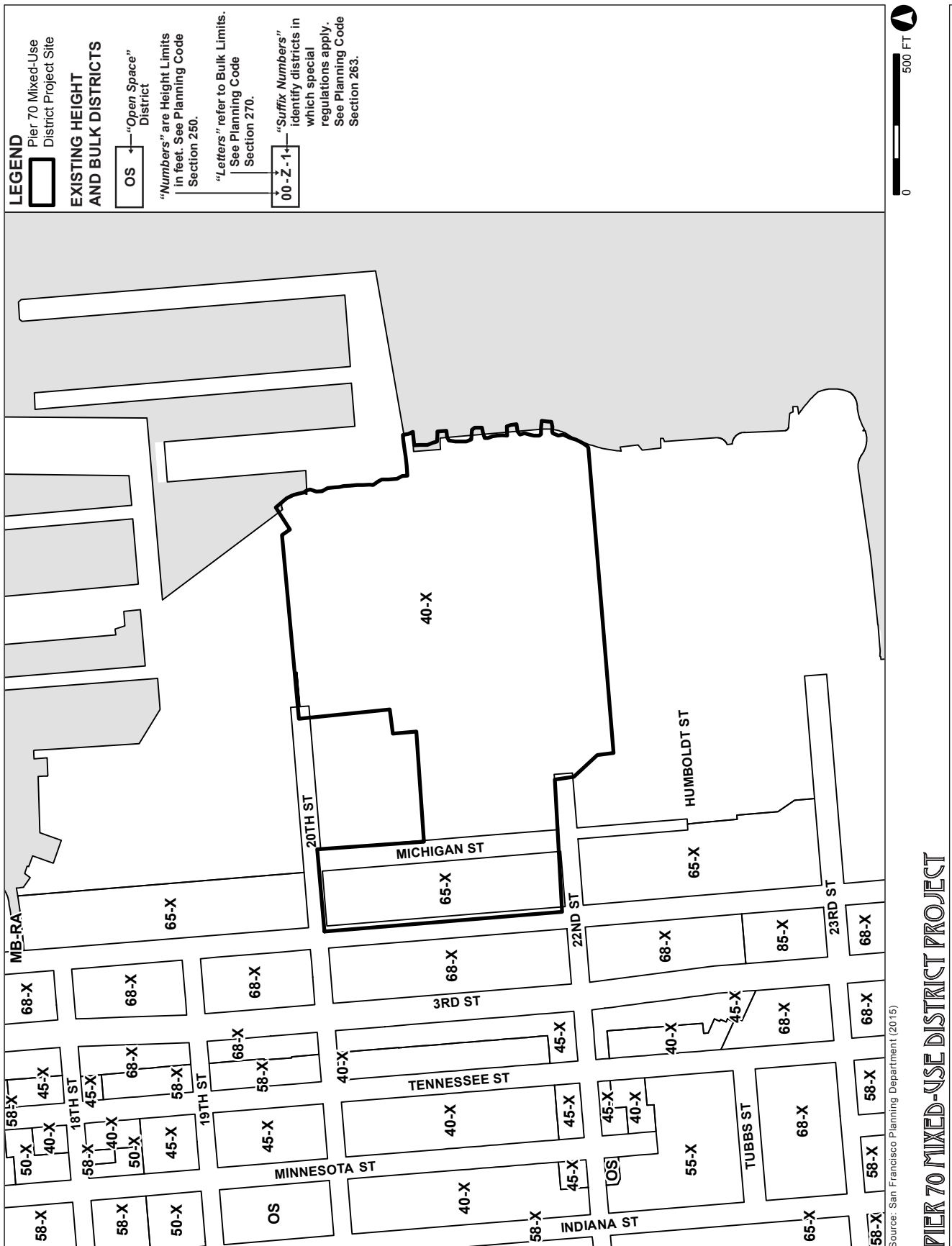
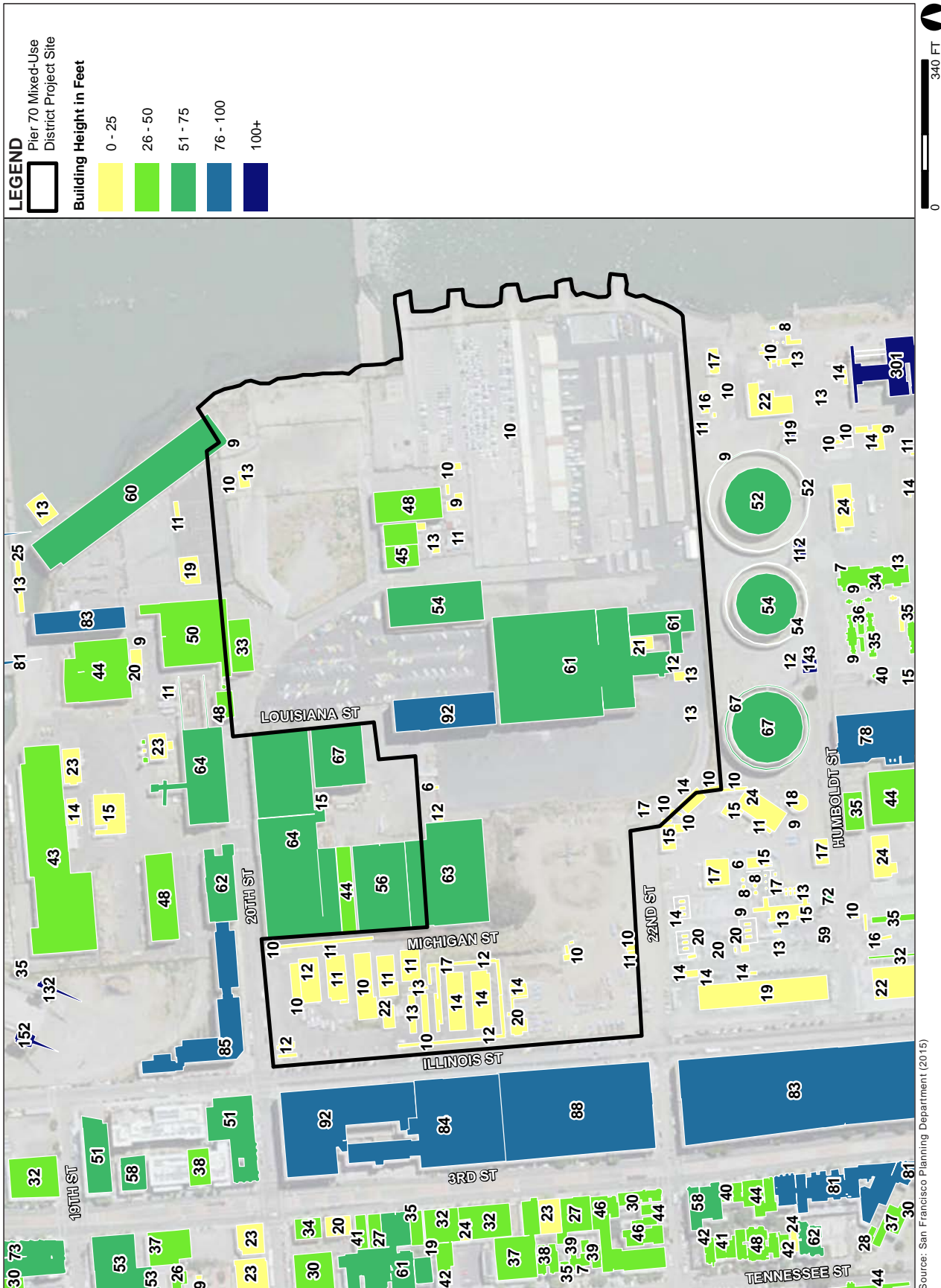


FIGURE 4.B.2: EXISTING HEIGHT AND BULK DISTRICTS IN THE PROJECT VICINITY



PIER 70 MIXED-USE DISTRICT PROJECT

FIGURE 4.B.3: EXISTING BUILDING HEIGHTS IN THE PROJECT VICINITY

- Building 66, the former Welding Shed, and the paved parking lots located along and to the west of Building 2 are leased to Yellow Cab for taxi cab storage.
- Building 117, formerly a shipyard training center, is leased by the Delancey Street Foundation for storage.³

The Port has also leased certain portions of the land within the project site, including four former slipways, Slipways 5, 6, 7, and 8, on the 28-Acre Site, which have been filled and paved. Current uses are as follows:

- East of Building 19 is an asphalt area containing a privately owned radio antenna.
- Paved land in the northeast corner of the project site, the site of a former metal recycling facility, is subleased by Affordable Self Storage.
- West of Building 11 (the Noonan Building), SOMArts and Ernest Rivera lease paved land for storage.
- North of the Building 12 complex, Yellow Cab leases paved land to park taxicabs.
- Affordable Self Storage leases the southeastern corner of the slipways, which includes rows of self-storage lockers. Immediately north of Affordable Self Storage, Boas International leases an area for new automobile storage.

Illinois Parcels

20th/Illinois Parcel

The 20th/Illinois Parcel is owned by the Port. It is a paved area with asphalt lots used for paid parking, construction lay-down, and other temporary uses. In March 2015, the Port and FC Pier 70, LLC, a Forest City affiliate, entered into a lease for approximately 1 acre of paved industrial land on the southern portion of the 20th/Illinois Parcel for retail activities such as a beer garden, food trucks, and food carts and a variety of cultural, educational, and recreational activities, including special events. A remaining section of Irish Hill is located in the southeast corner of the 20th/Illinois Parcel.

Hoedown Yard

South of the 20th/Illinois Parcel, the PG&E-owned Hoedown Yard is used for soil recycling and construction equipment storage. A remaining section of Irish Hill is located in the northeast

³ Building 117, totaling 30,940 gsf, is located on the project site; however, the Port has proposed to demolish this building separately and prior to approval of the Proposed Project to allow the adjacent building (Building 116) located on the 20th Street Historic Core site to be rehabilitated to meet fire code. The Port filed an application to demolish Building 117 on January 7, 2016, Case No. 2016-000346ENV. Any approval of the demolition of Building 117 will undergo appropriate environmental review, as required by CEQA.

corner of the Hoedown Yard. The Hoedown Yard is outside of the 69-acre Pier 70 boundary, but it is included in the project site and proposed Special Use District (SUD).

PROJECT VICINITY

As discussed in Section 4.A, Introduction to Chapter 4, on pp. 4.A.17-4.A.18, several area plans have identified the southeastern part of San Francisco as the location for substantial future growth in housing and employment. The *Eastern Neighborhoods Rezoning and Area Plan (Eastern Neighborhoods Area Plan)* includes four area plans: the *Central Waterfront Area Plan* (which includes the project site); the *Showplace Square / Potrero Area Plan* (west of the Interstate 280 [I-280] Freeway); the *Mission Area Plan* (west of Potrero Avenue); and the *East SOMA Area Plan* (north of Mission Bay). The rezoning under the *Eastern Neighborhoods Plan* has increased the residential potential of infill sites in the Eastern Neighborhoods over what would have been available under the previous zoning, thereby decreasing the potential sites available for production, distribution, and repair (PDR) uses. Other plans for southeastern San Francisco include the *Mission Bay Redevelopment Projects North and South*, the *UCSF Long Range Development Plan*, and the *Central Corridor Plan* (Central SOMA Plan).

The project site is located along San Francisco's Central Waterfront, just south of Mission Bay South and east of the Potrero Hill and Dogpatch neighborhoods. The Central Waterfront is predominantly devoted to light and heavy PDR uses, including maritime-related uses, construction, transportation, warehousing/distribution, and printing and publishing.

To the North of the Project Site

Adjacent Land Uses

Consistent with the existing zoning within most of the project site, adjacent areas to the north of the project site on Pier 70 are zoned M-2 (Heavy Industrial). Consistent with the height and bulk districts within the project site, the areas immediately to the north of the project site are in a 65-X Height and Bulk District along Illinois Street, and in a 40-X Height and Bulk District eastward to the Bay.

The adjacent 7.6-acre Pier 70 20th Street Historic Core is north of the project site and contains a concentration of the most historically and architecturally significant contributors to the Union Iron Works National Register Historic District. The Historic Core contains about 270,000 square feet of largely vacant industrial and office space currently undergoing rehabilitation for adaptive reuse. The portion of the Historic Core to the south of 20th Street is surrounded by the project site to the east, south, and west and includes five buildings: Buildings 113-114, the Union Iron Works Machine Shop buildings along the south side of 20th Street; Buildings 115-116, the Foundry and Warehouse buildings; and Building 14, the Heavy Warehouse building. The portion of the

Historic Core along the north side of 20th Street includes three buildings. From west to east, they are Building 101, the Bethlehem Steel Administration building at the northeast corner of Illinois Street and 20th Street; Building 102, the Powerhouse building; and Building 104, the Union Iron Works Administration building.

20TH STREET HISTORIC CORE PROJECT

The 20th Street Historic Core Project⁴ includes repair and rehabilitation of eight buildings in the Pier 70 Historic Core (Buildings 101, 102, 104, 112, 113, 115, 116, and 14) to satisfy current seismic, structural, and code requirements; reuse of the buildings as primarily light industrial and commercial uses, with one residential unit;⁵ and addition of approximately 69,000 gsf of new building space. The project also includes an outdoor publicly accessible plaza and roadway, sidewalk, and parking lot improvements. In total, the project would include approximately 334,000 gsf of existing and new building space. The 20th Street Historic Core Project also includes demolition of Buildings 117 and 40.

SITE OF THE FUTURE CRANE COVE PARK

Farther north of the Historic Core is the site of the future Crane Cove Park, which is also part of Pier 70 and Port of San Francisco property.⁶ Construction of the approximately 9-acre park is underway. The park would include lawn areas and shoreline access, and would incorporate the historic Slipway 4 and two historic cranes. That project would also include extension of 19th Street for park access and circulation; creation of Georgia Street, which would connect 20th Street to the 19th Street extension; relocation of the BAE Systems Ship Repair Facility entrance from 20th Street to the terminus of the 19th Street extension and rerouting of BAE Shipyard truck traffic from 20th Street to the 19th Street extension; and street improvements along the eastern side of Illinois Street.

BAE SHIP REPAIR FACILITY

To the north of the 20th Street alignment, and adjacent to the eastern portion of the project site (the 28-Acre Site), is the BAE Systems Ship Repair facility, a 17-acre site that BAE leases from the Port of San Francisco. The facility includes support buildings and lay-down areas north on

⁴ San Francisco Planning Department, Certificate of Determination, Exemption from Environmental Review, 400-600 20th Street, Pier 70 (“20th Street Historic Core”), Case No. 2013.1168E, May 7, 2014.

⁵ See Table 4.F.4: Sensitive Receptors in the Project Vicinity, in Section 4.F, Noise, on p. 4.F.15. Address: 628 20th Street.

⁶ San Francisco Planning Department, Certificate of Determination, Exemption from Environmental Review, Crane Cove Park, Case No. 2015.001314ENV, October 5, 2015.

land and piers and floating drydocks farther north within the Bay. BAE's lease renewal,⁷ approved by the Port Commission on March 24, 2015,⁸ includes removal of 12 PCB electrical transformers and demolition of three buildings: Building 38 (Pipe and Electric Shop), Building 119 (Yard Washroom), and Building 121 (Drydock Office). In addition, the project would demolish Crane Nos. 2 and 6.

Mission Bay

Farther north is the 303-acre *Mission Bay Redevelopment Plan* area. The plan was adopted in 1998. It envisioned a mixed-use, transit-oriented neighborhood that would include about 6,000 housing units, 4.4 million square feet of office/research/commercial space, about 500,000 square feet of retail space, public parks, a school, a library, a fire station, and a University of San Francisco (UCSF) research campus. The Mission Bay UCSF campus within Mission Bay is also the subject of the *UCSF Long Range Development Plan*. Much of the *Mission Bay Redevelopment Plan* area has been built out over the last 17 years since adoption of the plan. UCSF Medical Center Hospital / Mission Bay Hall has been constructed and is in operation. The Golden State Warriors Event Center and Mixed Use Development Project, to be located at Third and 16th streets, was approved in December 2015.

To the West of the Project Site

As discussed in Chapter 3, Plans and Policies, on p. 3.2, the project site and neighboring Dogpatch neighborhood are within the area covered by the *Central Waterfront Area Plan*, one of the four plan areas of the *Eastern Neighborhoods Area Plan*, which was adopted in 2009. The Eastern Neighborhoods contain much of the City's industrially zoned land and have been transitioning to other uses over the past several decades. One of the goals of the Eastern Neighborhoods planning effort was to find a balance between growth of housing and office uses and preservation of PDR facilities.⁹ As discussed in Section 4.A, Introduction to Chapter 4, a number of recent, primarily residential, projects have been constructed (see "Approach to Baseline Setting," on pp. 4.A.5-4.A.12) and others are proposed (see "Approach to Cumulative Impact Analysis," on pp. 4.A.12-4.A.18) in the Dogpatch neighborhood to the west in keeping with implementation of the *Central Waterfront Area Plan*.

⁷ San Francisco Planning Department, Certificate of Determination, Exemption from Environmental Review, SF Port – Pier 70 Area – BAE Lease Renewal, Case No. 2014.0713, March 2, 2015.

⁸ San Francisco Port Commission, Resolution 15-11, adopted March 24, 2015.

⁹ The *Central Waterfront Area Plan* did not revise any zoning and height controls for the Pier 70 area, deferring to the Port's Pier 70 area planning process which was ongoing when the *Central Waterfront Area Plan* was in preparation.

Along the West Side of Illinois Street

To the west of the project site, across Illinois Street, is the American Industrial Center, a four-story, 84- to 92-foot-tall complex that occupies two entire blocks bounded by Illinois Street, 20th Street to the north, 23rd Street to the south, and Third Street to the east. The American Industrial Center complex is zoned PDR-1-G (Production, Distribution and Repair-1-General).¹⁰ The blocks along the west side of Illinois Street and the east side of Third Street are in a 68-X Height and Bulk District, except for an area at 23rd Street, which is in an 85-X Height and Bulk District.

The facility comprises about 900,000 square feet of commercial, industrial, and related supporting uses. The American Industrial Center currently leases space to approximately 300 tenants engaged in various commercial and industrial activities.¹¹ The facility houses breweries, commercial kitchens and bakeries, garment manufacturing businesses, warehouses, and distribution centers. At the ground floor, recessed off-street loading bays line the west side of Illinois Street across from the project site.

The area north of 20th Street and west of Illinois Street is zoned UMU (Urban Mixed Use).¹² At the northwest corner of 20th and Illinois streets is a two-story commercial building at 600 20th Street. Farther west along 20th Street is a recently completed project at 616-620 20th Street, a five-story, 16-unit residential building. Farther north along the west side of Illinois Street, at 810-820 Illinois Street (a.k.a. 2235 Third Street), is a recently constructed, approximately 141-unit residential building with ground-floor retail. Farther north, at the southwest corner of the 19th and Illinois streets, is a three-story commercial building built in 1919.

¹⁰ Planning Code Section 210.10: PDR-1-G Districts (Production, Distribution and Repair-1-General). The intention of this district is to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this district prohibits residential and office uses and limits retail and institutional uses. Additionally, this district allows for more intensive production, distribution, and repair activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all other uses are permitted. In considering any new land use not contemplated in this district, the Zoning Administrator shall take into account the intent of this district as expressed in this section and in the *General Plan*.

¹¹ Charles J. Higley, Farrella Braun+Martel, representing American Industrial Center, Letter Re: Pier 70 Mixed Use District – EIR Scoping Comments, June 5, 2015.

¹² Planning Code Section 853: UMU Districts (Urban Mixed Use). This district is intended to promote a vibrant mixture of uses while maintaining the characteristics of this formerly industrially zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple-story buildings.

West of Third Street

Farther west, the area west of Third Street includes a mixture of zoning districts reflecting its mixed-use character, including UMU (Urban Mixed Use), PDR-1-G (Production, Distribution and Repair-1-General), P (Public), NCT-2 (Neighborhood Commercial Transit-2),¹³ RH-2 (Residential House, Two Family),¹⁴ and RH-3 (Residential House, Three Family).¹⁵ Two parks are in this area: Esprit Park, three blocks to the west of the project site along the north side of 20th Street at Minnesota Street, and Woods Yard Park, three blocks to the west of the project site along the south side of 22nd Street at Minnesota Street.

The west side of Third Street is in a 68-X Height and Bulk District except for a segment south of 20th Street, which is in a 45-X Height and Bulk District. Areas farther west, along Tennessee and Minnesota streets, are within 40-X, 45-C, 50-X, 58-X, and 68-X Height and Bulk Districts.

The area includes a wide variety of uses and a finely mixed development pattern. Parcel sizes are smaller than the American Industrial Center blocks and areas east of Illinois Street. Uses include printing and publishing, graphic design, building materials sales, light warehousing, wholesale, import/export, and auto repair. There is a small cluster of older houses on Tennessee Street. There are also several loft-style residential buildings, most of them new construction and others in converted industrial buildings. The Dogpatch neighborhood is a primarily residential enclave dating to the late 1800s. There are a number of mixed-use buildings with ground-floor commercial space on 22nd Street, which serves as the neighborhood's commercial spine. Third

¹³ Planning Code Section 734: NC-2 Districts (Neighborhood Commercial Transit-2). NCT-2 Districts are transit-oriented mixed-use neighborhoods with small-scale commercial uses near transit services. The NCT-2 Districts are mixed-use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. NCT-2 Districts are intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

¹⁴ Planning Code Section 209.1: RH-2 Districts (Residential House, Two Family). These districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The districts may have easy access to shopping facilities and transit lines. In some cases, Group Housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

¹⁵ Planning Code Section 209.1: RH-3 Districts (Residential House, Three Family). These districts have many similarities to RH-2 Districts, but structures with three units are common in addition to one-family and two-family houses. The predominant form is large flats rather than apartments, with lots 25 feet wide, a fine or moderate scale, and separate entrances for each unit. Building styles tend to be varied but complementary to one another. Outdoor space is available at ground level, and also on decks and balconies for individual units. Nonresidential uses are more common in these areas than in RH-2 Districts.

Street between 22nd and 23rd streets also has a concentration of residential and small-scale retail/entertainment uses.

Potrero Hill

I-280, which runs north-south about 0.25 mile west of the project site, and its on- and off-ramps create a physical and visual barrier separating the mixed-use Dogpatch neighborhood from the residential Potrero Hill neighborhood farther to the west. Potrero Hill is another of the four plan areas of the *Eastern Neighborhoods Area Plan*. The blocks west of the freeway are zoned primarily RH-2 (Residential House, Two Family) District. They also include areas zoned RH-3 (Residential House, Three Family) District, NC-2 (Neighborhood Commercial-2) Districts along 18th Street and 20th Street, MUR (Mixed Use Residential) District, and P (Public) District. The area is in a 40-X Height and Bulk District.

To the South of the Project Site

Consistent with the existing zoning within most of the project site, adjacent areas to the south of the project site are zoned M-2 (Heavy Industrial) and are in a 65-X Height and Bulk District along Illinois Street, and in a 40-X Height and Bulk District eastward to the Bay.

The area adjacent to Pier 70 is occupied by PG&E's Potrero Substation (a functioning high-voltage transmission substation serving San Francisco), the decommissioned Potrero Power Plant, and the TransBay Cable converter station, which connects the Pittsburg-San Francisco 400-megawatt direct-current, underwater electric transmission cable to PG&E's electricity transmission grid by way of the Potrero Substation, and industrial lands farther south.

REGULATORY FRAMEWORK

Chapter 3, Plans and Policies, discusses the local, regional, and State land use regulatory framework applicable to the Proposed Project under the following plans and policies.

SAN FRANCISCO GENERAL PLAN

The *San Francisco General Plan (General Plan)* is the embodiment of the City's vision for the future of San Francisco. It provides general policies and objectives to guide land use decisions and contains some policies that relate to physical environmental issues. The *General Plan* comprises a series of ten elements, each of which pertains to a particular topic that applies Citywide: Air Quality, Arts, Commerce and Industry, Community Facilities, Community Safety, Environmental Protection, Housing, Recreation and Open Space, Transportation, and Urban Design.

The *General Plan* also includes area plans, each of which focuses on a particular area of the City, including the *Central Waterfront Plan*, in which the project site is located. Except for the western portion of the project site along the east side of Illinois Street, which was rezoned from 40-X to 65-X Height and Bulk District, the *Central Waterfront Plan* did not revise zoning and height controls for the majority of the Pier 70 area, deferring to the Port's Pier 70 area planning process which was ongoing when the *Central Waterfront Area Plan* was in preparation.

SAN FRANCISCO PLANNING CODE

Use Districts

As shown on Figure 4.B.1, p. 4.B.3, the project site is zoned P (Public) in the eastern portion of the Hoedown Yard within the Illinois Parcels, and the rest of the project site is zoned M-2 (Heavy Industrial). Most of the proposed land uses within the project site (residential, commercial, and retail/arts/light-industrial [RALI]¹⁶) are inconsistent with the existing P (Public) and/or the M-2 (Heavy Industrial) zoning on the project site.

To implement the Proposed Project, the Zoning Maps would be amended to provide changes from the current zoning P (Public) and M-2 (Heavy Industrial) districts to the proposed SUD zoning. The proposed Pier 70 SUD would establish development controls for the project site through incorporation of the design standards and guidelines set forth in the proposed *Pier 70 SUD Design for Development* document which is included as part of the Proposed Project.

Height and Bulk Districts

As shown in Figure 4.B.2, p. 4.B.4, within the Illinois Parcels, the westernmost portion of the project site is currently within a 65-X Height and Bulk District. The remainder of the project site (encompassing the 28-Acre Site and the eastern portion of the Hoedown Yard within the Illinois Parcels) is currently within a 40-X Height and Bulk District. Bulk controls (i.e., limits on horizontal building dimensions) do not apply within an "X" Bulk District.

On June 3, 2014, San Francisco voters approved Proposition B, a ballot measure which requires Citywide voter approval for any future construction projects on Port-owned San Francisco waterfront property that exceed height limits in effect on January 1, 2014. Subsequently, on November 4, 2014, the San Francisco electorate approved Proposition F, a ballot measure that authorized a height increase at the 28-Acre Site from the existing 40 feet to 90 feet except for a 100-foot-wide portion adjacent to the shoreline that would remain at 40 feet. Proposition F conditioned the proposed height increase on completion of an EIR and approval of a development

¹⁶ The Proposed Project would include market-rate and affordable residential uses, commercial use, retail, restaurant, and arts/light-industrial (which are collectively referred to for the purposes of this EIR as RALI uses).

plan for the 28-Acre Site by the Port Commission and Board of Supervisors. Proposition F did not address the Illinois Parcels. The area along Illinois Street had already been rezoned from 40-X to 65-X Height and Bulk District under the *Central Waterfront Plan*.

Building heights under the Proposed Project are inconsistent with the existing height limits on the project site. Upon certification of this EIR and the approval of a development plan for the 28-Acre Site by the Port Commission and Board of Supervisors, the legislative amendment to the existing Planning Code height and bulk limits within the project site adopted under Proposition F would become effective, and the existing 40-X Height and Bulk District within the inland portions of the 28-Acre Site would become 90-X (the existing height and bulk designation along a 100-foot-wide area along the shoreline would remain at 40-X). (See Figure 2.4: Existing and Proposed Height and Bulk Districts, in Chapter 2, Project Description, p. 2.16.) The existing 40-X Height and Bulk District of the eastern portion of the Hoedown Yard within the Illinois Parcels would be changed from 40-X to 65-X (the existing 65-X height and bulk designation within the rest of the Illinois Parcels would remain at 65-X).

THE ACCOUNTABLE PLANNING INITIATIVE

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code and established eight Priority Policies. Prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that such project or action would be consistent with the following Priority Policies: (1) preservation and enhancement of neighborhood-serving retail uses and future opportunities for resident employment in and ownership of such businesses; (2) conservation and protection of existing housing and neighborhood character to preserve the cultural and economic diversity of neighborhoods; (3) preservation and enhancement of affordable housing; (4) discouragement of commuter automobiles that impede Muni transit service or that overburden streets or neighborhood parking; (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; (6) maximization of earthquake preparedness; (7) preservation of landmarks and historic buildings; and (8) protection of parks and open space and their access to sunlight and vistas.

PORT OF SAN FRANCISCO'S WATERFRONT LAND USE PLAN

As discussed in Chapter 3, Plans and Policies, on pp. 3.5-3.7, most of the project site (the 28-Acre Site and the 20th/Illinois Parcel) is owned by the Port of San Francisco and therefore is subject to

the Port of San Francisco's WLUP.¹⁷ The WLUP was initially adopted by the Port Commission in 1997, revised in 2009, defining acceptable uses, policies, and land use information applicable to all properties under the Commission's jurisdiction. To the extent that the Proposed Project could be inconsistent with certain provisions of the existing WLUP, in order to approve the Proposed Project, the San Francisco Port Commission would need to approve amendments to the WLUP as necessary to ensure consistency between the Proposed Project and the amended WLUP. In 2014-2015, Port staff completed the comprehensive WLUP *1997-2014 Review Report* and have developed a public process for targeted updates to the WLUP. Draft updates to the WLUP are anticipated in the spring of 2017.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

As discussed in Chapter 3, Plans and Policies, on p. 3.11, the San Francisco Bay Conservation and Development Commission (BCDC) has permit jurisdiction over areas of San Francisco Bay subject to tidal action up to the mean high tide line and including all sloughs, tidelands, submerged lands, and marshlands lying between the mean high tide and 5 feet above mean sea level, and the land lying between the Bay shoreline and a line drawn parallel to, and 100 feet from, the Bay shoreline, known as the 100-foot shoreline band. Under the McAteer-Petris Act, BCDC has permit authority for the placement of fill, extraction of materials, or substantial changes in use of land, water, or structures within its jurisdiction, and to enforce policies aimed at protecting the Bay and its shoreline, as well as maximizing feasible public access to the Bay. The Proposed Project would require approval of permits for activities within BCDC's jurisdiction within the Bay and along the Bay shoreline.

STATE LANDS COMMISSION, PUBLIC TRUST EXCHANGE

As discussed Chapter 3, Plans and Policies, pp. 3.16-3.17, certain formerly tidal and submerged portions of the 28-Acre Site are subject to the Public Trust Doctrine, a Common Law legal doctrine that governs the use of tidal and submerged lands, including former tidal and submerged lands that have been filled. The proposed placement of certain non-Public Trust (non-water-oriented) uses on land within the 28-Acre Site that is subject to the Public Trust would be inconsistent, on its face, with the Public Trust Doctrine. The Public Trust Doctrine provides that filled and unfilled tide and submerged lands are to be held in trust by the State for the benefit of the people of California. Pursuant to the Burton Act (Chapter 1333 of the Statutes of 1968), the Port of San Francisco has been granted administrative control over the public trust lands in the harbor of San Francisco for purposes of commerce, navigation, and fisheries. In order to resolve the Public Trust status of portions of Pier 70, the Port has obtained State legislation (Assembly

¹⁷ City and County of San Francisco, Port of San Francisco, *Waterfront Land Use Plan*, Map of the Southern Waterfront Subarea, Revised Version, 2009, p. 163A.

Bill [AB] 418) that authorizes the State Lands Commission to approve a Public Trust exchange that would free some land from the Public Trust to allow non-trust uses within those areas, while committing other land to the Public Trust. The Proposed Project would require State Lands Commission approval of a Public Trust Exchange Agreement pursuant to California Public Resources Code Section 6307.

The State Lands Commission may not approve the exchange of the trust lands unless it finds all of the following:¹⁸

1. The portions of the trust lands or interests in lands to be exchanged out of the trust have been filled and reclaimed, are cut off from access to the waters of the San Francisco Bay, and are no longer in fact tidelands or navigable waterways, are relatively useless for Public Trust purposes, and constitute a relatively small portion of the granted lands within the City.
2. The lands or interests in lands to be impressed with the trust have a monetary value equal to or greater than the monetary value of the lands or interests in lands to be exchanged out of the trust. If the lands or interests in lands to be exchanged into the trust are insufficient to meet the requirement of equal or greater monetary value, the commission may consider a deposit of funds into the Land Bank Fund established pursuant to Section 8610 of the Public Resources Code to be held solely for acquisition of property, in an amount at least equal to the difference in value, for purposes of making the finding required by this paragraph.
3. No substantial interference with trust uses and purposes, including public rights of navigation and fishing, will ensue by virtue of the exchange.
4. The lands or interests in lands impressed with the trust will provide a significant benefit to the trust and are useful for the particular trust purposes authorized by this act.
5. The configuration of trust lands within the Pier 70 area, upon completion of the exchange, consists solely of lands suitable to be impressed with the trust.
6. The appropriate State agencies have approved an environmental site investigation and risk assessment of the Pier 70 area, and agree on subsequent actions and development standards needed to ensure appropriate management of potential risks through development of a risk management plan, a remedial action plan, or comparable regulatory documents specific to the conditions at the Pier 70 area; the Port has provided adequate financial assurances to ensure performance of any affirmative remedial actions required by any such plan or comparable regulatory document; and sufficient liability measures that protect the State will be in place upon completion of the exchange.
7. The final layout of streets in the Pier 70 area shall provide access to the trust lands and be consistent with the beneficial use of the trust lands.

¹⁸ Assembly Bill 418, An act relating to tideland and submerged lands, Section 3, Approved by the Governor, October 05, 2011. Available online at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB418. Accessed April 19, 2016.

8. Streets and other transportation facilities located on trust lands shall be designed to be compatible with the trust and to serve primarily trust purposes of access to shoreline improvements and shoreline circulation rather than serving non-trust purposes.
9. The San Francisco Port Commission and the City's Board of Supervisors have approved the exchange after at least one public hearing and have found, based on supporting documentation, that the lands or interests in lands impressed with the trust will provide a significant benefit to the trust and are useful for the trust purposes authorized by this act.
10. Any surveys or legal descriptions required for the parcels in conjunction with the exchange shall be approved by the commission or its executive officer.
11. The exchange otherwise complies with the requirements of this act.
12. The exchange is consistent with and furthers the purpose of the public trust, the Burton Act trust, and this act.
13. The exchange is otherwise in the best interest of the Statewide public.

IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE THRESHOLDS

The thresholds for determining the significance of impacts in this analysis are consistent with the environmental checklist in Appendix G of the State CEQA Guidelines, which has been modified by the San Francisco Planning Department. For the purpose of this analysis, the following applicable thresholds were used to determine whether implementing the Proposed Project would result in a significant impact on population and housing. Implementation of the Proposed Project would have a significant effect on population and housing if the project would:

- B.1 Physically divide an established community;
- B.2 Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

APPROACH TO ANALYSIS

A project that involves a change or intensification in land use would not be considered to have a significant impact related to the topic of Land Use and Land Use Planning unless the project would physically divide an established community.

Conflicts with existing plans and policies do not, in themselves, indicate a significant environmental effect related to the topic of Land Use and Land Use Planning within the meaning of CEQA, unless the project substantially conflicts with a land use plan/policy that was adopted for the purpose of avoiding or mitigating an environmental effect. The focus of the analysis under Impact LU-2 is on the Proposed Project's potential substantial conflicts with applicable

Land Use plans and policies. It does not present a comprehensive analysis of project conformity with applicable State, regional, and local plans and policies. Such analyses would be undertaken independent of the CEQA process, as part of the decision-makers' action to approve, modify, or disapprove the project or aspects thereof.

To the extent that physical environmental impacts may result from such conflicts, the EIR discloses and analyzes these physical impacts under the specific environmental topic sections in EIR Chapter 4, Environmental Setting and Impacts. Impacts resulting from a change or intensification of population and employment on the project site are discussed in Section 4.C, Population and Housing, and are also embodied in environmental impacts related to the capacity of existing facilities and services to adequately serve the area, such as those described in Transportation and Circulation, Recreation, Utilities and Service Systems, and Public Services. Physical impacts of construction and/or operation of the Proposed Project on the environment are embodied in physical impacts related to environmental topics such as Cultural Resources, Noise, Air Quality, Greenhouse Gas Emissions, Wind and Shadow, Hydrology and Water Quality, and Hazards and Hazardous Materials.

Project-level and cumulative land use impacts of the Proposed Project, for both the Maximum Residential Scenario and Maximum Commercial Scenario, are addressed in relation to the significance criteria.

PROJECT FEATURES

The Proposed Project would amend the *General Plan* and Planning Code, adding a new Pier 70 SUD. The Pier 70 SUD would establish land use zoning controls for the project site, and incorporate the design standards and guidelines in the proposed *Pier 70 SUD Design for Development* document. The proposed *Pier 70 SUD Design for Development* document sets forth the underlying vision and principles for development of the project site, and establishes standards and design guidelines to implement the intended vision and principles.

Mixed-Use Land Use Program

Development under the proposed SUD is intended to provide a balanced mixture of uses to support revitalization of the project site and reflect market conditions in the project site vicinity. To cover a full range of potential land uses that could be developed under the proposed SUD, this EIR analyzes both a Maximum Residential Scenario, which reflects the most-intensive residential use of the project site, and a Maximum Commercial Scenario, which reflects the most-intensive commercial use of the project site. The two scenarios bracket specific maximum ranges of uses that could be developed under the proposed SUD.

Maximum Residential Scenario

Development on the 28-Acre Site under the Maximum Residential Scenario would include a maximum of up to 3,410,830 gsf in new and renovated buildings. (See Table 2.3: Project Summary Table – Maximum Residential Scenario, and Figure 2.7: Proposed Land Use Plan – Maximum Residential Scenario, in Chapter 2, Project Description, p. 2.29 and p. 2.30, respectively.) Under this scenario, there would be up to 2,150 residential units totaling about 1,870,000 gsf, as well as approximately 1,095,650 gsf of commercial space and 445,180 gsf of RALI space (241,655 gsf of retail space; 60,415 gsf of restaurant space; and 143,110 gsf of arts/light-industrial space), in new and rehabilitated buildings. The mixed-use land use program includes two parcels, Parcels C1 and C2, that may be developed for parking, residential, or commercial use depending on future demand for parking and future travel patterns.

Development on the Illinois Parcels under the Maximum Residential Scenario would include a maximum of up to 801,400 gsf in newly constructed buildings (see Table 2.3). Under this scenario, there would be up to 875 residential units totaling about 760,000 gsf, as well as approximately 6,600 gsf of commercial area and approximately 34,800 gsf of retail/restaurant space (27,840 gsf of retail space and 6,960 gsf of restaurant space) in new buildings.

In total, there would be 3,025 total residential units, 83.9 percent more than in the Maximum Commercial Scenario. There would be 42.4 percent less of the commercial and RALI space.

Maximum Commercial Scenario

Development on the 28-Acre Site under the Maximum Commercial Scenario would include a maximum of up to about 3,422,265 gsf in new and renovated buildings. (See Table 2.4: Project Summary Table – Maximum Commercial Scenario, p. 2.31, and Figure 2.8: Proposed Land Use Plan – Maximum Commercial Scenario, p. 2.32.) Under this scenario, there would be up to 1,100 residential units totaling about 957,000 gsf, as well as approximately 2,024,050 gsf of commercial area, and 441,215 gsf of RALI space (238,485 gsf of retail space, 59,620 gsf of restaurant space, and 143,110 gsf of arts/light-industrial/PDR space), in new and rehabilitated buildings. The mixed-use land use program contemplates two parcels, Parcels C1 and C2, which may be developed for parking, residential, or commercial use depending on future demand for parking and future travel patterns.

Development on the Illinois Parcels under the Maximum Commercial Scenario would include a maximum of about 757,035 gsf in new buildings (see Table 2.4). Under this scenario, there would be up to 545 residential units totaling about 473,000 gsf, as well as approximately 238,300 gsf of commercial area and approximately 45,735 gsf of retail/restaurant space (36,590 gsf of retail space and 9,145 gsf of restaurant space) in new buildings.

In total, there would be 2,749,300 gsf of commercial and RALI space, 73.8 percent more than in the Maximum Residential Scenario. There would be 45.6 percent fewer residential units.

The use program totals of both scenarios are summarized in Table 4.B.1: Summary Totals under Maximum Residential and Maximum Commercial Scenarios, below.

Table 4.B.1: Summary Totals under Maximum Residential and Maximum Commercial Scenarios

Use	Maximum Residential Scenario Totals	Maximum Commercial Scenario Totals	Difference: Max. Res. Minus Max. Com.
Residential	2,630,000 gsf	1,430,000 gsf	1,200,000 gsf
No. of units	3,025 units	1,645 units	1,380 units
Commercial	1,102,250 gsf	2,262,350 gsf	(1,160,100) gsf
RALI	479,980 gsf	486,950 gsf	(6,970) gsf
Retail	269,495 gsf	275,075 gsf	(5,580) gsf
Restaurant	67,375 gsf	68,765 gsf	(1,390) gsf
Arts/Light-Industrial	143,110 gsf	143,110 gsf	0
Total	4,212,230 gsf	4,179,300 gsf	(32,930) gsf
Parking			
Off-Street	3,370 spaces	3,496 spaces	0
On-Street	285 spaces	285 spaces	0
Open Space	9 acres	9 acres	0

Sources: Forest City; Turnstone/SWCA

General Plan and Planning Code Amendments

The Proposed Project would amend the *General Plan* and Planning Code, adding a new Pier 70 SUD, which would establish land use zoning controls for the project site.

The Zoning Maps would be amended to show changes from the current zoning (M-2 [Heavy Industrial] and P [Public]) to the proposed SUD zoning.

Height limits on the 28-Acre Site would be increased to 90 feet, except for a 100-foot-wide portion adjacent to the shoreline that would remain at 40 feet, as authorized by Proposition F (November 2014). The Planning Code text and height map amendments would also modify the existing height limits on an eastern portion of the Hoedown Yard from 40 feet to 65 feet. Height

limits are further restricted through the design standards established in the proposed *Pier 70 SUD Design for Development*.

Proposed Design Standards

Design Standards for New Construction

Proposed Design Standards are included as part of the proposed *Pier 70 SUD Design for Development*. Key standards (e.g., height, use, parking) will be incorporated into the proposed SUD. Future vertical development at the project site, whether constructed by Forest City, Forest City affiliates, or third-party developers selected by the Port and Forest City, would be bound by the Design Standards to inform building designs, subject to variants to the extent permitted under the SUD. The Port and Planning Department would use the proposed Design Standards to evaluate these future development proposals within the project site for compatibility with the SUD and the Union Iron Works Historic District.

Pedestrian Passageway Option

The Proposed Project would include a pedestrian passageway option under the Maximum Commercial Scenario. A Pedestrian Passageway Option is not applicable under the Maximum Residential Scenario since mid-block pedestrian passageways are not planned under that scenario. Both the Maximum Commercial Scenario and the Pedestrian Passageway Option would include a 40-foot-wide mid-block pedestrian passage that differentiates the southern parcels' (Parcels HDY1 and HDY2, Parcels F and G, and Parcels H1 and H2) building massing. However, the Pedestrian Passageway Option would require that an above-ground building connection over the passageways retain at least 60 percent exposure to the sky, whereas the Maximum Commercial Scenario would require a minimum setback of at least 10 feet with an additional setback of another 10 feet on the upper floor.

Proposed Open Space Plan

The Proposed Project would include 9 acres of publicly owned and accessible open space. (See Figure 2.15: Proposed Open Space Plan, p. 2.46.) The proposed open space would supplement recreational amenities in the vicinity of the project site, such as the future Crane Cove Park in the northwestern part of Pier 70, and would include extension of the Blue Greenway and Bay Trail through the southern half of the Pier 70 area. Open spaces programmed as part of the Proposed Project are the Waterfront Promenade, the Waterfront Terrace, Slipway Commons, the Building 12 Market Plaza and Market Square, the Irish Hill Playground, 20th Street Plaza, and, potentially, parking structure rooftops.

Proposed Traffic and Circulation Plan

As shown on Figure 2.16: Proposed Roadway Network, p. 2.50, the proposed primary streets on the project site would be 20th and 22nd streets, built out from west to east. The proposed Maryland Street would be a secondary north-south-running street and would be designed as a shared street. New minor streets proposed as part of the Proposed Project include a new 21st Street, running west to east from Illinois Street to the Waterfront, and Louisiana Street, running north from 22nd Street. A jog on Louisiana Street from 21st Street to 20th Street to accommodate existing historic structures within the 20th Street Historic Core would be provided. All proposed streets would include sidewalks, as well as street furniture.

Bicycle and Pedestrian Improvements

The Proposed Project would include bike lanes, bike-safety-oriented street design, and bike-parking facilities to promote bicycling in and around the project site. (See Figure 2.18: Proposed Bicycle Network, p. 2.54.) Under the provisions of the SUD, bike amenities would be constructed on the project site to meet or exceed Planning Code requirements. Improvements include construction of Class 2 facilities (bicycle lanes) and Class 3 facilities (shared-lane markings and signage) on 20th Street, 22nd Street, and Maryland Street. A Class 1 separated bicycle and pedestrian facility would be provided to extend the Bay Trail and Blue Greenway the length of the project site along the shoreline.

Pedestrian travel would be encouraged throughout the project site by establishing connected pedestrian pathways running both west to east and north to south to connect open spaces and by incorporating pedestrian-safe sidewalk and street design. All streets on the project site would have 9- to 18-foot-wide sidewalks. The project site is designed to make the area east of Maryland Street a predominantly pedestrian zone.

Parking

Parking spaces would be added to meet demand created by the Proposed Project, as well as to encourage more sustainable travel modes by limiting the number of on-site parking through implementation of a site-wide maximum and a maximum ratio per use. Under the Maximum Residential Scenario, up to 3,370 off-street parking spaces and up to 285 on-street parking spaces would be allowed. Under the Maximum Commercial Scenario, up to 3,496 off-street and 285 on-street parking spaces would be allowed.

New Off-Site 20th Street Pump Station

The Proposed Project includes the replacement of the existing 20th Street Pump Station, a necessary infrastructure improvement to accommodate future sewer and stormwater demands

from anticipated development on the project site. The approximately 15- by 30-foot structure, 10-foot-tall new pump station would be located on Port lands, likely immediately northeast of the project site boundary, adjacent to existing Building 6 on the BAE Systems Ship Repair site.

IMPACT EVALUATION

Impact LU-1: The Proposed Project would not physically divide an established community. (*Less than Significant*)

The project site is characterized by clusters of structures set within large open areas. Vehicular access is limited, and is not integrated with the street grid of the Dogpatch neighborhood to the east. There is currently no public access to the waterfront and limited visual access to the Bay through the project site.

The Proposed Project, under both the Maximum Residential Scenario and the Maximum Commercial Scenario, would extend the City street grid through the project site, along the existing alignments of 20th and 22nd streets, and a new 21st Street access from Illinois Street through the project site to the waterfront. The proposed street plan also includes the future possibility of extending the proposed Maryland Street and proposed waterfront open space southward into the adjacent Potrero Power Plant site should a development plan for that site be proposed in the future.

The Proposed Project, under both the Maximum Residential Scenario and the Maximum Commercial Scenario, would create a network of public pedestrian and bike passages and interconnected public open spaces throughout the site, and create a link for the planned Bay Trail through the project site along the Bay shoreline. The proposed network of streets, pedestrian paths, bike paths, and open spaces is intended to enhance public access through the project site and to the waterfront and to integrate the project site into Dogpatch and the Central Waterfront neighborhoods.

Similarly, the Proposed Project would enhance public access to the Bay along the existing alignments of 20th and 22nd streets, and would create new view corridors to the Bay along the proposed 21st Street as well as through the proposed Market Square/Slipways Commons public open spaces. In addition, new opportunities for the public to access the shoreline and view the Bay from the proposed Waterfront Promenade and Waterfront Terrace public open spaces would be created.

For these reasons, the Proposed Project would have a less-than-significant land use effect related to physical division of a community. No mitigation measures are necessary.

Impact LU-2: The Proposed Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, such that a substantial adverse physical change in the environment related to Land Use would result. (*Less than Significant*)

General Plan and Planning Code Use Districts

Maximum Residential Scenario

As discussed in Chapter 3, Plans and Policies, the proposed residential and commercial uses under the Maximum Residential Scenario are not consistent with current land use plans and policies under the *San Francisco General Plan*, and the Planning Code M-2 (Heavy Industrial) and P (Public) Use Districts. However, the *General Plan* – and in particular, the *Central Waterfront Area Plan* in which the project site is located – is a high-level planning document that supports higher-density, mixed-use, transit-oriented development such as the Proposed Project.

Maximum Commercial Scenario

Similar to the Maximum Residential Scenario, the proposed residential and commercial uses under the Maximum Commercial Scenario are not consistent with current land use plans and policies under the *San Francisco General Plan*, and the Planning Code M-2 (Heavy Industrial) and P (Public) Use Districts. However, as noted above, the *General Plan* – and in particular, the *Central Waterfront Area Plan* in which the project site is located – is a high-level planning document that supports higher-density, mixed-use, transit-oriented development such as the Proposed Project.

Conclusion

If the Board of Supervisors finds that amendments to the *General Plan* and Planning Code are warranted to allow for implementation of the Proposed Project, under both the Maximum Residential Scenario and the Maximum Commercial Scenario, the Board of Supervisors would adopt amendments to the *General Plan* and Planning Code to establish the Pier 70 SUD. Conflicts between the *General Plan* and Planning Code, and the Proposed Project would be resolved through legislative amendment of the *General Plan* and Planning Code.

Conflicts with existing plans and policies do not, in themselves, indicate a significant environmental effect related to the topic of Land Use and Land Use Planning within the meaning of CEQA, unless the project substantially conflicts with a land use plan/policy that was adopted for the purpose of avoiding or mitigating an environmental effect, such that a substantial adverse physical change in the environment related to Land Use would result. As discussed above under “Approach to Analysis,” on pp. 4.B.17-4.B.18, to the extent that physical environmental impacts

may result from such conflicts, the EIR discloses and analyzes these physical impacts under the specific environmental topic sections in EIR Chapter 4, Environmental Setting and Impacts.

The Proposed Project, including both the Maximum Residential Scenario and the Maximum Commercial Scenario, would not conflict with land uses plans and policies such that a substantial adverse physical change in the environment related to Land Use would result. For this reason, the Proposed Project would have a less-than-significant land use effect related to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No mitigation measures are required. Potential conflicts with applicable *General Plan* objectives and policies will continue to be analyzed and considered as part of the review of entitlements applications required for the Proposed Project independent of environmental review under CEQA. They also will be considered by the decision-makers during their deliberations on the merits of the Proposed Project and as part of their actions to approve, modify, or disapprove the Proposed Project.

New 20th Street Pump Station

The proposed new 20th Street pump station would be located northeast of the project site boundary, adjacent to existing Building 6 on the BAE Systems Ship Repair site. The BAE Systems Ship Repair site is zoned M-2 (Heavy Industrial), and development of the new pump station, including related infrastructure improvements needed for operation of the new pump station, would be consistent with permitted uses of the existing zoning on the site. Construction of the new pump station would not conflict with land used plans and policies such that a substantial adverse physical change in the environment related to Land Use would result. The proposed pump station would have a less-than-significant land use effect related to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and no mitigation measures are required.

Port of San Francisco Waterfront Land Use Plan

Maximum Residential Scenario

As discussed in Chapter 3, Plans and Policies, the proposed residential and commercial uses under the Maximum Residential Scenario are not consistent with current land use plans and policies under the Port of San Francisco's WLUP.

Maximum Commercial Scenario

Similar to the Maximum Residential Scenario, the proposed residential and commercial uses under the Maximum Commercial Scenario are not consistent with current land use plans and policies under Port of San Francisco's WLUP.

Conclusion

If the San Francisco Port Commission finds that amendments to its WLUP are warranted to allow for implementation of the vision for the project site embodied by the Proposed Project, the Port Commission would adopt amendments to resolve the conflicts with the WLUP. Accordingly, conflicts between the WLUP and the Proposed Project would be resolved through amendment of the WLUP.

Conflicts with existing plans and policies do not, in themselves, indicate a significant environmental effect related to the topic of Land Use and Land Use Planning within the meaning of CEQA, unless the project substantially conflicts with a land use plan/policy that was adopted for the purpose of avoiding or mitigating an environmental effect. As discussed above under “Approach to Analysis,” on pp. 4.B.17-4.B.18, to the extent that physical environmental impacts may result from such conflicts, the EIR discloses and analyzes these physical impacts under the specific environmental topic sections in EIR Chapter 4, Environmental Setting and Impacts.

The Proposed Project, including both the Maximum Residential Scenario and the Maximum Commercial Scenario, would not conflict with land used plans and policies such that a substantial adverse physical change in the environment related to Land Use would result. For this reason, the Proposed Project would have a less-than-significant land use effect related to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No mitigation measures are required. Potential conflicts with applicable objectives and policies of the Port of San Francisco WLUP will be considered as part of the review of entitlements applications required for the Proposed Project independent of environmental review under CEQA. They also will be considered by the decision-makers during their deliberations on the merits of the Proposed Project and as part of their actions to approve, modify, or disapprove the Proposed Project.

San Francisco Bay Conservation and Development Commission *Bay Plan*

As discussed in Chapter 3, Plans and Policies, BCDC’s jurisdiction includes the Bay and areas within 100 feet inland of the mean high tide line. The Proposed Project would require BCDC approval of activities within BCDC’s jurisdiction along the Bay shoreline. BCDC will make the final determination of consistency with *Bay Plan* policies for the portions of the project site that are within its permit jurisdiction.

Proposed Public Trust Exchange

As discussed above under Regulatory Framework on pp. 4.B.15-4.B.17, the proposed placement of certain non-Public Trust (non-water-oriented) uses on land within the 28-Acre Site that is

subject to the Public Trust would be inconsistent, on its face, with the Public Trust Doctrine. To resolve the Public Trust status of portions of Pier 70, the Port has obtained State legislation (AB 418) that authorizes the State Lands Commission to approve a Public Trust exchange that would free some land from the Public Trust to allow non-trust uses within those areas, while committing other land to the Public Trust. The Proposed Project would require State Lands Commission approval of a Public Trust Exchange Agreement. Under AB 418 the State Lands Commission may not approve the exchange of the trust lands unless it finds that the proposed exchange would meet specified requirements, presented above on pp. 4.B.16-4.B.17, to ensure consistency with the purposes of the Public Trust. Conformity with the specified conditions of AB 418 would ensure that the Proposed Project would be consistent with the Public Trust Doctrine.

Conclusion

The Proposed Project would have a less-than-significant Land Use effect related to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No mitigation measures are required. Potential conflicts with applicable *General Plan*, *WLUP*, and *Bay Plan* objectives and policies will continue to be analyzed and considered as part of the review of entitlement applications required for the Proposed Project independent of environmental review under CEQA. They also will be considered by the decision-makers during their deliberations on the merits of the Proposed Project and as part of their actions to approve, modify, or disapprove the Proposed Project.

CUMULATIVE IMPACTS

Impact C-LU-1: The Proposed Project, in combination with past, present, or reasonably foreseeable future projects, would not contribute considerably to significant cumulative land use impacts related to (a) physical division of an established community, or (b) conflicts with applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant*)

Section 4.A, Introduction to Chapter 4, on pp. 4.A.12-4.A.17, identifies several foreseeable future projects that are located within an approximately 0.5-mile radius of the project site. In addition, as discussed on pp. 4.A.17-4.A.18, several area plans have identified the southeastern part of San Francisco as the location for substantial future growth in housing and employment. The Proposed Project would contribute to these changes in land use and extend these changes farther south and east. Residential and commercial densities under the Proposed Project would exceed those of the existing Dogpatch neighborhood but would be comparable to anticipated and planned development in the Dogpatch neighborhood area and to the existing and planned development in nearby Mission Bay.

4. Environmental Setting and Impacts
B. Land Use and Land Use Planning

As discussed above under Impact LU-1, the Proposed Project, under both the Maximum Residential Scenario and Maximum Commercial Scenario, would extend a network of public streets, pedestrian paths, and open spaces to facilitate public access through the project site and to the waterfront. Therefore, the Proposed Project, including both the Maximum Residential Scenario and the Maximum Commercial Scenario, would not contribute to the physical division of an established community.

The Proposed Project's conflict with existing land use plans and policies, discussed above under Impact LU-2, would not result in a cumulatively considerable contribution to an environmental impact related to Land Use. Both the Maximum Residential Scenario and Maximum Commercial Scenario would constitute a substantial increase in population and employment in the project vicinity beyond what has been previously anticipated under various area plans for the southeastern part of the City. The project site is within one of several Priority Development Areas in San Francisco that the Association of Bay Area Governments and the City have identified to accommodate anticipated population growth. Additionally, as noted above, the *General Plan* – and in particular, the *Central Waterfront Area Plan* in which the project site is located – supports higher-density, mixed-use, transit-oriented development such as the Proposed Project.

The Proposed Project, together with other projects and area plans in the vicinity, would advance several City and regional land use policy objectives such as increasing housing development areas to help the City meet its regional housing needs targets; creating a sustainable and more efficient land use pattern by concentrating and redirecting land uses into higher density, mixed-use projects near transit with access to Downtown and neighborhood retail and services; reducing the negative land use effects of automobile traffic and parking in the area and creating more livable and safe street environments for pedestrians and bicyclists; and reducing greenhouse gas emissions. Therefore, potential unanticipated population and employment growth, under both the Maximum Residential Scenario and Maximum Commercial Scenario, would not make a cumulatively considerable contribution to a significant cumulative impact related to land use resulting from a conflict with existing land use plans and policies.

For these reasons, the Proposed Project, under both the Maximum Residential Scenario and Maximum Commercial Scenario, in combination with past, present, and reasonably foreseeable future projects, would have less-than-significant cumulative land use impacts. The Proposed Project would not make a cumulatively considerable contribution to a significant cumulative land use impact, and no mitigation measures are necessary.