

EXHIBIT 1: WATERFRONT PLAN CEQA FINDINGS

April 7, 2023 Port Commission Report - Waterfront
Plan Adoption

Waterfront Plan

California Environmental Quality Act Findings

SAN FRANCISCO PORT COMMISSION

PREAMBLE

In determining to approve the Project described in Section I, Project Description below, the San Francisco Port Commission (“Commission”) makes and adopts the following findings of fact and decisions regarding the significant and unavoidable impacts of the Project, and mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. (“CEQA”), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. (“CEQA Guidelines”), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, following certification of the Project’s Final Environmental Impact Report (“FEIR”) by the San Francisco Planning Commission on February 23, 2023.

These findings are organized as follows:

- **Section I** provides a description of the proposed Waterfront Plan (hereinafter, the “Project”), the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.
- **Section II** identifies the Project’s less-than-significant impacts that do not require mitigation.
- **Section III** identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.
- **Section IV** identifies significant project-specific or cumulative impacts that would not be eliminated or reduced to a less-than-significant level, and describes any applicable mitigation measures as well as the disposition of the mitigation measures.
- **Section V** evaluates the different Project alternatives and the economic, legal, social, technological, and other considerations that support approval of the Project and the rejection of the alternatives, or elements thereof.
- **Section VI** presents a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 that sets forth specific reasons in support of the Commission’s actions and its rejection of the alternatives not incorporated into the Project.

The Mitigation Monitoring and Reporting Program (“MMRP”) for the mitigation measures that have been proposed for adoption is attached with these findings as Exhibit 1 to Port Commission Resolution No. []. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides

a table setting forth each mitigation measure listed in the FEIR that is required to reduce or avoid a significant adverse impact. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report (“DEIR”) or Responses to Comments document are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

SECTION I. Project Description and Procedural Background

A. Project Description

The project sponsor for the Waterfront Plan, the Port of San Francisco (“Port”), proposes amendments to update the Waterfront Land Use Plan approved in 1997, and implementation of the Waterfront Plan. The Waterfront Plan which sets long-term goals and policies to guide the use, management, and improvement of 7.5 miles of properties owned and managed by the Port of San Francisco, from Fisherman’s Wharf to India Basin. In providing this guidance, the Project’s updated goals and policies cover the following topics: 1) Maritime and Water-dependent Uses; 2) Diverse Non-Maritime Uses; 3) Public Access and Open Space; 4) Urban Design and Historic Preservation; 5) Financially Strong Port; 6) Transportation and Mobility; 7) Environmental Sustainability; 8) Resilience; 9) Community Engagement and Partnering. Five of these goal categories are new, and many policies in all nine goal categories are new or have been updated from the 1997 Plan. These updates were produced through a public planning process led by the Waterfront Plan Working Group (Working Group), supported by seven Advisory Committees. The policy recommendations produced by this Working Group were endorsed by the Port Commission; given the broadened range of planning policies, the plan name was changed from Waterfront Land Use Plan to, simply, the Waterfront Plan.

The Waterfront Plan goals and policies will provide direction to the Port Commission and staff on Port lease, development and improvement projects and operations, and work program priorities in the Port’s five-year Strategic Plan. Consistent with Proposition H, approved by San Francisco voters directing the original creation of the Waterfront Land Use Plan, the updated polices in the Project provide priority for maritime and water-dependent uses, and guides complementary non-maritime and recreation activities along the Port waterfront. This includes ongoing leasing and maintenance of existing Port structures and facilities, and new development of undeveloped properties.

Although the Waterfront Plan is a long-term planning document that would not immediately result in new development or direct physical changes in the environment, certain uses and activities are considered the logical consequences of adopting and implementing the Waterfront Plan. The EIR considers the environmental impacts of the uses and activities of the Plan and its components subsequent to Plan adoption, which are the indirect effects of the Plan and are studied at a “programmatic level” of review. In this document, uses of the terms “Project” and “Waterfront Plan” refer to adoption and implementation of the Waterfront Plan, as well as leasing, development, and waterfront improvements that could occur under the Waterfront Plan.

The Project does not propose any changes in zoning controls or building height limits. However, the Project includes amendments to San Francisco Planning Code Section 240 to create a Waterfront Special Use District 4 to include Port-owned properties south of China Basin Channel, excluding the Mission

Rock and Pier 70 Special Use Districts, where a waterfront design review process would be required for new long-term, non-maritime development projects in that area. The Project would also include amendments to the Northeastern Waterfront and Central Waterfront Area Plans, and Recreation and Open Space Element of the San Francisco General Plan. These amendments would update information about existing conditions and maintain consistency in Port and General Plan policies affecting the 7.5 mile Port waterfront. The Planning Code and General Plan amendments would require approval by the San Francisco Planning Commission and Board of Supervisors.

The Project also includes work with the San Francisco Bay Conservation and Development Commission (BCDC) on amendments to align policies of the Waterfront Plan with BCDC's San Francisco Waterfront Special Area Plan. BCDC plan amendments would require approval by the BCDC Commission. The Waterfront Plan seeks to protect and promote the Port's diverse maritime industries and operations and water-dependent uses; promote historic preservation and rehabilitation particularly in the Embarcadero Historic District; maintain and improve a comprehensive network of waterfront parks and public access with diverse recreational activities that are inclusive and inviting to everyone, including water recreation in open Bay waters; guide well-designed new development that complements and enhances surrounding neighborhood character; integrate environmental sustainability, race equity and climate change and sea level rise resilience adaptation in waterfront projects; promote sustainable transportation access to and along the waterfront consistent with the City's Transit-First Policy; promote waterfront improvements that maintain financial stability of the Port; promote inclusive, equitable participation in Port policy and project improvement projects.

The Waterfront Plan area, which encompasses approximately 800 acres that stretches along the eastern side of San Francisco, from Fisherman's Wharf at the north end to India Basin south of Islais Creek at the south. Port properties include piers and wharves on or over San Francisco Bay and adjacent upland areas called "seawall lots". These properties are organized in five subareas designated in the Waterfront Plan: 1) Fisherman's Wharf, from east of Aquatic Park to the east side of Pier 39; Northeast Waterfront, from Pier 35 to Pier 14; South Beach, from Rincon Park to Oracle Park (SF Giants ballpark); Mission Bay, from China Basin Channel/Mission Creek to Mariposa Street; and Southern Waterfront, from Pier 70 to India Basin. Key waterfront streets that extend along these properties are: Jefferson Street, The Embarcadero, Terry Francois Boulevard, Illinois Street, and Cargo Way.

B. Project Objectives

The FEIR discusses Waterfront Plan Project objectives identified by the Port. The objectives are as follows:

1. Approve amendments to the Waterfront Plan to incorporate updated information, goals, policies, and objectives developed through a public process that describe public and Port Commission values, to provide policy direction for projects, investments, and stewardship programs that protect and improve properties and resources owned and managed by the Port of San Francisco.
2. Preserve and enhance diverse maritime uses and operations by providing for the current and future needs of cargo shipping, cruise, ferry and water taxis, excursion boats, fishing, ship repair, berthing, harbor services, recreational boating, and other water-dependent activities, consistent with Proposition H approved by San Francisco voters in 1990.

3. Complete, enhance, and activate the Port’s network of parks, public access, and natural areas along the 7.5-mile bay shoreline to provide recreational, social, and open space benefits for residents and visitors of all races, ages, and abilities, including historically marginalized communities.
4. Support a vibrant urban waterfront with commercial and industrial businesses, and public-oriented entertainment, civic, cultural, and recreational activities that respect maritime needs, activate waterfront parks, and equitably serve and attract visitors of all races, ages, and economic means.
5. Ensure that new public and private investments stimulate waterfront revitalization and resilience improvements and support a financially secure Port enterprise, equitably providing new jobs and economic opportunities, revenues, public amenities, and other public trust benefits for the diverse residents of San Francisco and California.
6. Design waterfront projects that highlight visual and physical connections to the city and San Francisco Bay, promote rehabilitation of Port maritime historic and cultural resources, and respect the character of adjacent neighborhoods.
7. Ensure that the waterfront is accessible and safe for all users through sustainable transportation that serves the needs of workers, neighbors, visitors, and Port maritime and tenant operations.
8. Limit the impacts of climate change, improve the ecology of the bay and its environs, and ensure healthy waterfront neighborhoods by meeting the highest standards for environmental sustainability, stewardship, and justice.
9. Strengthen Port resilience to hazards and promote adaptation to climate change and rising tides through equitable investments to protect community, ecological, historic, and economic assets and services along its 7.5-mile waterfront.
10. Strengthen Port public engagement to increase understanding of Port and community needs, including the needs of historically marginalized communities of color, in lease and project approval processes, and to promote public agency partnerships to align policies and regulations to achieve waterfront projects and programs for the benefit of San Francisco and California.

C. Project Approvals

The Waterfront Plan

The Waterfront Plan FEIR includes amendments to local and regional plans that are subject to review and approval by agencies with appropriate jurisdiction described below.

State and Regional Agencies

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

- Approval of amendments to the San Francisco Waterfront Special Area Plan

Local Agencies

SAN FRANCISCO PORT COMMISSION

- Adoption of CEQA findings
- Approval of amendments to the BCDC San Francisco Waterfront Special Area Plan

SAN FRANCISCO PLANNING COMMISSION

- Certification of the Waterfront Plan Final EIR
- Adoption of CEQA findings and recommendation to the Board of Supervisors to approve amendments to the general plan, planning code, and zoning map, including updates to the waterfront design review procedures and creation of the Waterfront Special Use District 4

SAN FRANCISCO BOARD OF SUPERVISORS

- Approval of amendments to the general plan, planning code, and zoning map (for waterfront special use districts), including updates the waterfront design review procedures and creation of the Waterfront Special Use District 4

¹ This represents the number of new housing units that could be built. This number does not represent capacity of housing units under the proposed zoning.

D. Environmental Review

On August 26, 2020, the Department published a NOP for the Environmental Impact Report and Notice of Public Scoping Meeting for the Waterfront Plan. The Public Scoping Meeting was hosted by the Planning Department in a virtually meeting on Zoom on September 9, 2020, due to public health restrictions associated with the COVID-19 pandemic. Publication of the NOP initiated a 30-day public review and comment period that ended on September 25, 2020.

On February 23, 2022, the Department published the DEIR and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was emailed and mailed physically to the Department's list of persons requesting such notice, and persons included the Port's email list database for Port advisory committees and interested citizens, including the Waterfront Plan Working Group. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Project Sponsor starting on February 23, 2022. The EIR contains analysis at a "program-level" pursuant CEQA Guidelines section 15168 for adoption and implementation of the Waterfront Plan

On March 24, 2022, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the DEIR ended on April 25, 2022. The Department prepared responses to comments on environmental issues received during the 60-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

A FEIR has been prepared by the Department consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, the Responses to Comments document dated January 19, 2023, all as required by law. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 49 South Van Ness Avenue, Suite 1400, San Francisco and are part of the record before the Commission.

On March 16, 2023, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code. The FEIR was certified by the Commission on February 23, 2023.

E. Content and Location of Record

The record upon which all findings and determinations related to the adoption of the proposed Project are based include the following:

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the Responses to Comments document;
- All information (including written evidence and testimony) provided by City staff to the Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented by the Commission;
- All information (including written evidence and testimony) presented to the City from other public

- agencies relating to the Project or the FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Department and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the EIR;
- The MMRP; and
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcripts and audio files, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 49 South Van Ness Avenue, Suite 1400, San Francisco. The Planning Department's Commission Secretary is the custodian of these documents and materials.

F. Findings about Environmental Impacts and Mitigation Measures

The following Sections II, III and IV set forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures included as part of the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR, but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of the Port and other City staff and experts, other agencies, and members of the public. The Commission finds that (i) the determination of significance thresholds is a judgment decision within the discretion of the City; (ii) the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the FEIR preparers and City staff; and (iii) the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Commission is not bound by the significance determinations in the FEIR (see Public Resources Code, Section 21082.2, subdivision(e)), the Commission finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the FEIR. Instead, a full explanation of these environmental findings and conclusions can be found in the FEIR, and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the project impact and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings, and relies upon them as substantial evidence supporting these findings.

As set forth below, the Commission adopts and incorporates the mitigation measures for the Project set forth in the FEIR, which are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR that are within its jurisdiction and urges other City agencies and departments that have jurisdiction over other mitigation measures proposed in the FEIR, and set forth in the MMRP, to adopt those mitigation measures. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been

omitted in these findings or the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

SECTION II. IMPACTS OF THE PROJECT FOUND TO BE LESS-THAN SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.). Based on the evidence in the whole record of this proceeding, the Port Commission finds that the Project will not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

Aesthetics

- Substantial adverse effect on a scenic vista, damage scenic resources, degrade the existing visual character or quality of public views of the site or its surroundings, or conflict with applicable zoning and other regulations governing scenic quality (Impact AE-1).
- Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area (Impact AE-2)
- Create significant cumulative impact on aesthetics (Impact C-AE-1)

Transportation and Circulation

- Construction under the Waterfront Plan would not require a substantially extended duration of intense activity, and the secondary effects would not cause potentially hazardous conditions for people walking, bicycling, driving, or riding transit, or interfere with emergency access or accessibility for people walking, bicycling, or driving or riding public transit (TR-1); create potentially significant hazardous conditions for people walking, bicycling, or driving or for public transit options (TR-2); or interfere with accessibility of people walking or bicycling to and from the project area and adjoining areas, or result in inadequate emergency access (TR-3)
- Substantially delay public transit (Impact TR-4).
- Cause substantial additional vehicle miles traveled or substantially induce automobile travel (Impact TR-5)
- Result in a substantial vehicular parking deficit (Impact TR-7).
- In combination with cumulative projects would not cause:
 - contribute considerably to significant cumulative impacts related to VMT or substantially induce automobile travel (Impact C-TR-5).

- contribute considerably to significant cumulative impacts to create hazardous conditions for people walking, bicycling or driving or for public transit operations (Impact C-TR-2).
- contribute considerably to significant cumulative impacts by interfering with accessibility of people walking or bicycling to and from the project area and adjoining areas, or result in inadequate emergency access (Impact C-TR-3)
- contribute considerably to significant cumulative vehicular parking impacts (Impact C-TR-7).

Noise

- In combination with cumulative projects would not cause excessive ground-borne vibration or ground-borne noise levels during construction (Impact C-NO-2).

Air Quality

- Conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan (Impact AQ-1).
- Result in a cumulatively considerable net increase in any criteria air pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (Impact AQ-2).
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (Impact AQ-6).
- In combination with cumulative projects, would combine with other sources of odors that would adversely affect a substantial number of people (Impact C-AQ-2)

Biological Resources

- Have a substantial adverse effect on eelgrass beds sensitive natural community (Impact BI-5)
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Impact BI-8).
- In combination with cumulative projects would result in significant construction-related or operational cumulative impacts on biological resources (Impact C-BI-1)

The Initial Study determined that potential individual and cumulative environmental effects on the following resource topics are either less than significant or would be reduced to a less-than-significant level with mitigation measures described in the Initial Study and, therefore, these impact areas were not included in the EIR for further analysis:

- Land Use and Land Use Planning (all impacts)
- Population and Housing (all impacts)
- Cultural Resources (all Archeological Resource impacts, with Mitigation Measures M-CR-2a, 2b, 2c and 2d)
- Tribal Cultural Resources (all Tribal Cultural Archeological Resources and Non-Archeological Resources impacts, with Mitigation Measures M-TCR-1, in combination with M-CR-2a, 2b, 2c and/or 2d as determined by the ERO)
- Greenhouse Gas Emissions (all impacts)
- Wind (all impacts with Mitigation Measures M-WI-1a and M-WI-1b)
- Shadow (all impacts)
- Recreation (all impacts)
- Utilities and Services Systems (all impacts)
- Public Services (all impacts)
- Geology and Soils (all impacts, with Paleontological Resources Mitigation Measures M-GE-6a, M-

GE-6b)

- Hydrology and Water Quality (all impacts, with Mitigation Measures M-HY-1)
- Hazards and Hazardous Materials (all impacts)
- Mineral and Energy Resources (all impacts)
- Energy (all impacts)
- Agriculture and Forest Resources (all impacts)
- Wildfire (all impacts)

SECTION III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this Section III and in Section IV concern mitigation measures set forth in the Draft EIR to mitigate the potentially significant impacts of the Project. These mitigation measures are included in the MMRP. A copy of the MMRP is included as Attachment B to the Port Commission Motion adopting these findings.

The Port of San Francisco, as the Project Sponsor, has agreed to implement the following mitigation measures to address the potential transportation and circulation, noise and vibration, air quality, cultural resources, tribal cultural resources, wind, hydrology and water quality, biological resources, and geology and soils impacts identified in the Initial Study and/or FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Sections 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Commission finds that, unless otherwise stated, the Project will be required to incorporate mitigation measures identified in the Initial Study and/or FEIR into the Project to mitigate or avoid significant or potentially significant environmental impacts. These mitigation measures will reduce or avoid the potentially significant impacts described in the Initial Study and/or FEIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and will be included as conditions of approval for any project approvals under the Plan, and also will be enforced through conditions of approval in any Port leases, development and property agreements, and building permits issued for the Project by the Port Building Inspector or San Francisco Department of Building Inspection, as applicable. With the required mitigation measures, these Project impacts would be avoided or reduced to a less-than-significant level. The Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

Cultural Resources

- **Impact CR-1a and CR-1b:** The proposed Project could result in a substantial adverse change in the significance of an historic resource, as defined in section 15064.5. With implementation of *Mitigation Measure M-CR-1a (New Locations for Contributing Auxiliary Water Supply System Element to Preserve Historic District Character)*, Impact CR-1 on an Auxiliary Water Supply System (AWSS) hydrant caused by a streetscape or street network improvement project under the Waterfront Plan is reduced to a less-than-significant level. With implementation of *Mitigation Measure C-CR-1b (Best Practices and Construction Monitoring Program for Historic Resources)*, Impact CR-1 on historic resources on-site or directly adjacent to a development project using heavy-duty construction equipment is reduced to a less-than-significant level.

- **Impact C-CR-1:** The Waterfront Plan, in combination with cumulative projects, could result in a significant cumulative impacts on historic resources, as defined in CEQA Guidelines section 15064.5. With implementation of Mitigation Measures M-CR-1a and M-CR-1b, these cumulative impacts would be reduced to a less-than-significant level.
- **Impact CR-2:** The proposed Project could cause a substantial adverse change in the significance of an archaeological resource, as defined in section 15064.5. With implementation of Mitigation Measures M-CR-2a, *Procedures for Accidental Discovery of Archeological Resources for Projects Involving Soil Disturbance*; M-CR-2b, *Archeological Monitoring Program*; or M-CR-2c, *Archeological Testing Program*; and M-CR-2d, *Treatment of Submerged and Deeply Buried Resources*, Impact CR-2 is reduced to a less-than-significant level.

Ground-disturbing activities would occur during subsequent development projects under the Waterfront Plan, including pile-support piers. Subsequent development projects could include excavations for foundations and basement levels, the depth of these future excavations is unknown at this time. Construction could occur in locations and at depths that affect historic and pre-historic archeological resources. Therefore, excavations have the potential to physically damage or destroy as-yet undocumented archaeological resources, resulting in significant impacts on archaeological resources. With implementation of Mitigation Measures M-CR-2a, M-CR-2b, M-CR-2c, M-CR-2d, avoidance or minimization of adverse effects on archaeological resources would occur, or archaeological monitoring when avoidance or minimization is not possible would occur to preserve significant information from an archaeological resource. Waterfront Plan related impacts on archaeological resources would be reduced to less than significant levels.

- **Impact CR-3:** The proposed Project could disturb human remains, including those interred outside of formal cemeteries. With implementation of Mitigation Measures M-CR-2a, *Procedures for Accidental Discovery of Archeological Resources for Projects Involving Soil Disturbance*; M-CR-2b, *Archeological Monitoring Program*; or M-CR-2c, *Archeological Testing Program*; and M-CR-2d, *Treatment of Submerged and Deeply Buried Resources*, Impact CR-2 is reduced to a less-than-significant level.

Proposed construction activity would extend below the known depth of fill and into undisturbed and marsh deposits, which have potential for containing buried archaeological resources and associated human remains. Therefore, excavations have the potential to damage or destroy known archaeological resource and/or as-yet undocumented archaeological resources that include human remains, resulting in a significant impact. Impacts on archaeologically significant human remains would be mitigated to a less-than-significant level with implementation of Mitigation Measures M-CR-2a, M-CR-2b, M-CR-2c, or M-CR-2d through avoidance or minimization of adverse effects on archaeological resources, or when avoidance or minimization is not possible archaeological monitoring to preserve significant information from an archaeological resource.

- **Impact C-CR-2:** In combination with cumulative projects in the vicinity, the proposed Project could result in a significant cumulative impact on archaeological resources and human remains. Implementation of Mitigation Measures M-CR-2a, M-CR-2b, M-CR-2c, or M-CR-2d would avoid or minimize adverse effects on archaeological resources, or when avoidance or minimization is not possible, archaeological monitoring to preserve significant information from an archaeological resource.

The Waterfront Plan would result in ground-disturbing activities in areas identified as having low to high sensitivity for containing buried undocumented historical and prehistoric archaeological resources,

and archeological resources which may also contain human remains. These ground-disturbing activities have the potential to affect undocumented archaeological resources and human remains. Therefore, the Waterfront Plan, when considered with cumulative projects within and surrounding the Waterfront Plan area that would include ground-disturbing activities with the potential to encounter sediments that have low to high archaeological sensitivity, has the potential to contribute considerably to the overall cumulative impact on archaeological resources and human remains; the impact would be significant. With implementation of Mitigation Measures M-CR-2a, M-CR-2b, M-CR-2c, or M-CR-2d, the Project's contribution to impacts on archaeological resources and human remains would be reduced to a less than considerable level through avoidance or minimization of adverse effects on archaeological resources, or when avoidance or minimization is not possible archaeological monitoring to preserve significant information from an archaeological resource.

Tribal Cultural Resources

- **Impact TCR-1:** The proposed Project could result in a substantial adverse change in the significance of an archeological tribal cultural resource. With implementation of Mitigation Measures M-CR-2a, *Procedures for Accidental Discovery of Archeological Resources for Projects Involving Soil Disturbance*; M-CR-2b, *Archeological Monitoring Program*; and/or M-CR-2c, *Archeological Testing Program*; and/or M-CR-2d, *Treatment of Submerged and Deeply Buried Resources*, and implementation of M-TCR-1, *Tribal Notification and Consultation*, Impact TCR-1 is reduced to a less-than-significant level.

The Waterfront Plan would result in excavations and ground-disturbing activities in areas identified as having low to moderate sensitivity for buried undocumented tribal cultural archaeological resources, which would be a significant impact. If the review of a subsequent project leads the Planning Department to determine that there is a potential for Native American archeological resource to be present within a proposed project footprint and to be disturbed by project construction, this would trigger the required implementation of Cultural Resources Mitigation Measures M-CR-2a, M-CR-2b, M-CR-2c, and/or M-CR-2d, as determined applicable by the ERO described in Section E.4. In addition, to ensure that Native American tribal representatives are proactively notified and provided the opportunity to consult on tribal cultural resource questions and concerns, implementation of Mitigation Measure M-TCR-1, *Tribal Notification and Consultation*, as detailed under Impact TCR-2, p. 82 would be required. The applicable cultural resource mitigation measures listed above, together with Mitigation Measure M-TCR-1, would fully mitigate any significant impact to a Native American archeological tribal cultural resource.

- **Impact TCR-2:** The Waterfront Plan could result in a substantial adverse change in the significance of a non-archeological tribal cultural resource. With implementation of Mitigation Measures M-CR-2a, M-CR-2b, M-CR-2c, and/or M-CR-2d and M-TCR-1, *Tribal Notification and Consultation*, Impact TCR-2 is reduced to a less-than-significant level.

The Waterfront Plan would result in long-term waterfront development projects, major open space, substantial habitat removal or restoration, or shoreline stabilization subsequent projects along the Port's shoreline, where the Bay meets the land, that could adversely affect a non-archaeological tribal cultural resource. Mitigation Measure M-TCR-1 provides for a notification and consultation process with to Native American tribal representatives, including the Association of the Ramaytush Ohlone Tribe during the subsequent project-level environmental review for any Native American archeological resources, and project design and other measures consistent with Waterfront Plan policies that avoid adverse impacts on Native American non-archeological resources. With implementation of Mitigation Measures M-CR2a, M-CR-2b, M-CR2c, and/or M-CR2d and M-TCR1, the Project's impacts on Native American non-archeological resources to a less-than-significant-level.

- **Impact C-TCR-1:** In combination with cumulative projects in the vicinity, the proposed Project could result in a significant cumulative impact on tribal cultural resources. Implementation of Mitigation Measures M-CR-2a, M-CR2b, M-CR2c, and/or M-CR2d and M-TCR-1 would avoid or minimize adverse effects on tribal cultural resources.

When considered with cumulative projects, Waterfront Plan subsequent projects have the potential to contribute considerably to overall cumulative significant effects on tribal cultural resources which would be a significant impact. With implementation of Mitigation Measures M-CR2a, M-CR-2b, M-CR2c, and/or M-CR2d and M-TCR1, the Project would not make a cumulatively considerable contribution to a significant cumulative impact on tribal cultural resources and therefore would be reduced to less-than-significant.

Wind

- **Impact WI-1:** The Waterfront Plan could create wind hazards in publicly accessible areas of substantial pedestrian. With implementation of Mitigation Measure M-WI-1a, *Wind Analysis and Minimization Measures for Subsequent Projects* and Mitigation Measure M-WI-1b, *Maintenance Plan for Landscaping and Wind Baffling Measures in the Public-Right-of-Way*, Impact WI-1 are reduced to a less-than-significant-level.

Subsequent projects under the Waterfront Plan that would involve construction height greater than 85 feet could generate increased wind conditions at the street level, however with details about the design of such subsequent projects, potential impacts on pedestrian wind levels are unknown. The one-hour wind hazard criterion is wind level that has a 26 mph equivalent wind speed. With implementation of Mitigation Measures M-WI-1a and M-WI-1b, wind tunnel testing of the project design would be required to determine measures such as building mass alteration, landscaping or wind baffling treatments to reduce ground-level wind speeds in areas of substantial use by pedestrians, to reduce the impact to a less-than-significant-level.

Noise

- **Impact NO-1** Construction of projects under the Waterfront Plan could generate a substantial temporary increase in ambient noise levels in the Plan area in excess of standards. Implementation of *Mitigation Measure M-NO-1 (Construction Noise Control)*, Impact NO-1 is reduced to a less-than-significant level.
- **Impact NO-2:** Construction of projects under the Waterfront Plan could generate excessive ground-borne vibration or excessive groundborne noise levels. With implementation of *Mitigation Measure M-NO-2a (Protection of Adjacent Building/Structures and Vibration Monitoring during Construction)* and *Mitigation Measure M-NO-2b (Protection of Vibration-Sensitive Equipment during Construction)*, Impact NO-2 is reduced to a less-than-significant level.

No immediate changes are anticipated to occur with Waterfront Plan implementation that would result in construction noise and vibration. However, construction of subsequent development projects under the Waterfront Plan could substantially increase ambient noise levels in the surrounding vicinity in the Plan area, and also could involve the use of heavy equipment and vibration generating construction, which could damage adjacent nearby buildings.

Implementation of Mitigation Measure M-NO-1 would require project sponsors to prepare a project-specific construction noise control plan that includes feasible noise control measures to meet specified noise control construction noise levels affecting noise sensitive receptors (residences, hospitals,

convalescent homes, schools, churches, hotels and motels, and sensitive wildlife habitat). The construction noise control plan includes specific measures if pile-driving construction is included, and additional measures if nighttime construction is required. The construction noise plan shall also include measures for notifying the public of construction activities. With implementation of Mitigation Measure M-NO-1, construction noise impacts resulting from subsequent projects under the Waterfront Plan would be less-than-significant.

M-NO-2a would require preparation of a pre-construction survey and vibration management and monitoring plan that identifies measures to avoid damage to potentially affected buildings, including historic structures, procedures and requirements for carrying out the vibration and monitoring plan, inspection and damage repair requirements. Mitigation Measure M-NO-2b requires the project sponsor to designate a community liaison to respond to vibration complaints from building occupants in adjacent recording and TV studios within a minimum of 225 feet of the project site, procedures to provide property owners notice about schedule for construction that generates vibration, and response requirements. With implementation of M-NO-2a and M-NO-2b, construction vibration impacts from the Project would be reduced to a less-than-significant level.

- **Impact NO-3:** Operation of the Waterfront Plan could result in the generation of a substantial temporary or permanent increase in ambient noise levels in the Plan area in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. With implementation of *Mitigation Measure M-NO-3 (Noise Analysis and Attenuation)*, Impact NO-3 is reduced to a less-than-significant level.

Subsequent development under the Waterfront Plan could result in the siting of noise sources, such as places of entertainment, emergency generators, HVAC and mechanical equipment, new outdoor gathering spaces, and loading areas, among other noise-generating uses. Although some noise sources are regulated by article 29, article 29 regulation occurs in response to complaints received by the City. Because this process is typically complaint based, it is possible that noise sources regulated by article 29 could be installed and operated out of compliance with article 29 regulations. Therefore, the potential exists for these noise sources to generate a temporary or permanent increase in noise levels in excess of the noise ordinance standards. Mitigation Measure M-NO-3 requires a noise analysis to ensure that design and/or changes in operation would comply with the applicable municipal code criteria, which would mitigate operational noise impacts to a less-than-significant-level.

- **Impact C-NO-1:** Construction under the Waterfront Plan in combination with cumulative projects could result in the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards. With implementation of *Mitigation Measure M-NO-1 (Construction Noise Control Plan)*, Impact C-NO-1 is reduced to a less-than-significant level.
- **Impact C-NO-3:** Operation of the proposed Project, in combination with cumulative projects, would result in the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards. With implementation of *Mitigation Measure M-NO-3 (Noise Analysis and Attenuation)*, Impact C-NO-3 is reduced to a less-than-significant level.

It is possible that construction period noise generated by subsequent projects under the Waterfront Plan could occur in combination with other construction projects in the area that cumulatively increase temporary construction noise levels that exceed noise standards and create significant impacts. These impacts would be mitigated with implementation of Mitigation Measure M-NO-1 which would apply construction noise reduction requirements so that the subsequent project would not significantly

contribute to construction noise levels in the area.

In general, most operational sources of noise do not generate noise that is perceptible far beyond the edge of a project site. However, it is possible that operational sources of noise for subsequent development projects under the Waterfront Plan, as well as other cumulative projects in the Plan area, could generate noise in excess of allowable levels or result in a permanent increase in ambient noise levels. It is also possible noise-generating uses from subsequent development projects under the Waterfront Plan and other projects in the Plan area could be located close enough to one another that operational (non-traffic) noise from multiple projects could combine and result in a cumulative noise impact. Therefore, because complete details about noise-generating uses for subsequent development projects under the Waterfront Plan and other nearby cumulative projects are not known, it is possible that noise from multiple subsequent development projects or sources could combine to cause a cumulative impact. Therefore, without mitigation, the Waterfront Plan would result in a cumulatively considerable contribution to this cumulative impact. Impacts on ambient noise levels would be mitigated to a less-than-significant level with implementation of Mitigation Measure M-NO-3 because the measure would reduce potential conflicts between existing sensitive receptors and new noise-generating uses and ensure that design and/or changes in operation would comply with the applicable municipal code criteria.

Biological Resources

- **Impact BI-1:** The Waterfront Plan could have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a plant species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by *California Department of Fish and Wildlife* or *U.S. Fish and Wildlife Service*. With implementation of *Mitigation Measures M-BI-1a (Worker Environmental Awareness Program Training and Special-Status Species and Natural Communities Reporting)* and *M-BI-1b (Special-Status Plant Species Surveys)*, Impact BI-1 is reduced to a less-than-significant level.

Subsequent projects that could occur under the Waterfront Plan that could have a direct or indirect impact on biological resources includes but may not be limited to: new construction on seawall lots, including maritime uses and open space; tree removal or trimming associated with access, demolition, and construction; and pile driving in the bay. Subsequent projects could occur that involve construction or access within or directly adjacent to coastal saltmarsh, coastal scrub, or coastal dunes present in the Southern Waterfront subarea containing special-status plant species. Mitigation Measure M-BI-1a would provide project-specific Worker Environmental Awareness Program training to all project personnel performing demolition or ground-disturbing work. Mitigation Measure M-BI-1b requires botanical surveys to be conducted where construction-related activities would occur within coastal saltmarsh habitats, with specified actions to avoid impacts on special status plants, or salvage and habitat restoration if avoidance is not feasible. With implementation of Mitigation Measures M-BI-1a and M-BI-1b, potential impacts on special-status plants would be reduced to less-than-significant level.

- **Impact BI-2:** The Waterfront Plan could have a substantial adverse effect, either directly or through habitat modifications, on nesting bird or bat species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the *California Department of Fish and Wildlife* or *U.S. Fish and Wildlife Service*. With implementation of *Mitigation Measures M-B-2a-1 (Nesting Bird Protection Measures)* and *M-B-2b (Avoidance and Minimization Measures for Bats)*, Impact BI-2 is reduced to a less-than-significant level.

Subsequent projects that could occur under the Waterfront Plan could result in construction-related impacts on special-status birds, nesting birds protected by the Migratory Bird Treaty Act, and special-status roosting bats. The implementation of Mitigation Measures M-B-2a and M-B-2b would reduce or avoid impacts on nesting special-status birds, and the roosts of special-status bat species, and would reduce impacts on nesting special-status birds, and the roosts of special-status bat species to less than significant with mitigation. Through the avoidance of active nests and roosts specified in the mitigation measures, impacts on nesting special-status birds and the roosts of special-status bat species would be reduced to a less-than-significant level.

- **Impact BI-3:** The Waterfront Plan could have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on steelhead, chinook salmon green sturgeon, or marine mammal species, which are identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW, NMFSM or USFWS. With implementation of *Mitigation Measure M-BI-3 (Fish and Marine Mammal Protection during Pile Driving)*, Impact BI-3 would be reduced to a less-than-significant level.

Commensurate with any construction activity adjacent to, or within, an aquatic environment is the potential for substantial impacts to the waters of the Central Bay that are home to a number of state and federally protected marine species and habitats from in-water installation or removal of piles that have the potential to generate temporary underwater noise at a level that is harmful to marine species. The implementation of Mitigation Measure M-BI-3 would require a sound attenuation monitoring plan that includes best management practices which would reduce impacts to fish and marine mammals to a less-than-significant level.

- **Impact BI-4:** The Waterfront Plan could have a substantial adverse effect on the pickleweed mat sensitive natural community. With implementation of *Mitigation Measure M-BI-4 (Avoidance of Pickleweed Mat Sensitive Natural Community)*, Impact BI-4 would be reduced to a less-than-significant level.

A sensitive natural community of “pickleweed mat” plant alliance was documented during surveys at India Basin Shoreline Park and India Basin Open Space and may potentially be present at the Pier 94 Wetland, Islais Creek, Warm Water Cove, and Heron’s Head Park. Subsequent projects involving construction or access in this area under the Waterfront Plan could result in impacts to this sensitive natural community. Implementation of Mitigation Measure M-BI-4 would require actions to protect and avoid disruption of the pickleweed or, if disruption cannot be avoided, restoration to pre-construction conditions. With implementation of Mitigation Measure M-BI-4 and Mitigation Measure M-BI-1a (Worker Environmental Awareness Program Training and Special-Status Species and Natural Communities Reporting), impacts to pickleweed mat would be reduced to a less-than-significant level.

- **Impact BI-6:** The Waterfront Plan could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means. With *Mitigation Measure M-BI-6 (Avoidance of Impacts on Wetlands and Waters)*, Impact BI-6 is reduced to a less-than-significant level.

Subsequent projects that could occur under the Waterfront Plan could involve placement of fill, physical shoreline improvements that could require work below the high tide line and mean high water line within jurisdictional waters of San Francisco Bay. Implementation of Mitigation Measure

M-BI-6, and Mitigation Measure M-BI-1a (Worker Environmental Awareness Program Training and Special-Status Species and Natural Communities Reporting) would reduce impacts on to a less-than-significant level.

- **Impact BI-7:** The Waterfront Plan could interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. With Mitigation Measure M-BI-2a (*Nesting Bird Protection Measures*) and Mitigation Measure M-BI-3 (*Fish and Marine Mammal Protection during Pile Driving*), Impact BI-7 is reduced to a less-than-significant level.

Subsequent projects under the Waterfront Plan could impact resident and migrating birds as the result of infill development would increase levels of lighting and areas of glazing. Implementation of Mitigation Measure M-BI-2a and compliance with San Francisco Planning Code section 139 (Standards for Bird-safe Buildings) would reduce potential construction-related impacts on birds nesting within the Plan area to a less-than-significant level. The likelihood of impact on marine movement corridors, however the implementation of Mitigation Measure M-BI-3 would ensure that this impact is reduced to a less-than-significant level.

Geology and Soils

- **Impact GE-6:** Construction activities for the Waterfront Plan could directly or indirectly destroy a unique paleontological resource or site, should such resources, sites, or features exist on or beneath the Project site. With implementation of *Mitigation Measure M-GE-6a, (Unanticipated Discovery of Paleontological Resources during Construction)*, and *Mitigation Measure M-GE-6b (Paleontological Resource Monitoring Plan during Construction)*, Impact GE-6 would be less-than-significant.

The Project could extend into the Colma formation; impacts on significant fossils would be significant. Implementation of Mitigation Measure M-GE-6a, which would require that the Project Sponsor educate construction workers, monitor for discovery of paleontological resources, evaluate found resources, and prepare and follow a recovery plan for found resources, and Mitigation Measure M-GE-6b, which would require a qualified paleontologist to develop a site-specific paleontological resource monitoring plan prior to commencing soil-disturbing activities. With implementation of these mitigation measures, these impacts would be less-than-significant.

Hydrology and Water Quality

- **Impact HY1:** The Waterfront Plan could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and could conflict with or obstruct implementation of a water quality control plan. With implementation of *Mitigation Measure M-HY-1 (Water Quality Best Management Practices for In-Water Work)*, these impacts would be less-than-significant.

Construction or operation of subsequent projects under the Waterfront Plan potentially could result in harmful discharges that could violate water quality standards or waste discharge requirements. Water quality best management practices in Mitigation Measure M-HY-1 include actions to support water quality protection, spill prevention, emergency clean-up, debris management and equipment operation actions. With implementation of Mitigation Measure M-HY-1, impacts would be less-than-significant.

SECTION IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR

REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Port Commission finds that there are significant project-specific and cumulative impacts that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. The FEIR identifies seven significant impacts that would remain significant and unavoidable, even with implementation of mitigation measures; those impacts and the mitigation measures that reduce the impacts, although not to a less-than-significant level, are listed below. In addition, the FEIR identifies one impact that would be significant and unavoidable, where mitigation is not feasible. That impact is also listed below.

The Commission further finds based on the analysis contained within the FEIR, other considerations in the record, and the significance criteria identified in the FEIR, that feasible mitigation measures are not available to reduce the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although measures were considered in the FEIR that could reduce some significant impacts, certain measures, as described in this Section IV below, are infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the FEIR, are unavoidable. But, as more fully explained in Section VI, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Commission finds that these impacts are acceptable for the legal, environmental, economic, social, technological and other benefits of the Project. This finding is supported by substantial evidence in the record of this proceeding.

The FEIR identifies the following impacts for which mitigation measures were identified, but no feasible mitigation measures were identified that would reduce these impacts to a less than significant level, and therefore they remain significant and unavoidable with mitigation:

Impacts to Transportation and Circulation

Impact TR-6: The Waterfront Plan could result in commercial vehicle and/or passenger loading deficit, and the secondary effects could create potentially hazardous conditions for people walking, bicycling, or driving; or substantially delay public transit.

The Waterfront Plan does not include any specific changes to the on-street commercial vehicle or passenger loading zones and would not immediately result in new development that would generate loading demand. However, subsequent projects under the Waterfront Plan would generate commercial and passenger loading demand that could or could not be accommodated onsite, within nearby on-street curb loading spaces, or within adjacent lanes. The FEIR acknowledges that, due to lack of details on location and timing of development of subsequent development projects, it is possible that new curb cuts and/or on-street commercial or passenger loading spaces cannot be provided. In the event that some loading activities do not occur within designated locations, these loading activities could cause a brief temporary blockage of traffic or bicycle lanes in within the Fisherman's Wharf, Northeast Waterfront and South Beach subareas. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of potential mitigation measures. The Project Sponsor has agreed to implement the following mitigation measure:

- *Mitigation Measure M-TR-6. Driveway and Loading Operations Plan*

The Port Commission finds that, for the reasons set forth in the FEIR, and more specifically in the DEIR, at pages 4.C-69 to 4.C-73, although implementation of Mitigation Measure M-TR-6 would reduce the commercial and passenger loading impacts on people walking, bicycling, and driving, no additional feasible mitigation measures were identified that would reduce this impact to a less-than-significant level.

Impact C-TR-1: The Waterfront Plan, in combination with cumulative projects, would contribute considerably to significant cumulative construction-related transportation impacts.

Subsequent projects under the Waterfront Plan, combined with cumulative projects, including creation of a two-way bikeway as part of the Embarcadero Enhancement Project, or future improvements for the Port's Waterfront Resilience Program could contribute considerably to significant cumulative construction-related transportation impacts. All known feasible measures to avoid or minimize effects of construction activities of development, transportation, and infrastructure projects in the public right-of-way are already incorporated in existing SFMTA and public works regulations. However, even with compliance with City regulations, it is possible that overlapping projects could disrupt or delay transit people bicycling or people walking, or contribute to resulting hazardous conditions. The Commission finds that, for the reasons set forth in the FEIR, and more specifically in the DEIR at pages 4.C-74 to 4.C-76, this impact would be significant and unavoidable.

Impact C-TR-4: The Waterfront Plan, in combination with cumulative projects, could contribute considerably to significant cumulative public transit delay impacts.

Subsequent projects under the Waterfront Plan would contribute to significant cumulative public transit delay impacts affecting the South Beach subarea (between Rincon Park and China Basin Channel/Mission Creek), as described in the FEIR, or more specifically in the DEIR on pages 4.C-77 to 4.C-81. The Project Sponsor has agreed to implement the following mitigation measure:

- *Mitigation Measure M-C-TR-4. Implement Measures to Reduce Transit Delay*

The Port Commission finds that, for the reasons set forth in the FEIR, although implementation of Mitigation Measure M-C-TR-4 would reduce vehicular travel in South Beach subarea and support use of sustainable travel modes, no additional mitigation measures have been identified that would reduce this impact to a less-than-significant level.

Impact C-TR-6: The Waterfront Plan, in combination with cumulative projects, could contribute considerably to significant cumulative loading impacts.

Within the Waterfront Plan area, cumulative development, transportation, and infrastructure projects would affect commercial and passenger loading conditions. As described under impact TR-6, to the extent that loading demand associated with subsequent projects under the Waterfront Plan is not accommodated onsite or within existing or planned on-street commercial and passenger loading spaces, potentially hazardous conditions for people walking, bicycling, or driving could occur. Mitigation Measure M-TR-6 would require subsequent projects with more than 100,000 square feet of uses to develop and implement a Driveway and Loading Operations Plan to address project-generated commercial and passenger loading issues. However, due to the uncertainty that onsite and on-street loading spaces could be provided to meet demand, a substantial loading deficit may occur even with implementation of this mitigation measure and therefore cumulative loading impacts would be significant and unavoidable with mitigation.

Impacts to Air Quality

Impact AQ-3: The Waterfront Plan could involve construction activities that could result in a cumulatively considerable net increase in any criteria air pollutant for which the project region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard.

The Bay Area Air Quality Management District developed screening criteria to determine if construction or operational emissions from projects would result in a cumulatively considerable net increase in nonattainment criteria area pollutants. It is possible that projects on large sites that require substantial ground disturbance, in-water construction, or certain types of equipment could exceed criteria air pollutant thresholds that result in a significant impact. The Project Sponsor has agreed to implement the following mitigation measures:

- *Mitigation Measure M-AQ-3a: Clean Construction Equipment*
- *Mitigation Measure M-AQ-3b: Super-Compliant VOC Architectural Coatings during Construction*

The Port Commission finds that, for the reasons set forth in the FEIR, and more specifically in the DEIR, at pages 4.E-35 to 4.E-41, although implementation of Mitigation Measures M-AQ-3a and 3b would reduce criteria air pollutant emissions, it cannot be stated with certainty at this time that these mitigation measures would reduce criteria air pollutant impacts to a less-than-significant level. Without detailed project proposals, subsequent projects under the Waterfront Plan would be significant and unavoidable with mitigation.

Impact AQ-4: The Waterfront Plan could result in operational activities that could result in a cumulatively considerable net increase in any criteria air pollutant for which the project region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard.

During operation, the Waterfront Plan could result in a cumulatively considerable net increase in criteria air pollutants for which the project region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement the following mitigation measures:

- *Mitigation Measure M-AQ-4a: Educate Residential and Commercial Tenants Concerning Low-VOC Consumer Products;*
- *Mitigation Measure M-AQ-4b: Reduce Operational Emissions;*
- *Mitigation Measure M-AQ-4c: Best Available Control Technology for Projects with Diesel Generators and Fire Pumps;*
- *Mitigation Measure M-AQ-4d: Electric Vehicle Charging.*

The Commission finds that, for the reasons set forth in the FEIR, and more specifically in the DEIR at pages 4.E-41 to 4.E-44, although implementation of *Mitigation Measures M-AQ-4a, M-AQ-4b, M-AQ-4c and M-AQ-4d* would reduce the air quality impact resulting from the cumulative considerable net increase in criteria air pollutants, it cannot be stated with certainty that impacts would be reduced to less-than-significant levels. Therefore, impacts from subsequent projects under the Waterfront Plan area would be significant and unavoidable with mitigation.

Impact AQ-5: The Waterfront Plan could result in emissions of fine particulate matter (PM 2.5) and toxic air contaminants that could expose sensitive receptors to substantial pollutant concentrations.

At present, the majority of the Plan area is located within the City's identified Air Pollutant Exposure Zone

(APEZ), where air pollutant levels exceed health protective standards, including toxic air contaminants (TAC) and fine particulates (PM_{2.5}) that affect existing residences or other sensitive receptors. A health risk assessment was conducted to estimate incremental change that would result from the Waterfront Plan programmatically, given the lack of project-specific information about size and location of subsequent projects. With application of mitigation measures during construction and operations, subsequent projects are likely to result in health risks that can be mitigated to a less-than-significant levels. However, it cannot be stated with certainty that mitigation would reduce health risk impacts associated with potential subsequent projects to a less-than-significant level without project-specific details. Due to this uncertainty, health risk impacts from subsequent projects in the Plan area would be significant and unavoidable with mitigation, including Mitigation Measures M-AQ-3a, M-AQ-4b, M-AQ-4c, M-AQ-4d described above, and Mitigation Measures M-AQ-5a, M-AQ-5b, M-AQ-5c described below. The Project Sponsor has agreed to implement all these mitigation measures.

- *Mitigation Measure M-AQ-5a: Design Land Use Buffers around Active Loading Docks; ;*
- *Mitigation Measure M-AQ-5b: Reduce Exposure to Toxic Air Contaminants;*
- *Mitigation Measure M-AQ-5c: Implement a Truck Route Plan*

The Commission finds that, for the reasons set forth in the FEIR, and more specifically in the DEIR at pages 4.E-45 to 4.E-53, although implementation of *Mitigation Measures M-AQ-3a, M-AQ-4b, M-AQ-4c, M-AQ-4d* described above, and *Mitigation Measures M-AQ-5a, M-AQ-5b, M-AQ-5c* would reduce the air quality impact resulting from the net increase in fine particulate matter, cancer risk levels, and toxic air contaminants, and due to uncertainty of timing, duration, and intensity of construction, this impact could nevertheless remain significant and unavoidable because the mitigation measures could reduce but not eliminate the significant cumulative increase in air pollutants.

Impact C-AQ-1:

The Waterfront Plan, in combination with cumulative projects in the vicinity, could result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM_{2.5}) and toxic air contaminants under 2050 cumulative conditions. The Plan would significantly affect both the geography and severity of the air pollutant exposure zone within and adjacent to the Plan area under cumulative conditions, resulting in a considerable contribution to cumulative health risk impacts. Even with implementation of Mitigation Measures M-AQ-3a, M-AQ-4b, M-AQ-4c, M-AQ-4d, and Mitigation Measures M-AQ-5a, M-AQ-5b, M-AQ-5c, described below, it cannot be determined with certainty that the mitigation measures would avoid significant cumulative impacts related to all subsequent projects that could occur under the Waterfront Plan, and therefore this impact would be *significant and unavoidable with mitigation*.

- *Mitigation Measure M-AQ-5a: Design Land Use Buffers around Active Loading Docks;*
- *Mitigation Measure M-AQ-5b: Reduce Exposure to Toxic Air Contaminants;*
- *Mitigation Measure M-AQ-5c: Implement a Truck Route Plan*

The Commission finds that, for the reasons set forth in the FEIR, and more specifically in the DEIR at pages 4.E-54 to 4.E-57, although implementation of *Mitigation Measures M-AQ-3a, M-AQ-4b, M-AQ-4c, M-AQ-4d* described above, and *Mitigation Measures M-AQ-5a, M-AQ-5b, M-AQ-5c* would reduce the cumulative particulate matter, cancer risk levels, and toxic air contaminants generated by construction equipment, this impact could nevertheless remain significant and unavoidable because the mitigation measures could reduce but not eliminate the significant cumulative increase in particulate matter and toxic air contaminants.

SECTION V. Evaluation of Project Alternatives

A. Alternatives Analyzed in the Final Environmental Impact Report

This section describes the EIR alternatives and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that would feasibly attain most of the Project's basic objectives, but that would avoid or substantially lessen any identified significant adverse environmental effects of the project. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Department considered a range of alternatives in Chapter 6 of the FEIR. The FEIR analyzed the Waterfront Plan No Project Alternative (Alternative A), and Lower Growth Alternative (Alternative B). Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 6 of the FEIR.

In addition, the Department and the project sponsor considered but rejected the inclusion of an alternative that assumed a portion of the Southern Waterfront was designated for residential development which could potentially be occupied by area employees, resulting in a reduction of vehicle trips and associated air quality and other impacts. This alternative was not carried forward for further evaluation because a substantial area has been planned for residential mixed-use development at Pier 70, and there are land area needs to serve cargo and maritime industrial uses, and natural habitat, wetlands and open space needs which are core public trust uses of Port property.

The Port Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Commission's and the City's independent judgment as to the alternatives. The Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

B. Evaluation of Project Alternatives

CEQA provides that alternatives analyzed in an EIR may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible ... the project alternatives identified in the EIR." (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these Alternatives infeasible, for the reasons set forth below.

In making these determinations, the Commission is aware that CEQA defines "feasibility" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." The Commission is also aware that under CEQA case law the concept of "feasibility" encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is "desirable" from a policy standpoint to the extent that desirability is based on a

reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

The following Waterfront Plan alternatives were fully considered and compared in the FEIR:

1. No Project Alternative (Alternative A)

Alternative A preserves the existing zoning and height and bulk controls, and land and water uses of Port of San Francisco properties in the Waterfront Plan area, and assumes no adoption of the updated 2019 Waterfront Plan. The No Project Alternative assumes that without implementation of the updates to the Waterfront Plan there would be no additional increase in housing units or employment in the Plan area beyond the background growth projected to occur. New development on vacant sites or surface parking lots would not occur, including cargo and maritime industrial uses in the Pier 94 Backlands in the Southern Waterfront. Waterfront improvements and adaptation to climate change and sea level rise, or updated environmental sustainability policies of the City would not occur. No public realm streetscape would occur, nor changes to the San Francisco Planning Code to create a waterfront design review process for new development in the Mission Bay and Southern Waterfront subareas of the Waterfront Plan. Alternative A does include implementation of Port development projects that had been approved by 2020 but had not yet been constructed.

Overall, impacts for Alternative A would likely be similar to those generated by the Project. Potential cumulative impacts on historic resources (Impact C-CR-1) would be lower than the Project and would not require mitigation measures. However, fewer historic piers and resources in the Embarcadero Historic District would be seismically repaired or improved for public-oriented uses. Like the Project, Alternative A could cause significant unavoidable commercial and/or passenger loading deficits that adversely affect people walking, bicycling, driving, or public transit operations (Impact TR-6). In addition, Alternative A could contribute to cumulative construction-related transportation impacts (Impact C-TR-1), cumulative public transit delay impacts (Impact C-TR-4), and cumulative loading impacts (Impact C-TR-6), similar to the Project.

Alternative A would not provide the broad range of policy guidance that would be provided by the Project. The 1997 Waterfront Land Use Plan focused primarily on acceptable land and water uses of Port of San Francisco properties to respond to requirements of Proposition H approved by San Francisco voters in 1990, and does not provide new or updated policies in the following areas as provided in the Project to guide existing and new improvements and operations: Land and Water Transportation, Embarcadero Historic District, Historic Preservation, Open Space activation, Water Recreation, Port Finances, Environmental Sustainability, Waterfront Resilience, and Community Engagement. Because Alternative A would not include these new and updated goals and policies, new improvements affecting historic resources, parks and open space, land and water transportation services, natural habitat and wildlife areas would not necessarily establish functional, attractive, and well-integrated systems that integrate with adjacent neighborhoods and city setting, or city and regional public services such as public transportation, waterfront public access, or environmental and natural habitat resources. Alternative A only partially meets the objectives of the Waterfront Plan.

The Commission rejects Alternative A as infeasible and unreasonable because it would fail to avoid several significant and unavoidable impacts, it would fail to meet the Project Objectives (as described in full in the DEIR, particularly those objectives shown below). In addition, Alternative A would not be updated to incorporate 161 policy recommendations that were developed by the Waterfront Plan Working Group to update public values, needs and expectations about future stewardship, collaborations and improvement of the Port of San Francisco Waterfront, produced through a three-year public

planning process.

Waterfront Plan Objectives that would not be achieved by Alternative A:

- Objective 3: Complete, enhance, and activate the Port's network of parks, public access, and natural areas along the 7.5-mile bay shoreline to provide recreational, social, and open space benefits for residents and visitors of all races, ages, and abilities, including historically marginalized communities.
- Objective 4: Support a vibrant urban waterfront with commercial and industrial businesses, and public-oriented entertainment, civic, cultural, and recreational activities that respect maritime needs, activate waterfront parks, and equitably serve and attract visitors of all races, ages, and economic means.
- Objective 7: Ensure that the waterfront is accessible and safe for all users through sustainable transportation that serves the needs of workers, neighbors, visitors, and Port maritime and tenant operations.
- Objective 8: Limit the impacts of climate change, improve the ecology of the bay and its environs, and ensure healthy waterfront neighborhoods by meeting the highest standards for environmental sustainability, stewardship, and justice.
- Objective 9: Strengthen Port resilience to hazards and promote adaptation to climate change and rising tides through equitable investments to protect community, ecological, historic, and economic assets and services along its 7.5-mile waterfront.
- Objective 10: Strengthen Port public engagement to increase understanding of Port and community needs, including the needs of historically marginalized communities of color, in lease and project approval processes, and to promote public agency partnerships to align policies and regulations to achieve waterfront projects and programs for the benefit of San Francisco and California.

For the foregoing reasons, the Commission rejects Alternative A as infeasible.

2. Waterfront Plan Lower Growth Alternative (Alternative B)

Alternative B assumes that the same policies and Planning Code and General Plan amendments would be implemented as with the Waterfront Plan Project, except that this alternative assumes a lower amount of infill development for various piers and properties than the amount of development assumed and analyzed in Chapter 4 of the DEIR. Reduced or less-intensive development under this alternative would result from reduction of three sites for new development: Seawall Lots 314 and 321, and Pier 30-32. In addition, Alternative B would not include policies to guide historic pier rehabilitation in the Embarcadero Historic District; Waterfront Plan Urban Design and Historic Preservation Policies 4a through 4i would not be included. This would weaken direction and support for historic pier rehabilitation projects that are financially feasible and implementable, and thus reduce the number of piers that are seismically improved and opened for public access and uses. Historic piers and bulkhead structures would continue to be leased for light industrial uses and short-term leases, and would be less likely to receive major improvements. Alternative B assumes that some Embarcadero Historic District pier structures would be financially infeasible to repair or rehabilitate and would be vacated due to structural deterioration and closed pursuant to Port Building Code requirements.

Alternative B would have slightly fewer impacts than the Waterfront Plan at the program level, since the

development program assumptions would be reduced as compared to the Project. However, those reductions would not be to an extent to eliminate any unavoidable significant impacts that would or could be generated by the Project. Alternative B would be required to implement the same mitigation measures as would the Waterfront Plan Project.

Alternative B would meet most of the project objectives of the Waterfront Plan because it would include the majority of new and updated goals and policies as the Project. However, as discussed above, Alternative B would reduce support and direction for piers and structures in the Embarcadero Historic District.

The Commission rejects Alternative B as infeasible and unreasonable because it would fail to avoid several significant and unavoidable impacts, and would fail to meet the below Project Objectives. In addition, the Port Commission recognizes that historic rehabilitation of more Embarcadero Historic District resources was as guiding principle identified by the Waterfront Plan Working Group in the work to develop 161 policy recommendations to update the 2019 Waterfront Plan.

- Objective 1: Approve amendments to the Waterfront Plan to incorporate updated information, goals, policies, and objectives developed through a public process that describe public and Port Commission values, to provide policy direction for projects, investments, and stewardship programs that protect and improve properties and resources owned and managed by the Port of San Francisco.
- Objective 4: Support a vibrant urban waterfront with commercial and industrial businesses, and public-oriented entertainment, civic, cultural, and recreational activities that respect maritime needs, activate waterfront parks, and equitably serve and attract visitors of all races, ages, and economic means.
- Objective 5: Ensure that new public and private investments stimulate waterfront revitalization and resilience improvements and support a financially secure Port enterprise, equitably providing new jobs and economic opportunities, revenues, public amenities, and other public trust benefits for the diverse residents of San Francisco and California.
- Objective 6: Design waterfront projects that highlight visual and physical connections to the city and San Francisco Bay, promote rehabilitation of Port maritime historic and cultural resources, and respect the character of adjacent neighborhoods.

For the foregoing reasons, the Commission rejects Alternative B as infeasible.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Port Commission finds that, notwithstanding the imposition of all feasible mitigation measures, eight significant impacts would remain significant and unavoidable, related to Transportation, and Air Quality, as described in more detail above, and that no additional mitigation measures have been identified to reduce these impacts.

Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of

the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Port Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found below.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Port Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approvals, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures and improvement measures identified in the FEIR/Initial Study and MMRP are adopted as part of the Approval Actions described in Section I, above.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technological, legal, social and other considerations. The Project would meet all of the Project Objectives, as described in the FEIR.

The Project will have the following benefits:

1. The Project would add new and updated goals and policies to provide comprehensive guidance for existing and future uses, operations, leasing, development and stewardship of natural and environmental resources for the entire 7½ mile public waterfront owned and managed by the Port of San Francisco, which were vetted and recommended by the Waterfront Plan Working Group, supported by seven community advisory teams, and produced through a three-year public planning process. One hundred sixty of the 161 policy recommendations were unanimously supported by this Working Group, which describe public values, needs and objectives for San Francisco's waterfront, and all recommendations were endorsed by the Port Commission and incorporated into the updated Waterfront Plan published in December 2019.
2. The Project would continue to promote and give priority to maritime and water-dependent uses along the Port's waterfront, as required under Proposition H approved by San Francisco voters in 1990, including a growing array of water recreation activities described in updated Plan policies that include recreational boating, open water swimming, rowing and human-powered water recreation vessels in San Francisco Bay.
3. The Project adds a new Transportation goal and policies that are aligned with City and regional transportation plans and policies to improve access to and along the entire waterfront by land and water, and promote strong interagency collaborations between the Port, transportation agencies, Port businesses and the public. The new transportation policies promote ferries and regional water transportation access, land public transit service, and public realm improvements of streets and sidewalks that prioritize low-carbon transportation modes to reduce greenhouse gas emissions and climate change, while supporting necessary industrial and goods movement and passenger access at Port piers and waterfront properties, and vehicle access by waterfront visitors that do not have strong public transit options.
4. The Project incorporates updated and new land use policies that focus on providing a diverse variety of public-oriented uses that attract people of all economic and social backgrounds to use and enjoy San Francisco's public waterfront, including from disadvantaged communities that historically have been overlooked. Similarly, updated use policies in the Waterfront Plan support

a diverse mix of maritime and non-maritime businesses and attractions that provide a broad range of economic and employment opportunities.

5. The Project includes new policies to promote successful implementation of more historic rehabilitation development projects in the Embarcadero Historic District, to reopen more historic finger piers and bulkhead buildings for public use and enjoyment along The Embarcadero, which would complement the rehabilitated Ferry Building, Piers 1-5 and Exploratorium Museum at Pier 15. The public desire to rehabilitate more resources in the Embarcadero Historic District was a guiding principle in the Waterfront Plan Working Group's work to update the Waterfront Plan.
6. The Project includes updated policies that promote a network of waterfront parks, public access and natural habitat resources that extend along the Port's entire 7½ mile waterfront to support a diverse mix of waterfront settings, recreational activities, and environmental stewardship opportunities. The new policies promote integration of the Blue Greenway open space network in the Southern Waterfront, and connections with other parks and open space managed by other agencies, including Aquatic Park managed by the National Park Service north of Fisherman's Wharf, and India Basin Shoreline Park managed by the San Francisco Recreation and Parks to the south of Heron's Head Park.
7. The Project adds a new Environmental Sustainability goal and policies to advance a new consciousness and deeper commitment to managing current and future uses and improvements that reduce greenhouse gas emissions to limit climate change, increase biodiversity, protect natural habitat, marine and land-based wildlife, and Bay ecology. Creating environmental sustainability means anticipating, planning for and reducing our contribution to climate and ecological changes to promote a healthy Bay and waterfront, City and Bay Area.
8. The Project adds a new Resilience goal and policies to recognize and plan for improvements, protection and adaptation of the City to hazards and climate change effects while protecting community, ecological and economic assets and services along the Port waterfront. The public values and desires expressed in the updated Waterfront Plan provide important direction and guidance for City, Port and regional resilience adaptation planning efforts underway, including reinforcement of the Embarcadero Seawall and the Port's Waterfront Resilience Program.
9. The Waterfront Plan's updated policies provides a long-term outlook about what the public desires to see along the San Francisco waterfront, and includes community engagement policies to ensure that the public is involved and kept informed about waterfront needs and improvements advanced by the Port Commission and staff. The Port Commission maintains the Port Strategic Plan, which defines the Port's project and work priorities over a five-year period, which is updated each year. The Waterfront Plan provides important guidance for the Strategic Plan about the types of projects and waterfront improvements that should be accomplished. A shared understanding and alignment between the public and Port Commission promotes collaboration and partnerships that facilitate stewardship and implementation of waterfront improvements.

Having considered the above, and in light of the evidence contained in the FEIR and in the record, the Port Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the FEIR, and that those adverse environmental effects are therefore acceptable.