

THIS PRINT COVERS CALENDAR ITEM NO. : _____

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Consenting to the Interagency Cooperation Agreement (ICA) between the City and the Treasure Island Development Authority (TIDA), approving the Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, and adopting findings under the California Environmental Quality Act (CEQA) related to the Treasure Island and Yerba Buena Island Development Project (the Project), including a Statement of Overriding Considerations (SOC) and a Mitigation Monitoring and Reporting Program (MMRP).

SUMMARY:

- In 1997, TIDA was created to govern the redevelopment of former Naval Station Treasure Island.
- In May 2010, the TIDA Board and Board of Supervisors endorsed a package of legislation that included an Update to the Development Plan and Term Sheet and terms of an Economic Development Conveyance Memorandum of Agreement with the United States Department of Navy.
- The 2006 Transportation Plan, updated in 2010, formed the basis for the transportation improvements, services and transportation demand management programs analyzed in the Draft Environmental Impact Report (EIR) prepared by TIDA and the Planning Commission and published in July 2010.
- On April 21, 2011, the Planning Commission and TIDA Board adopted the CEQA findings and certified the EIR.
- TIDA and City staff prepared an Interagency Cooperation Agreement and a Development Agreement providing a cooperation framework between TIDA and City departments affected by the Project.

ENCLOSURES:

1. SFMTAB Resolution
2. Attachment A - Interagency Cooperating Agreement (ICA)
3. Attachment B - Development Agreement (DA)
4. Attachment C - Infrastructure Plan (referenced in the ICA as “Exhibit A”)
5. Attachment D - Transportation Implementation Plan
6. Attachment E - Transit Operating Plan
7. Attachment F - CEQA Findings, including Project Mitigation Measures
8. Attachment G - Fiscal Analysis of Operating and Maintaining SFMTA Services on Treasure Island

APPROVALS:	DATE
DIRECTOR OF DIVISION PREPARING ITEM _____	_____
FINANCE _____	_____
EXECUTIVE DIRECTOR/CEO _____	_____
SECRETARY _____	_____
ADOPTED RESOLUTION TO BE RETURNED TO <u>Peter Albert</u>	_____

ASSIGNED SFMTAB CALENDAR DATE: _____

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PURPOSE

Consenting to the Interagency Cooperating Agreement, approving the Development Agreement, and adopting CEQA findings, including a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program.

GOAL

Consenting to the ICA, approving the Development Agreement, and making related CEQA findings that are consistent with all goals and objectives of the SFMTA Strategic Plan, especially:

- Goal 2: System Performance – To get customers where they want to go, when they want to get there.
 - Objective 2.2: Ensure efficient transit connectivity and span of service.
 - Objective 2.3: Ensure bicycle and pedestrian network connectivity.
 - Objective 2.4: Reduce congestion through major corridors.
- Goal 3: External Affairs – Community Relations: To improve the customer experience, community value, and enhance the image of SFMTA as well as to ensure SFMTA is a leader in the industry.
 - Objective 3.1: Improve economic value by growing relationships with businesses, community and stakeholder groups.
- Goal 4: Financial Capacity – To ensure financial stability and effective resource utilization.
 - Objective 4.2: Ensure efficient and effective use of resources.

DESCRIPTION

The Project is a comprehensive, transit-oriented development on Treasure Island and Yerba Buena Island, including up to 8,000 new housing units, approximately 450,000 square feet of retail and historic reuse space and up to 100,000 square feet of new office space (with accessory parking), up to 500 hotel rooms, new and/or upgraded public facilities, including a joint police/fire station, a school, facilities for the Treasure Island Sailing Center, and over 300 acres of new parks.

The Project also includes new and/or upgraded streets and public ways, bicycle, transit, and pedestrian facilities that conform with the San Francisco “Better Streets” Plan and the San Francisco Bicycle Plan. The Project would fund extensive investments in infrastructure, including a multi-modal transportation system developed in close consultation with the SFMTA using tools and methodologies developed for the Transit Effectiveness Project. The Project is estimated to take between 15 to 20 years to complete, and would be built in four major phases.

On April 21, 2011, the Planning Commission and the TIDA Board adopted environmental findings and certified the EIR. The EIR recognized that expanding MUNI service to Treasure Island as set forth in the EIR would reduce some of the transportation-related impacts identified in the EIR. However, the EIR also recognized that such service expansion is dependent upon adequate funding, which remains uncertain, and is dependent upon fiscal and operational considerations, including but not limited to the level of MUNI service provided City-wide. Therefore, the SFMTA Board does not, by consenting to the ICA, approving the DA, adopting the CEQA findings, or adopting the Mitigation Monitoring and Reporting Program agree to expand MUNI service to Treasure Island as set forth in the Transportation Plan Mitigation Measure M-TR-2 -- Expanded Transit Service during the anticipated 20 year course of Project construction and beyond the development period.

Transportation Improvements

Due to the isolation, geography, topography and the current condition of infrastructure, the transit and roadway networks connecting Treasure Island and Yerba Buena Island to the City and region are limited. These deficiencies have been identified as top community concerns in the extensive local and citywide planning efforts for the Project. These planning efforts consistently call for:

- More frequent service to the rest of San Francisco and better access to regional transit (BART, AC Transit, Caltrain) that serve regional employment centers and destinations;
- Safe, walkable streets with complete sidewalks and neighborhood traffic calming;
- Connected, safe on-Island bicycle network;
- On-Island traffic management to meter congestion on the Bay Bridge and provide incentives to using alternative transportation;
- Comprehensive parking management coordinated with the traffic network to ensure neighborhood livability in a balanced transportation system; and
- Clear and managed vehicular and goods movement corridors to sustain local businesses without exacerbating congestion and street safety.

To upgrade the transportation networks and address these deficiencies, TIDA has worked with Treasure Island Community Development, LLC (TICD, the prospective master developer), the SFMTA, Alameda-Contra Costa Transit District (AC Transit) and the Water Emergency Transportation Authority (WETA) to define a project that includes these key improvements:

- Two proposed SFMTA bus routes between Treasure Island and the rest of San Francisco, one serving the Transbay Transit Terminal and the other serving the Civic Center, with service frequencies, vehicular capacities and exclusive bus lanes to favor priority circulation of bus transit service on and off the Island;
- The intermodal Transit Hub, a central on-Island location for connections to and transfers between SFMTA transit service, on-Island shuttles operated by the Treasure Island Transportation Management Association (TITMA), ferry service and AC Transit service to the East Bay, and including transit-priority and pedestrian/bicycle safety features to accommodate dense multi-modal transportation movements;
- Congestion management and parking pricing, Bay Bridge ramp metering and other traffic control programs designed to support a balanced, transit-oriented transportation network on and off the Island;
- A high-density, walkable, mixed-use development program located close to the intermodal Transit Hub to encourage pedestrian and bicycle circulation;
- Street design conforming to the City's "Better Streets" standards of accessible sidewalks, sustainable infrastructure, traffic calming, landscaping, lighting and safe intersection design;
- Extensive, continuous pedestrian and bicycle connections to connect the intermodal Transit Hub to neighborhoods on Treasure Island and Yerba Buena Island, the Bay Bridge East Span bicycle and pedestrian facilities, and the commercial, retail, open space and recreational on-Island destinations;
- A free shuttle system to connect the intermodal Transit Hub to neighborhoods and destinations on Treasure Island and Yerba Buena Island;
- A unique street design network that provides comprehensive emergency vehicle access, select areas of primary pedestrian circulation, and protection from wind and fog;
- On-site Traffic Demand Management program to maintain a balanced transportation system and ensure that transit, carpool, and other options remain viable and attractive, including parking management, unbundled residential parking, residential transit passes, and carsharing and bikesharing facilities;
- A phasing and monitoring plan, coordinated with the SFMTA, to ensure the cost-effective, sustainable provision of services that will match each development phase of the Project.

A complete description of the transportation improvements is included in the attached Treasure Island Transportation Implementation Plan (Attachment D). Input and guidance from City agencies, advocates and community members from on and off Treasure Island and Yerba Buena Island have been carried into this Plan, ranging from the high-level (San Francisco's "Transit First" policy, SFMTA's policies supporting safe pedestrian and bicycle circulation) to the specific, innovative transportation goals and objectives of the Project.

Revising the Treasure Island Transportation Plan

The 2006 Treasure Island Transportation Plan incorporated extensive input from the SFMTA. Between 2006 and 2010, to complement the broader policies and agreements, the project team conducted numerous multi-agency workshops, panels, hearings and presentations to update and refine the Transportation Implementation Plan. This included incorporating recommendations from the Treasure Island Community Transportation Plan, which was prepared jointly by the Department of Public Health and the San Francisco Bicycle Coalition. The Treasure Island Transportation Plan was refined to reflect input from SFMTA staff, with the overall goal of creating a financially feasible, flexible and sustainable transportation system to serve the Islands.

The 2010 Update to the Development Plan included refinements to the 2006 Transportation Plan, which has been titled the "Treasure Island Transportation Implementation Plan." This updated plan formed the basis for the transportation improvements, transportation demand management (TDM) programs and transit services that were analyzed in the Draft Environmental Impact Report (EIR) that was prepared by TIDA and the Planning Commission and published in July 2010.

The Project and the Plan were presented to the Policy and Governance Committee on March 8, 2011. The Project's Environmental Impact Report was certified before a joint hearing of the Planning Commission and the TIDA Board on April 21, 2011.

Authority Over the Project's Transit, Parking and Streets

Streets

The Project will provide new and rehabilitated streets which will be inspected and accepted as City property (Treasure Island Streets) as prescribed by the Treasure Island Subdivision Code. Certain Treasure Island Streets may be subject to the public trust following the completion of a trust exchange between TIDA and the State Lands Commission (Trust Streets). The City and County of San Francisco Transportation Code will apply to all Treasure Island Streets, including Trust Streets, except insofar as Treasure Island Streets are subject to the provisions of Assembly Bill 981, described below. The SFMTA will have the exclusive authority to adopt regulations that control the flow and direction of motor vehicle, bicycle and pedestrian traffic on Treasure Island streets, limit the use of certain streets or traffic lanes to categories of vehicles, and limit the speed of traffic.

Parking

The SFMTA's authority on Treasure Island with respect to parking will differ from its authority on other City property. Assembly Bill 981 overrides relevant provisions of the City's Charter and allows the City's Board of Supervisors, upon the recommendation of TIDA, to designate a transportation management agency – the Treasure Island Transportation Management Agency (TITMA) that will have exclusive authority to: 1) establish parking regulations, including regulations limiting parking, stopping, standing, or loading; 2) establish parking privileges and locations, parking meter zones, and other forms of parking regulation; and 3) adopt on-street and off-street parking fees, fines, and penalties for Treasure Island and administer and collect all on-street and off-street parking fees.

Parking fees collected from Treasure Island streets will be collected by TITMA and may be made available to the operator responsible for parking enforcement. TITMA may enter into a memorandum of understanding with the SFMTA that designates the SFMTA as the operator responsible for parking enforcement. Such an MOU would dictate the compensation for providing parking enforcement services. That compensation could include a portion of the revenues from parking citations and/or parking fees generated on Treasure Island.

Transit

Assembly Bill 891 also gives the TITMA the exclusive authority to: 1) administer the transportation program on Treasure Island; and 2) contract with public and private entities to operate transit services on Treasure Island. The Transportation Implementation Plan (Attachment D), the Transit Operating Plan (Attachment E) provides that bus transportation to and from Treasure Island will be provided by AC Transit and the SFMTA.

Assembly Bill 981 does not override the SFMTA's exclusive authority under the City's Charter to fix MUNI fares for transit service provided by the SFMTA to, from, and on Treasure Island.

SFMTA Obligations

To support the complete design and implementation of the Project, the Office of Economic and Workforce Development (OEWD) has worked with City staff, including SFMTA, and the City Attorney's Office to develop an Interagency Cooperation Agreement (ICA) between the City and TIDA (Attachment A). The purpose of the ICA is to provide a framework for cooperation between TIDA and the various City departments. The ICA must be approved by the Mayor, the TIDA Board, and the Director of the Department of Public Works. Because of their roles in connection with the Project, TIDC, the San Francisco Public Utilities Commission, the Port of San Francisco, San Francisco Fire Department, the San Francisco Planning Department, and the SFMTA are being asked to consent to the terms of the ICA. By consenting to the ICA, the SFMTA is assuming the following key responsibilities:

- Subject to the Developer satisfying SFMTA requirements and all applicable local, state and federal laws and regulations applicable to the Project, approving transportation-related infrastructure that will be under the jurisdiction of the SFMTA (SFMTA Infrastructure), which is described generally below and is set forth more fully in Section 8.12 of the Infrastructure Plan (Attachment C); and
- Subject to identification of resources, appropriation of funds, and fiscal and operational considerations including but not limited to the level of MUNI service provided Citywide:
 - 1) completing Mitigation Measures M-TR-1 and M-TR-24 (Attachment F); 2) procuring rolling stock and other SFMTA facilities, and operating and maintaining the SFMTA transit system as described in the Project's Transit Operating Plan (Attachment E); and 3) completing the construction required of the SFMTA by the Infrastructure Plan (Attachment C).

SFMTA Infrastructure

Before TIDA approves any major phase of the Project, SFMTA staff will review and approve applicable plans and specifications relating to SFMTA Infrastructure. After any required testing and after acceptance by the City, the ICA requires the SFMTA to maintain the SFMTA Infrastructure. The SFMTA Infrastructure includes, but is not limited to:

- Transit Security System
- Traffic Signals and Control Boxes
- Transit Stops, including transit shelters and NextMuni Monitors
- Crosswalks and APS/Pedestrian signals
- Street Signs
- Bicycle Racks

Transit Operating Plan

Subject to identification of resources, appropriation of funds, and fiscal and operational considerations, the SFMTA will be required to ensure the ongoing operation of the transportation system as described by the Transportation Implementation Plan (Attachment D) and the Transit Operating Plan (Attachment E), including transit, pedestrian crossings and bicycle facilities. The Transit Operating Plan outlines transit service schedules on the two proposed SFMTA transit lines, and their phased roll-out, to support and coordinate with the Project's transit needs. The Transit Operating Plan also describes phased increases in transit service that would be implemented at pace with development of the Project. Generally, service has been designed to promote a "Transit-First" culture from the inception of project development.

TDM Plan

The Transportation Demand Management (TDM) Plan, included in the Transportation Implementation Plan (Attachment D), provides incentives, strategies and programs designed to help the Project achieve its overall goal of increasing use of transit trips, bicycle trips and walking, and decreasing reliance on single-automobile trips. The TDM programs include those sponsored and managed by the Project with the assistance of a full-time on-site Transportation Coordinator, such as bicycle sharing to be consistent with the City's proposed bicycle-sharing program and car sharing, unbundling residential off-street parking, coordinating carpool and vanpool services offering a "guaranteed ride home" service. The Project's unique congestion pricing program, administered by TITMA, provides revenues from Project residents' use of the Bay Bridge in peak periods to support the on and off-Island transit services of the ferries provided by the Water Emergency Transit Authority and East Bay buses (provided by AC Transit), as well as the free on-island shuttle. TITMA also oversees the management of Special Event transportation services.

Project Mitigation Measures

The project-specific EIR identified a number of transportation related environment impacts, requiring Mitigation Measures to lessen the effects of these impacts. Pursuant to the ICA, the SFMTA will assume responsibility for implementing specific mitigation measures (Mitigation Measure M-TR-1 and Mitigation Measure M-TR-24) as described in the CEQA findings (Attachment F). SFMTA is also agreeing in the ICA, subject to the identification of resources, appropriation of funds, and other fiscal and operational considerations, including but not limited to the level of MUNI service provided Citywide, to procure, operate and maintain transit systems as described in Transportation Plan, which are consistent with Mitigation Measure M-TR-2 -- Expanded Transit Service. These measures reflect the Transportation Plan, the Transit Operating Plan and the Transportation Demand Management Plan, and have been developed and refined to anticipate the most desirable responses to traffic impacts created by the Project.

The two transportation mitigation measures for which the SFMTA is assuming responsibility by adoption of the CEQA Findings and Mitigation Monitoring and Reporting Program (Attachment F) will require SFMTA to develop a Construction Traffic Management Plan and to create a transit only lane between First Street on Treasure Island and a transit and emergency vehicle-only westbound Bay Bridge on-ramp (see Mitigation Measures M-TR-1 and M-TR-24).

By adopting CEQA findings and consenting to the ICA, the SFMTA Board is affirming, based on the information presently available, that it is feasible for the SFMTA to implement Mitigation Measure M-TR-1 and M-TR-24 and, subject to availability of anticipated resources, the SFMTA Board of Directors is expressing its intent to implement these measures.

The CEQA findings set forth in Attachment F make many references to the Draft and Final Environmental Impact Reports. All of these documents were made available to Board members prior to May 3, 2011

Development Agreement

The Development Agreement (DA) is the mechanism by which TICD vests its rights to development of the Islands vis-à-vis the City. Under the Development Agreement, the City agrees that to the extent it retains jurisdiction over development, TICD has a vested right to proceed in accordance with all project approvals as of the date of entitlement. The City, including the SFMTA, agrees that it will not impose any new fees and exactions other than those agreed-upon in the Development Agreement and will not impose changes in law that would adversely affect the Project.

ALTERNATIVES CONSIDERED

Because the responsibilities that the SFMTA is assuming under the ICA and the Mitigation Monitoring and Reporting Program are required by the environmental review for the Project, not consenting to the ICA, or a similar alternative agreement, and not adopting the CEQA findings would interfere with the approval and implementation of the Project.

FUNDING IMPACT

While it will take some time for the Project to get fully underway, there are medium and long-term costs for the SFMTA as well as short-term, medium and long term sources of revenue. Transportation and transit improvements described above will be funded through a combination of developer capital, land-secured public financing, and new revenues generated by the Project. The costs to the SFMTA are projected to be less than the Project-generated revenues eligible for transportation funding. (See Fiscal Analysis of Operating and Maintaining SFMTA Services on Treasure Island, Attachment G.) However, at this point, the Project-generated revenues are best estimates and there is no written instrument that sets aside or guarantees any such revenues to the SFMTA.

The following sections divide the full package of transportation improvements into Project-funded infrastructure, including infrastructure and rolling stock funded by the developer and by tax increment, and SFMTA-funded infrastructure (essentially portions of rolling stock and facilities).

Project-Funded Infrastructure

Presently Treasure Island and Yerba Buena Island lack the infrastructure, open space, site preparation and transportation improvements required to bring them into productive use for the City. The total cost of building the horizontal infrastructure and associated public benefits to lay the groundwork for the phased vertical development of the Project is estimated to be \$1.5 billion, of which an estimated \$140 million will be dedicated to the transportation infrastructure such as streets, sidewalks, signals and signage, bicycle paths, transit lanes, transit terminal facilities and a portion of the transit rolling stock needs. The Project will be developed primarily through the investment of private capital and the use of established tax-exempt financing tools that are supported by certain tax revenues generated by the Project itself– not the City’s General Fund. Those tax-exempt financing tools rely on tax revenues that would not exist, and would not be available to the City or the Agency, but for the development of the Project.

SFMTA-Funded Obligations

Capital. The Project's Fiscal Impact Analysis indicates that adequate general fund revenues will be generated by the project to fund additional costs to SFMTA for operation and maintenance of new on-site and off-site infrastructure. Some revenues to support enhanced Muni service would come from a combination of service-generated revenue (e.g., advertising on shelter and buses), fares, and increases to the City's General Fund tax revenues as a result of the Project. Revenue sources dedicated to SFMTA are calculated and described in Attachment G, which was prepared by Economic & Planning Systems on behalf of TIDA and OEWD. While transit expansion has historically been funded with the assistance of State and Federal funds targeting transit expansion projects, this analysis assumes that revenues generated by increased economic activity in the Project area will increase General Fund revenues and thereby increase the revenues set aside in the Municipal Transportation Fund. Those increased revenues will subsidize the purchase and operation of new transit vehicles to provide enhanced transit service to the Project. Federal and state grant funds would further diversify the sources available to Muni for capital expenses. Project staff estimates that the SFMTA will be responsible for approximately 80% of total costs for vehicles and an associated future maintenance facility projected to meet the cost of increased Muni's service. The Fiscal Analysis projects that adequate revenues for this purpose will be generated by the Project and dedicated to the SFMTA through the General Fund.

Operating. Operating Costs would include both transit service operations and traffic engineering systems comparable to that maintained and operated by the SFMTA in other parts of the City. Traffic signals and other traffic engineering systems typically maintained by the SFMTA on City-accepted streets and sidewalks would be maintained by the SFMTA as part of the Project. The Transit Operating Plan (Attachment E) includes projected transit service costs at build-out, as well as transit phasing and associated costs by year; the annual operating and maintenance costs at and build-out is estimated at \$6.4 million (2010 dollars) above existing service levels using the SFMTA's operating cost model. Specific Transportation Demand Management (TDM) operating costs, such as the shuttles, ferry and East Bay bus service subsidies, bicycle-sharing and car-sharing operations and the Transportation Coordinator function, are projected to be covered by the funds generated by the development, including on and off-street parking and congestion pricing.

Attachment G provides detailed information about projected operating costs and revenues to support the SFMTA's operations and it projects that these revenues will exceed operating costs at build-out and at each major development phase.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

No other approvals are needed at this time. Following the Board of Supervisors' adoption of CEQA findings and Statement of Overriding Considerations, co-signatory agencies would execute the ICA.

The City Attorney's Office has reviewed this report.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize and direct the Executive Director/CEO of the SFMTA to execute the ICA, approve the Development Agreement and adopt the CEQA findings.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. _____

WHEREAS, For many years, the City and the Treasure Island Development Authority (TIDA) have been working together to bring about the revitalization of Naval Station Treasure Island, and in early 2006, the City's Board of Supervisors and the TIDA Board endorsed the Treasure Island Transportation Plan, Development Plan and Term Sheet for the integrated development of Treasure Island and Yerba Buena Island; and,

WHEREAS, In May of 2010, the Board of Supervisors endorsed a package of legislation that included an update to the Development Plan and Term Sheet, terms of an Economic Development Conveyance Memorandum of Agreement for the conveyance of the site from the Navy to the TIDA, and a Term Sheet between TIDA and the Treasure Island Homeless Development Initiative; and,

WHEREAS, The Treasure Island Transportation Plan was refined to incorporate extensive input from SFMTA transit planners, traffic engineers, safety and operational experts and financial analysts, to create a financially feasible, flexible and sustainable transportation system to serve the Island; and,

WHEREAS, The City's Planning Department and the TIDA have undertaken an environmental review process for the Project (as defined below) in close consultation with the SFMTA and other City agencies, and there have been more than 250 public meetings, workshops and presentations over the past ten years on every aspect of the Project, including meetings before this Board, the Treasure Island/Yerba Buena Island Citizens' Advisory Board, the TIDA Board, the Planning Commission, the Board of Supervisors and other City commissions and advisory and community groups; and,

WHEREAS, The Project's Transportation Implementation Plan and Transit Operating Plan, which propose a phased, comprehensive and multi-modal transportation network to serve the Project, has been developed with extensive guidance and input from the SFMTA and provides the basis of the transportation analysis in the Project's environmental review process as well as a financial analysis of transportation-related expenditures and revenues; and,

WHEREAS, The Planning Commission and the TIDA Board reviewed considered the Final Environmental Impact Report for the Project (EIR) in Planning Department File No.2007.0903E consisting of the Draft EIR and the Comments and Responses document, and on April 21, 2011, the Planning Commission by Motion (1) found that the contents of the EIR and the procedures through which the EIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code (Chapter 31), (2) found that the EIR reflects the independent judgment and analysis of the City and is adequate, accurate, and objective and that the Comments and Responses document contains no significant revisions to the Draft EIR, and (3) certified the completion of the EIR in compliance with CEQA, the CEQA Guidelines and Chapter 31, a copy of which Motion is on file with the Planning Department; and,

WHEREAS, The EIR files available from the Planning Department have been made available to this Board and the public, and this Board has reviewed and considered the information in the EIR and the proposed CEQA Findings, including a Statement of Overriding Considerations and the proposed Mitigation Monitoring and Reporting program, attached to this Calendar Item as Attachment F, in furtherance of the actions contemplated by this Resolution; and,

WHEREAS, The Planning Commission determined by Motion and the TIDA Board determined by Resolution that the Project, and the various actions being taken by the City and TIDA to approve and implement the Project, are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, and made findings in connection therewith (General Plan Consistency Determination), a copy of which is on file with the Planning Department and is incorporated into this Resolution by reference; and,

WHEREAS, Following certification the EIR, TIDA entered into a Disposition and Development Agreement (DDA) with Treasure Island Community Development, LLC (TICD) (Developer) for the development of the Project Site (Project). At full build-out, the Project is anticipated to include: over 300 acres of public park and open space improvements; up to 8,000 homes for sale or rent; approximately 450,000 square feet of retail and historic reuse space and up to 100,000 square feet of new office space (with accessory parking), up to 500 hotel rooms, new and/or upgraded public facilities, including a joint police/fire station, a school, facilities for the Treasure Island Sailing Center; and,

WHEREAS, The Board of Supervisors is considering a series of actions and approvals in furtherance of the Project; and,

WHEREAS, The City wishes to enter into an Interagency Cooperation Agreement with the SFMTA, the Public Utilities Commission, the Port of San Francisco, the San Francisco Planning Department and the San Francisco Fire Department, in the form on file with the SFMTA Board of Directors, to provide for cooperation between the City and the TIDA in administering the process for control and approval of subdivisions, the acceptance of infrastructure and other improvements constructed by the Developer, and all other applicable land use, development, construction, improvement, infrastructure, occupancy, service and use requirements and commitments and in establishing the policies and procedures relating to such approvals. The Developer and its successors under the DDA are third party beneficiaries of the Interagency Cooperation Agreement; and,

WHEREAS, The Developer wishes to enter into a Development Agreement with the City to vests its rights to development of the Islands vis-à-vis the City; and,

WHEREAS, The City has determined that as a result of the development of the Project Site in accordance with the Development Agreement and the DDA, clear benefits to the public will accrue that could not be obtained through application of existing City ordinances, regulations, and policies, as more particularly described in the Development Agreement and the DDA; and,

WHEREAS, The Development Agreement will eliminate uncertainty in the City's land use planning for the Project Site and secure orderly development of the Project Site consistent with the Design for Development and the DDA; and,

WHEREAS, The City agrees that to the extent it retains jurisdiction over development, the Developer has a vested right to proceed in accordance with all Project Approvals, as of the date of entitlement; and,

WHEREAS, The City, including the SFMTA, agrees that it will not impose any new fees and exactions other than those agreed-upon in the Development Agreement and will not impose changes in law that would adversely affect the Project, now therefore be it

RESOLVED, That in order to effectuate the development of the Project Site, and consistent with the requirements of the California Environmental Quality Act, the SFMTA Board of Directors does hereby adopt CEQA Findings to support the Treasure Island Development Project, attached to this Calendar Item as Attachment F, including the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, which are incorporated into this Resolution by this reference; and be it

FURTHER RESOLVED, that subject to approval from the Board of Supervisors, the SFMTA Board of Directors does hereby consent to the Interagency Cooperation Agreement (Treasure Island) between the City and the Treasure Island Development Authority substantially in the form and on the terms on file with this Board and authorizes the Executive Director/CEO to execute the Consent to the Interagency Cooperation Agreement on behalf of the SFMTA; and, be it

FURTHER RESOLVED, That subject to any approval of this Board or the Executive Director/CEO or his designee that may be required in accordance with Section 8.4 in connection with amendments that affect the infrastructure or mitigation measures for which the SFMTA has responsibility, this Board agrees that the Mayor, the City Administrator and the Director of Public Works (or any successor City officer designated by law) may enter into and approve any additions, amendments or other modifications to the Interagency Cooperation Agreement (including, without limitation, any exhibits) that they determine, in consultation with the City Attorney and any affected City agencies, are in the best interests of the City, provided that any such additions, amendments or modifications do not materially increase the costs or liabilities of the City and are necessary or advisable to effectuate the implementation of the Project, including all Project Approvals and this Resolution and legislation by the Board of Supervisors; and, be it

FURTHER RESOLVED, That, subject to appropriation of any necessary funds, this Board authorizes the SFMTA Executive Director/CEO, to take any and all steps (including, but not limited to, the execution and delivery of any and all agreements, notices, consents and other instruments or documents) as he or she deems necessary or appropriate, in consultation with the City Attorney, in order to consummate and perform its obligations under the Interagency Cooperation Agreement in accordance with this Resolution and legislation by the Board of Supervisors, or otherwise to effectuate the purpose and intent of this Resolution and such legislation; and, be it

FURTHER RESOLVED, That, by adopting the CEQA Findings to support the Treasure Island Project and by consenting to the Project ICA between the City and the Treasure Island Development Authority, the SFMTA Board does not intend to in any way limit, waive or delegate the exclusive authority of the SFMTA as set forth in Article VIIIA of the City's Charter; and be it

FURTHER RESOLVED, That the approval under this Resolution shall take effect upon the effective date of the Board of Supervisors legislation approving the Interagency Cooperation Agreement; and, be it

FURTHER RESOLVED, That subject to approval from the Board of Supervisors, the SFMTA Board of Directors does hereby approve the Development Agreement between the City and County of San Francisco and Treasure Island Community Development LLC.

I hereby certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at its meeting on _____

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

INTERAGENCY COOPERATION AGREEMENT (TREASURE ISLAND/YERBA BUENA ISLAND)

This INTERAGENCY COOPERATION AGREEMENT (TREASURE ISLAND/YERBA BUENA ISLAND) (as amended from time to time, this “ICA”) dated for reference purposes as of _____, 2011 (the “**Reference Date**”) is between the CITY AND COUNTY OF SAN FRANCISCO, a charter city and county (the “**City**”), and the TREASURE ISLAND DEVELOPMENT AUTHORITY, a non-profit, public benefit corporation (together with any successor public agency, the “**Authority**”), in reference to the Disposition and Development Agreement (Treasure Island/Yerba Buena Island) dated for reference purposes as of _____, 2011 by and between the Authority and TREASURE ISLAND COMMUNITY DEVELOPMENT, LLC., a California limited liability company (together with its successors, “**Developer**”) (including all attached and incorporated exhibits and as amended from time to time, the “**DDA**”). Capitalized terms used but not otherwise defined in this ICA shall have the meanings for such terms set forth in the DDA and the Development Agreement referenced in Recital A below.

RECITALS

A. In _____, 2011, the City, acting through its Board of Supervisors, approved the DDA and a Development Agreement by and between the City and Developer (including all attached and incorporated exhibits and as amended from time to time, the “Development Agreement”). In cooperation with the City, the Authority is in the process of implementing the DDA. The DDA provides for the redevelopment, rehabilitation and revitalization of portions of former Naval Station Treasure Island as more particularly described in the DDA as the “**Project Site**”.

B. The Planning Commission and the Authority certified an environmental impact report for the Project on April 21, 2011, by Planning Commission Motion No. _____ and Authority Resolution No. _____, and the Board of Supervisors, adopted findings and mitigation measures under the California Environmental Quality Act (“**CEQA**”) that must be implemented to reduce the environmental impacts of the Project to less than significant (the “**Mitigation Measures**”) (Board of Supervisors File No. _____).

C. The DDA provides for Developer to construct and improve Infrastructure in accordance with the Infrastructure Plan attached to the DDA, a copy of which is also attached to this ICA as Exhibit A. Developer will construct Infrastructure in phases as described in the DDA. In addition, the DDA incorporates the Mitigation Measures that must be implemented at specified stages of development.

D. Design controls governing all Improvements within the Project Site are set forth in the Treasure Island / Yerba Buena Island Special Use District (Planning Code Section 249.52) (the “**SUD**”) and its implementing document, the Design for Development for Treasure Island and Yerba Buena Island (as amended from time to time, the “**Design for Development**”). Design review for Vertical Improvements within the Project Site is governed by the process set forth in the SUD and Design for Development, under which, the Authority has primary

responsibility for design review over Vertical Improvements on property within the Project Site that is subject to the public trust for commerce, navigation and fisheries and the Conversion Act, and the Planning Department has primary responsibility over Vertical Improvements on the remainder of the Project Site.

E. Infrastructure development under the DDA is governed by the Design Review and Document Approval Procedure attached to the DDA (the “**DRDAP**”). The DRDAP provides for expedited review and approval of Major Phase Applications and Sub-Phase Applications for the Infrastructure and other Improvements (the “**Authority Applications**”). The Parties desire to provide for expedited review by the City Agencies of the Authority Applications and to establish a process for expedited review by the Authority of applications to the City Agencies for the Project, including but not limited to subdivision maps, street improvement permits, site permits, grading permits, and building permits (the “**City Applications**”, together with Authority Applications, the “**Project Applications**”). In accordance with San Francisco Campaign and Governmental Conduct Code section 3.400(b), the City and the Authority find and agree that there is a compelling public policy basis to expedite the review and permitting process for Project Applications as contemplated by this ICA and the DRDAP.

F. As set forth in the TI/YBI Subdivision Code, the Department of Public Works (“**DPW**”) has authority to process subdivision development including but not limited to subdivision mapping, street vacations, public improvement agreements, Infrastructure construction permits, determination that the construction of the Infrastructure is completed and ready for its intended use, and presentation to the Board of Supervisors for acceptance of the Infrastructure. In order to provide for expeditious processing of approvals for Project Applications, DPW may utilize the Task Force, as and to the extent described in Section 3.4 below. DPW also has the ability to provide additional project management, scheduling, engineering, construction management and reimbursement audit services as requested by Authority or Developer.

G. The development of the Project Site shall be completed in accordance with the Development Requirements, as defined in the Development Agreement. Development of the Project in accordance with the Development Requirements affords numerous public benefits for the City and its residents, which include: eliminating blighting influences from and revitalizing the blighted Project Site; implementing geotechnical improvements in developed areas; providing flood protection improvements; constructing substantial new rental and for-sale affordable and market-rate housing; creating publicly accessible open space and new, enhanced public access to the waterfront; and generating new jobs, including employment opportunities for economically disadvantaged individuals.

H. To promote development in accordance with the objectives and purposes of the Development Agreement and DDA, the City and the Authority are entering into this ICA to provide for their cooperation in administering the control and approval of subdivisions, and all other land use, development, construction, improvement, infrastructure, occupancy, and use requirements applicable to the Project.

I. With regard to SFPUC, this ICA is intended to govern SFPUC's role in processing Project Applications. This ICA is in addition to a separate wastewater treatment plant agreement that will be entered into between SFPUC, Authority and Developer, governing the rights and obligations of the SFPUC to acquire, construct and/or operate certain wastewater treatment facilities, recycled water system, and related improvements within the Project Site. The Authority and SFPUC will also be entering into a separate utilities transfer memorandum of understanding that will provide for the SFPUC to continue its activities as a contract provider of utility services during the interim period between the conveyance of the Project Site to the Authority and the installation of new utility infrastructure.

AGREEMENT

ACCORDINGLY, in consideration of the matters described in the foregoing recitals, the covenants contained in this ICA and for other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, the City and the Authority agree as follows:

1. PURPOSE OF THIS ICA.

1.1 City and Authority. The purpose of this ICA is to facilitate the development of the Project in accordance with the Development Requirements, including this ICA. The City and the Authority agree that: (a) the development of the Project in accordance with the Development Requirements is in the best interests of the City and the health, safety and welfare of its residents, and in accord with the public purposes and provisions of applicable federal, state and local laws; (b) they intend for this ICA to provide the framework for cooperation between the City and the Authority with respect to the review and approval of Project Applications; and (c) this ICA is for their mutual benefit.

1.2 Developer; Vertical Developer. The City and the Authority agree that: (a) this ICA is for Developer's express benefit, subject to Developer's Consent, which is attached to and is a part of this ICA; (b) except as set forth in Section 7.4, Developer Parties are entitled to rely on, receive benefits conferred by, and enforce this ICA, but only on the condition that neither the Authority nor the City will be liable for any damages under this ICA; and (c) their intention is to provide mechanisms for Developer to develop the Project in accordance with this ICA and the Development Requirements. Developer's burdens and benefits under this ICA and the Developer's Consent, and all limitations on those burdens and benefits, will accrue to the applicable Developer Party. The DDA contemplates partial Transfers and partial terminations of the DDA as well as the sale of Lots to Vertical Developers for development of Vertical Improvements through Vertical DDAs. Developer Parties will have third-party beneficiary rights under this ICA only to the extent it affects or relates to the land on which Developer, the Transferee or Vertical Developer, as applicable, has rights under the DDA or Vertical DDA, as applicable.

2. EFFECTIVE DATE; TERM.

2.1 *Effective Date.* This ICA will become effective on the date on which the DDA is effective (the “**ICA Effective Date**”).

2.2 *Term.* The term of this ICA (the “**ICA Term**”) begins on the ICA Effective Date and ends, with respect to any portion of the Project Site, on the date that both the DDA and Vertical DDA, if any, terminates with respect to that portion of the Project Site.

2.3 *City.* The City’s approval of this ICA will be evidenced by the signatures of the Mayor, the Clerk of the Board of Supervisors, the Controller, the City Administrator, and the Director of Public Works. Any other City Agency’s approval will be evidenced by its written consent, which will be attached to and be a part of this ICA, but a City Agency’s failure to consent to this ICA will not cause this ICA to be void or voidable. Each City Agency, including the SFMTA, the SFPUC and the San Francisco Fire Department, shall be bound by this ICA only if it approves this ICA and executes the attached consent form evidencing such approval.

3. COOPERATION.

3.1 *Agreement to Cooperate.* The City agrees to aid the Authority, and the City and the Authority agree to cooperate with one another, to expeditiously implement the Project in accordance with the Development Requirements and undertake and complete all actions or proceedings reasonably necessary or appropriate to ensure that the objectives of the Development Requirements are fulfilled during the ICA Term. Nothing in this ICA obligates the City or the Authority to spend any sums of money or incur any costs other than City Costs or Authority Costs that Developer or Vertical Developers must reimburse under the DDA or administrative costs that Developer or Vertical Developers must reimburse through the payment of Administrative Fees.

3.2 *No General Fund Commitment.* This ICA is not intended to, and does not, create any commitment of the City’s General Fund in any manner that would violate the debt limitations under article XVI, section 18 of the State Constitution or the fiscal provisions of the City’s Charter, including Charter section 3.105, or the provisions of Article VIIIA of the City's Charter.

3.3 *Environmental Review.* This ICA does not limit the City’s or the Authority’s obligation to comply with applicable environmental laws, including CEQA, before taking any discretionary action regarding the Project. However, because the Environmental Impact Report (“EIR”) prepared and certified for the Project is both a “project” EIR and a “program” EIR, it is anticipated that the approval of each subsequent application consistent with the Development Requirements shall not require the preparation of new environmental documents, unless otherwise required pursuant to Public Resources Code Section 21166, as the same may be amended from time to time.

3.4 *Expeditious Processing of Approvals.*

(a) Expeditors.

(i) DPW Task Force. Developer, the Authority, and/or the City may retain third-party professionals to assist City and Authority staff with efficiently fulfilling their respective obligations for expeditious processing of permits under this ICA and the DRDAP and DPW obligations under any Acquisition and Reimbursement Agreement. DPW and third party professionals will operate as the DPW Task Force (the “**Task Force**”), provided that (A) any such third-party professional does not pose a conflict between the interests of the Authority or City and Developer with respect to matters involving Developer, or the interests of the Authority or City and Vertical Developer with respect to matters involving Vertical Developer, as evidenced by contractual relationships with Authority, City, Developer or Vertical Developer, either existing or in the immediately prior 24 months, unless a conflict waiver is obtained by the other parties, and (B) at least sixty (60) days before retaining or renewing the contract of any such third-party professional, DPW, Authority, and Developer staff shall meet and confer about the identity, cost, duration and scope of work of such third-party professional to ensure that such third-party professional is used in an efficient manner and avoids redundancies. Any contracts with any such third-party professionals shall provide a maximum annual fee for the specified scope of work; provided, however, that the amount may be modified if the Developer's project phasing exceeds the anticipated scope of work. Any such contracts may be on an annual basis or for such reasonable multi-year term as is agreed-upon by the parties, shall provide for an annual review, and shall provide the City, Authority or other contracting party with at-will cancellation rights. Either Developer or the Authority may request the cancellation of any third-party professional's contract by delivering a written statement of the basis for its cancellation request to the other Party no less than forty five (45) days after each anniversary of the commencement date of the contract. Upon receipt of a cancellation request, the Parties shall meet and confer to resolve the issues raised in the request, including whether a revised scope of work would address the issues adequately and, if not, whether disbanding the Task Force or implementing procedures for securing a contract with a satisfactory replacement third-party professional is appropriate. In the event that services of the third-party professionals are terminated or the Task Force is disbanded, the Parties shall meet and confer to revise the timelines for Authority and City review of Project Applications under this ICA and the DRDAP in light of available staffing.

(ii) Assessor's Office. Upon the request of Developer, the Authority and Developer shall meet and confer with the County Assessor regarding the use and retention of dedicated County Assessor staff (on a full or part-time basis) to facilitate the prompt annual assessment of real property in the Project Site. Upon the mutual agreement of Developer, the County Assessor and the Authority regarding the cost, duration and scope of such work to be paid by Developer, the County Assessor shall implement such agreement and make such staff available for property reassessments within the Project Site.

(b) Role of DPW.

(i) Processing of Applications. The City and the Authority agree that, for the Project: (i) DPW will act as the City's lead agency to facilitate coordinated City review of Project Applications for Infrastructure (other than mass grading permits and structural components of Infrastructure not within public right-of-ways that are permitted by DBI); and (ii) DPW Task Force will: (x) work with Developer to ensure that Project Applications are technically sufficient and constitute Complete Project Applications, as required under the DRDAP, the Applicable City Regulations, and applicable State and federal law; (y) interface with City and Authority staff responsible for reviewing Project Applications to ensure that City and Authority review of the Project Applications is concurrent and that the approval process is efficient and orderly and avoids redundancies; and (z) take such actions as are required in accordance with any Acquisition and Reimbursement Agreement.

(c) Section 2.4.21 Waiver. Section 2.4.21 of the Public Works Code provides that DPW shall not issue any permit to excavate in any moratorium street. A moratorium street is defined as any block that has been reconstructed, repaved, or resurfaced in the preceding five-year period. The Code allows the DPW Director, in his or her discretion, to grant a waiver for good cause. DPW acknowledges that the development of the Project will involve the construction of an entirely new street network, which will occur prior to the development of adjacent Vertical Improvements. Subsequent Vertical Improvements may require street excavation to connect such Vertical Improvements to newly installed Infrastructure. To the extent that the development of subsequent new Vertical Improvements requires excavation within adjoining public streets and such excavation would occur within the five-year moratorium period, it shall be considered good cause for the Director to grant such waiver, subject to reasonable conditions to protect public health, safety and welfare and to allow the Department to recover actual costs incurred on a time and materials basis.

(d) Priority Project. Pursuant to the San Francisco Campaign and Governmental Conduct Code Section 3.400, the City has determined that based on the Project benefits to the City as set forth in the Development Agreement, public policy dictates that this Project can receive priority processing. The City and the Authority agree that the development of the Project as contemplated by the Development Requirements is a priority project for which they will act as expeditiously as is feasible to review and process Complete Project Applications, as more particularly described in the DRDAP and this ICA.

(e) Pre-Submission of Applications. The Authority, with the Task Force's assistance, will advise applicable City Agencies of, and invite them to participate in, any pre-submission conference for an Authority Application. The Authority will require Developer to provide any City Agencies choosing to participate in any pre-submission conference with a copy of Developer's submission in accordance with the DRDAP.

(f) City and Authority Review of Authority Applications. As set forth in the DRDAP, the Authority, in consultation with other City Agencies as appropriate, will review and consider Authority Applications to determine whether such Authority Applications are Complete Applications and for consistency with the Development Requirements, subject to the following:

(i) City Agencies. The Authority will submit each Complete Authority Application, or applicable portions thereof, to applicable City Agencies. Each City Agency will review submittals made to them under this ICA for consistency with the Applicable City Regulations and applicable State and federal law, and will make recommendations to the Authority within thirty (30) days of the City Agency's receipt of such Complete Authority Application in accordance with the DRDAP. The City Agencies will not make recommendations or impose requirements that are inconsistent with the Development Requirements, including Applicable City Regulations, or applicable State and federal law, and will not deny an Approval of any Authority Application based on items that are consistent with the Development Requirements, including Applicable City Regulations and applicable State and federal law. Any City Agency denial, or recommendation of denial to the Authority, of an Approval shall include a statement of the reasons for such denial or recommendation of denial to the Authority.

(ii) SFMTA.

(1) Before the Authority Approves any Authority Application that includes or should include (1) future Infrastructure that will be under SFMTA jurisdiction upon City acceptance as defined in Section 8.12 of the Infrastructure Plan, which shall not include Infrastructure for on-street parking such as curb and parking lane paint, parking meters, and parking signs (the "**SFMTA Infrastructure**") or (2) Mitigation Measure M-TR-2 Expanded Transit Service and certain other transportation-related Mitigation Measures, the implementation of which will be within SFMTA jurisdiction (the "**Transportation-Related Mitigation Measures**"), the Authority shall submit each such Complete Authority Application to the SFMTA for review and comment to ensure that SFMTA requirements are satisfied, including any requirements for start-up testing protocols and warranties, subject to Article 2 of the Development Agreement regarding Applicable Laws. The SFMTA will review each such Complete Authority Application, or applicable portions thereof, and provide comments to the Authority within thirty (30) days of the SFMTA's receipt of such Complete Authority Application. In addition, the Authority, Developer, and Vertical Developers, as applicable, will work collaboratively with the SFMTA to ensure that SFMTA Infrastructure and Transportation-Related Mitigation Measures are discussed as early in the review process as possible and that the Authority and the SFMTA act in concert with respect to these matters. The Authority shall not Approve any Authority Application that includes plans and specifications for SFMTA Infrastructure or that amends the Transportation-Related Mitigation Measures, including Mitigation Measure M-TR-2, without the prior Approval of the SFMTA Executive Director, or his or her designee.

(2) AB 981 (Chapter 317, Stats. Of 2008) requires the Treasure Island Transportation Management Agency (the "TITMA"), in implementing the transportation program, to coordinate with SFMTA in decisions regarding transit service, parking enforcement, traffic signaling, and all other operational responsibilities for which SFMTA agrees to take operational responsibilities, as will be provided in a memorandum of understanding between SFMTA and TITMA. SFMTA and TITMA will work cooperatively to pursue the implementation of the Expanded Transit Service plan as described in the Mitigation Measures. However, because funding for all of the additional transit service contemplated may be subject to future appropriations, this ICA does not obligate SFMTA to provide Expanded Transit Service. In addition, SFMTA shall advise and consult with TITMA on general transportation policy and management practices that include and address safety, transit and vehicle circulation efficiency, pedestrian and bicycle network development and modifications, and parking management and pricing.

(3) SFMTA shall assist TITMA in identifying adequate and reliable funding sources as necessary for in the implementation of the Transportation Plan and Mitigation Measures. Such assistance may include operation of the on-Island shuttle by SFMTA to the extent that terms for operation and funding are mutually agreed to by SFMTA and TITMA. This provision is not intended to interfere with the jurisdiction of SFMTA or any successor agency over the real, personal, and financial assets of SFMTA, the authority of SFMTA over contracting, leasing, and purchasing, or the authority of SFMTA to set fares for the San Francisco Municipal Railway.

(iii) SFPUC.

Before the Authority approves any Authority Application, including but not limited to the Streetscape Master Plan and Conceptual Parks and Open Space Master Plan Applications, that includes or should include (1) future Infrastructure that will be under SFPUC jurisdiction upon City acceptance (the "SFPUC Infrastructure"), or (2) certain utility-related Mitigation Measures, the implementation of which will be within SFPUC jurisdiction (the "SFPUC-Related Mitigation Measures"), or (3) Stormwater Management Controls, the Authority shall submit each such Complete Authority Application to the SFPUC for review and comment to ensure that SFPUC requirements are satisfied, including any requirements for start-up testing protocols and warranties, subject to Article 2 of the Development Agreement regarding Applicable Laws. The SFPUC will review each such Complete Authority Application, or applicable portions thereof, and provide comments to the Authority within thirty (30) days of the SFPUC's receipt of such Complete Authority Application. In addition, the Authority, Developer, and Vertical Developers, as applicable, will work collaboratively with the SFPUC to ensure that SFPUC Infrastructure, Stormwater Management Controls, and SFPUC-Related Mitigation Measures are discussed as early in the review process as possible and that the Authority and the SFPUC act in concert with respect to these matters. The Authority shall not Approve any Authority Application that includes plans and specifications for SFPUC Infrastructure, Stormwater

Management Controls, or that amends the SFPUC Infrastructure or SFPUC-Related Mitigation Measures without the prior Approval of the SFPUC. No Street Improvement Permit shall be issued without the SFPUC reviewing and approving the plans for compliance with the applicable stormwater and other Infrastructure requirements.

(iv) SFFD. Before the Authority approves any Authority Application that includes or should include future Infrastructure that will be under SFFD jurisdiction upon City acceptance (the “**SFFD Infrastructure**”), the Authority shall submit each such Complete Authority Application to the SFFD for review and comment to ensure that SFFD requirements are satisfied, including any requirements for start-up testing protocols and warranties, subject to Article 2 of the Development Agreement regarding Applicable Law. The SFFD will review each such Complete Authority Application, or applicable portions thereof, and provide comments to the Authority within thirty (30) days of SFFD’s receipt of such Complete Authority Application. In addition, the Authority, Developer, and Vertical Developers, as applicable, will work collaboratively with the SFFD to ensure that SFFD Infrastructure is discussed as early in the review process as possible and that the Authority and the SFFD act in concert with respect to these matters. The Authority shall not Approve any Authority Application that includes plans and specifications for SFFD Infrastructure without the prior Approval of the SFFD.

3.5 City’s Cost Recovery for the Task Force, Assessor and other City Agency Costs. The Parties agree that all of the City’s costs of the Task Force, the agreed costs of the County Assessor as set forth in Section 3.4(a)(iii), and the costs of other City Agencies, will be City Costs, to be reimbursed by Developer, all subject to the limitations set forth in the DDA, the Development Agreement and this ICA. Each City Agency shall submit to the Authority quarterly invoices for all City Costs incurred by the City Agency for reimbursement under this Agreement; provided, for subdivision, mapping and Infrastructure review matters coordinated by DPW, applicable City Agencies shall submit their invoices to DPW and DPW shall combine those invoices with DPW costs to submit one combined invoice for reimbursement. The Authority shall gather all such invoices so as to submit one combined City bill to Developer each quarter. Any City Costs incurred by the City shall be invoiced to the Authority within six (6) months of the date the City Cost is incurred. To the extent that a City Agency fails to submit such invoices, then the Authority or its designee shall request and gather such billing information, and any City Cost that is not invoiced to Developer within twelve (12) months from the date the City Cost was incurred shall not be recoverable. The Authority shall submit all invoiced City Costs to Developer in accordance with the DDA, and within sixty (60) days of receipt of funds from Developer or Vertical Developers for such invoices, the Authority shall forward such invoiced amounts to the applicable City Agency.

3.6 *Specific Actions by the City*. City actions and proceedings subject to this ICA shall be through the Mayor or his or her designee, as well as affected City Agencies, and shall include:

(a) Trust Exchanges. Assisting the Authority in closing the Trust Exchanges as contemplated by the Public Trust Exchange Agreement.

(b) Street Vacation, Dedication, Acceptance, and other Street Related Actions. Instituting and completing proceedings for opening, closing, vacating, widening, or changing the grades of streets, roads, alleys, sidewalks, and other public right-of-ways and for other necessary modifications of the streets, the street layout, and other public right-of-ways in the Project Site, including any requirement to abandon, remove, and relocate public utilities (and, when applicable, city utilities) within the public right-of-ways as necessary to carry out the Project in accordance the Development Requirements.

(c) Cooperation. Assisting the Authority as set forth in this ICA and in any memoranda of understanding or other agreements among the City Agencies or between the City and the Authority in furtherance of this ICA and the Project.

(d) Acquisition. Expeditiously acquiring land and Infrastructure or other Improvements from Developer, the Authority or any Community Facilities District (or similar financing device) by accepting Developer's dedication of property and Infrastructure and Improvements that have been constructed to City standards in accordance with the DDA and any Acquisition and Reimbursement Agreement, and taking any additional City actions as required under any Acquisition and Reimbursement Agreement.

(e) Release of Security. Releasing security as expeditiously as possible following the Completion of Infrastructure, but in no event before the applicable date for release under the Map Act and the TI/YBI Subdivision Code and as may be further specified in any Subdivision Improvement Agreement.

(f) State and Federal Assistance. Assisting the Authority in pursuing, and reasonably considering requests from Developer to pursue, state or federal grants on behalf of the Project, below market rate loans or other financial assistance or funding to assist in paying for environmental remediation of the Project Site, transportation and other Infrastructure improvements, and other community benefits. The City shall make any Project Grant obtained by the City for the Project available to the Authority for use in accordance with the Financing Plan.

(g) Environmental Review. Complying with and implementing Mitigation Measures for which the City is responsible, whether as the municipal corporation or as a landowner, and assisting with evaluating and performing any subsequent environmental review to the extent required under CEQA Guidelines Section 15162.

(h) Affordable Housing Tax Credits. Using its good faith efforts to prioritize any application for 9% Tax Credits under the City's geographic apportionment, to the extent the applicants fail to secure an allocation of 9% Tax Credits from a state-

wide set-aside. Priority within the geographic apportionment will be given first to TIHDI Housing Projects and then to other Authority Housing Projects.

(i) Historic Tax Credits. Using its good faith efforts to assist Developer in pursuing the 20% Historic Tax Credit and such other historic tax incentives as may be available to encourage the rehabilitation of the historic resources on the Project Site.

(j) Project Management, Scheduling, Engineering, Construction Management and Reimbursement Audit Services. Upon request of the Authority and subject to Developer's consent, DPW assisting with project management, scheduling, engineering, construction management and reimbursement audit services.

3.7 Public Power. The Authority shall, in consultation with the SFPUC, shall have caused the Developer to prepare an assessment of the feasibility of the SFPUC providing electric service to the Project Site consistent with San Francisco Administrative Code Chapter 99. Prior to the Authority's approval of the first Major Phase Application, the Authority shall have caused the Developer to complete the feasibility study in consultation with the SFPUC. The Developer shall pay for all costs of such update.

3.8 Procedures Required Under Applicable Laws. All City actions under this ICA will be taken subject to the limitations in the Development Agreement.

4. BUILDING PERMITS/CITY APPLICATIONS.

4.1 Processing of Building Permits. Any application for a building permit that Developer submits for construction of the Project during the ICA Term must be consistent with the Development Requirements, including Applicable City Regulations at the time of the building permit application.

(a) **Authority and City Review of City Applications.** Within five (5) days of its determination that a City Application is a Complete Application, City staff shall submit a copy of such Complete City Application to the Authority. Within thirty (30) days of its receipt of a Complete City Application, the Authority will review such City Application and advise the City if the City Application complies and is consistent with the applicable Development Requirements. No City Application will be approved and no City permit will be issued until the Authority has made a favorable compliance and consistency determination. The City shall not deny a City Application to the extent that the City Application is based on an item or element that is required by and consistent with the Development Requirements. The City shall review and approve, conditionally approve, or deny each City Application in accordance with the Applicable City Regulations and applicable State and federal law, including the Permit Streamlining Act (Cal. Gov't Code §§ 65920 et seq.), subject to the Development Agreement regarding Applicable Laws.

(b) Authority. The Authority will review and approve each Construction Document Application for consistency with the Development Requirements before the permit is issued.

5. PERMITS TO ENTER ON CITY PROPERTY.

5.1 *Permits Generally.* Subject to the rights of any third party and the City's reasonable agreement on the scope of the proposed work, the City will grant permits to enter on commercially reasonable terms in order to permit Developer to enter onto, investigate, undertake environmental response programs, construct Infrastructure or other Improvements upon, or otherwise use property owned by the City in furtherance of the implementation of the Plan Documents and Project Documents. Permits will include indemnification and security provisions in keeping with the City's standard practices. Permits to enter will include permits as required to undertake Mitigation Measures in accordance with the Development Requirements, and permits to enter to construct Infrastructure on, in, or under any street or other right-of-way or land owned by the City, in accordance with the Infrastructure Plan and the other Project Documents.

6. OTHER GOVERNMENTAL AUTHORIZATIONS.

6.1 *Cooperation by the City; Permit Conditions.*

(a) Cooperation to Obtain Permits. Subject to this ICA and the Mitigation Measures, the City will cooperate with the Authority and with reasonable requests by Developer to obtain permits, agreements, or entitlements from any State, federal, regional, or local agency (excluding the Authority or any City Agency) having or claiming jurisdiction over all or portions of the Project Site or aspects of its development (an “**Other Regulatory Approval**”), as may be necessary or desirable to effectuate and implement development of the Project in accordance with the Plan Documents and Project Documents. The City’s commitment to Developer under this ICA is subject to the following conditions:

(i) Throughout the permit process for any Other Regulatory Approval, Developer will consult and coordinate with the affected City Agency in Developer’s efforts to obtain the permit, and the City will cooperate reasonably with Developer and, if applicable, the Authority, in Developer’s efforts to obtain the permit.

(ii) Developer may not agree to conditions or restrictions to any Other Regulatory Approval that could create: (1) any obligations on the part of any City Agency that is required to be a co-applicant or co-permittee, unless the obligation is specifically the City’s responsibility under this ICA, the Project Documents, or the City Approvals; or (2) any restrictions on City property, unless in each instance the affected City Agency has previously approved the conditions or restrictions in writing and in its reasonable discretion.

(b) Costs. Developer will bear all costs associated with applying for and obtaining any necessary Other Regulatory Approval. Developer, at no cost to the City that is not a City Cost, will be solely responsible for complying with any and all conditions or restrictions imposed as part of an Other Regulatory Approval for the construction of the Improvements, whether the conditions are on the site of a Major Phase, Sub-Phase, or Lot. Developer will not be responsible for complying with conditions or restrictions required for Vertical Improvements within the Affordable Housing Lots, except for Developer's obligations (i) under the Infrastructure Plan and the Housing Plan, and (ii) to obtain any Other Regulatory Approvals with respect to Mitigation Measures for which it is responsible under the DDA and which have not been assumed by the developer of the applicable Affordable Housing Lot. Developer will have the right to appeal or contest any condition in any manner permitted by law imposed under any Other Regulatory Approval, but only with the prior consent of the affected City Agency if the City is a co-applicant or co-permittee. If Developer can demonstrate to the City's reasonable satisfaction that an appeal would not affect the City's responsibility or liability for any conditions that are or could be the responsibility of any City Agency under the Other Regulatory Approval, the City will not unreasonably withhold or delay its consent. In all other cases, the affected City Agencies will have the right to give or withhold their consent in their sole and absolute discretion. Developer must pay or otherwise discharge any fines, penalties, or corrective actions imposed as a result of Developer's failure to comply with any Other Regulatory Approval.

(c) Continuing City Obligations. Certain Other Regulatory Approvals may include conditions that entail maintenance by or other obligations of the permittee or co-permittees that continue after the City accepts the dedication of completed Infrastructure. Upon the City's acceptance of any Infrastructure that has continuing obligations under an Other Regulatory Approval, at Developer's request, the City will take reasonably necessary steps to remove Developer as the named permittee or co-permittee from the Other Regulatory Approval if either: (i) the continuing obligations are designated as the City's responsibility under this ICA, the Project Documents, or related City Approvals; or (ii) the City otherwise has agreed, in its sole discretion, to accept sole responsibility for the conditions in accordance with this Subsection (c).

7. **REMEDIES.**

7.1 ***General.***

(a) Notice of Default. If any Party defaults in the performance of this ICA (each an "**ICA Default**"), the non-defaulting Party may deliver a written notice of default to the other. The notice of default must state with reasonable specificity the nature of the alleged ICA Default, the provision(s) under which the ICA Default is claimed to arise, and the manner in which the ICA Default may be cured.

(b) Meet and Confer. After notice of an ICA Default is delivered, the City and the Authority, together with the applicable Developer Party, will meet promptly to discuss the ICA Default and the manner in which the defaulting Party can cure the

same so as to satisfy the noticing Party's concerns. The City, the Authority, and the Developer Party will continue meeting regularly, discussing, investigating, and considering alternatives for up to sixty (60) days from the delivery of the notice of an ICA Default. After the sixty (60) day meet and confer period, if the noticing Party no longer holds the view that the other Party is in default, the noticing Party will rescind the notice of an ICA Default.

(c) Cure. No later than the end of the sixty (60) day meet and confer period, the defaulting Party must begin to cure the noticed ICA Default, and proceed diligently to cure the ICA Default. If: (i) the defaulting Party does not commence within sixty (60) days after the end of the meet and confer period and diligently pursue a cure, or the ICA Default is not cured within a reasonable time, not to exceed sixty (60) days after the end of the sixty (60) day meet and confer period; or (ii) the defaulting Party refuses to meet and confer regarding the noticed ICA Default, then, subject to Section 10.2, the noticing Party or any affected Developer Party may institute proceedings to obtain a cure and remedy for the ICA Default, including proceedings to compel specific performance by the defaulting Party. Nothing in this Section 10.1(c) requires a Party to postpone instituting any injunctive proceeding if it believes in good faith that postponement will cause it irreparable harm. The Parties acknowledge that termination of this ICA is a remedy only if the DDA and Development Agreement terminate, as further provided in this ICA.

(d) Developer's Legal Rights. Subject to Section 10.2, nothing in this ICA limits the Developer Party's rights or remedies under any applicable law governing the application, review, processing, or permitting of Improvements, including the Permit Streamlining Act (Cal. Gov't Code §§ 65920 *et seq.*).

7.2 No Monetary Damages. The Parties have determined that monetary damages are inappropriate and that it would be extremely difficult and impractical to fix or determine the actual damages to a Party as a result of an ICA Default and that equitable remedies including specific performance but not including damages are the appropriate remedies for enforcement of this ICA. The Parties would not have entered into this ICA if either of them were liable to the other or to any Developer Party for damages under or with respect to this ICA. Consequently, the Parties have agreed that neither Party will be liable in damages to the other, or to any Developer Party, and each Party and Developer Party covenants not to sue for or claim any damages and expressly waives its right to do so: (a) for any ICA Default; or (b) arising from or connected with any dispute, controversy, or issue regarding the application, interpretation, or effect of this ICA.

7.3 Attorneys' Fees. In the event of any dispute or any legal action or other dispute resolution mechanism to enforce or interpret any provision of this ICA, each Party will bear its own attorneys' fees, whether or not one Party prevails.

7.4 Developer Default. If a Developer Party commits an Event of Default of its obligations under the applicable DDA or Vertical DDA, including failure to pay City

Costs or Authority Costs (following expiration of any notice and cure periods), any City or Authority obligations under this ICA with respect to the defaulting Developer Party will be suspended and will not be reinstated unless and until the Developer Party cures the Event of Default. For purposes of this ICA, an Event of Default under the DDA will not relieve the City or Authority of any obligation under this ICA that arose before the Event of Default (except with respect to terminated portions of the DDA), or that relates to its obligations under any DDA or Vertical DDA with any non-defaulting Developer Party. This Section 10.4 does not limit any other Authority rights or remedies under the DDA, or any other City rights or remedies under the Development Agreement, Applicable Regulations or applicable State or federal laws.

8. GENERAL PROVISIONS.

8.1 Notices. Any notice or other communication given under this ICA by a Party must be given or delivered (i) by hand, (ii) by registered or certified mail, postage prepaid and return receipt requested, or (iii) by a recognized overnight carrier, such as Federal Express, in any case addressed as follows:

8.2 *Calendar Days.* All review periods specified in this ICA shall refer to calendar days and not business days unless expressly stated otherwise.

To the Authority:	<p>Treasure Island Development Authority</p> <p>_____</p> <p>_____</p> <p>Attn: Executive Director</p>
With a copy to:	
	<p>Office of Economic and Workforce Development City and County of San Francisco City Hall, Rm. 448 1 Dr. Carlton B. Goodlett Place, Fourth Floor San Francisco, California 94102 Attn: Director Re: TI/YBI ICA</p>
With a copy to:	<p>Office of the Controller City and County of San Francisco 875 Stevenson Street, Room 235 San Francisco, California 94103 Attn: Controller Re: TI/YBI ICA</p>

And to:	Department of Public Works 30 Van Ness Avenue, Suite 4200 San Francisco, California 94102 Attn: Director Re: TI/YBI ICA
And to:	Office of the City Attorney City Hall 1 Dr. Carlton B. Goodlett Place, Room 232 San Francisco, California 94102 Attn: Real Estate/Finance Re: TI/YBI ICA
And copies of all notices to:	Treasure Island Community Development, LLC Attn: Kofi Bonner / Chris Meany
And to:	Gibson Dunn & Crutcher LLP Attn:

Every notice given to a Party under this ICA must be in writing and must state (or must be accompanied by a cover letter that states) substantially the following:

- (a) the Section of this ICA under which the notice is given and the action or response required, if any;
- (b) if applicable, the period of time within which the recipient of the notice must respond;
- (c) if appropriate, “Request for Approval under the Interagency Cooperation Agreement”; and
- (d) the specific reasons for disapproval or objection, if the notice conveys disapproval or an objection for which reasonableness is required.

Any mailing address may be changed at any time by giving written notice of the change in the manner provided above at least ten (10) days before the effective date of the change. All notices under this ICA will be deemed given, received, made, or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

8.3 Calendar Days. All review periods specified in this ICA shall refer to calendar days and not business days unless expressly stated otherwise.

8.4 Amendments.

(a) Except as otherwise provided in this ICA, this ICA may be amended or modified only by a written instrument executed by the City and the Authority, with the written consent of Developer Representative, which may not be unreasonably withheld, conditioned, or delayed. The Mayor and the Director of Public Works (or any successor City officer as designated by law) are authorized to consent to any amendment to this ICA after consultation with the directors or general managers of any affected City Agencies unless the amendment would increase the risk of a negative impact on the City's General Fund, as determined by the Controller; provided, the Mayor cannot make any amendment (i) that affects the SFMTA Infrastructure or the SFMTA-Related Mitigation Measures without the prior approval of the SFMTA, (ii) that affects the SFPUC Infrastructure, Stormwater Management Controls, or the SFPUC-Related Mitigation Measures without the prior approval of the SFPUC, (iii) and that affects the SFFD Infrastructure without the prior approval of the SFFD.

(b) The Authority agrees not to make any material modification to the Infrastructure Plan or the DRDAP in a manner that increases any obligations of or lessens the primary benefits accruing to the City, without obtaining the City's prior written consent, which will not be unreasonably withheld. Subject to the limitations set forth in Section 8.4(a) above for required approvals of the SFMTA, the SFPUC, and the SFFD, any determination of materiality under this Section 8.4(b) shall be made by the Mayor, and any consent of the City under this Section 8.4(b) shall be given by the Mayor and any affected City Agency.

8.5 Invalidity.

(a) Invalid Provision. If a final court order finds any provision of this ICA invalid or inapplicable to any Person or circumstance, then the invalid or inapplicable provision will not affect any other provision of this ICA or its application to any other Person or circumstance, and the remaining portions of this ICA will continue in full force and effect.

(b) Countervailing Law. If any applicable State or federal law prevents or precludes compliance with any material provision of this ICA, the Parties agree to modify, amend, or suspend this ICA to the extent necessary to comply with law in a manner that preserves to the greatest extent possible the intended benefits of this ICA to each of the Parties and to Developer.

(c) Right to Terminate. Either Party may terminate this ICA upon written notice to the other Party if this ICA as amended, modified, or suspended under Subsection (a) or (b) would: (i) be unreasonable or grossly inequitable under all of the circumstances or would frustrate its fundamental purposes; or (ii) deprive the City or the

Authority of the substantial benefits derived from this ICA or make performance unreasonably difficult or expensive. Following termination, neither Party nor Developer will have any further rights or obligations under this ICA.

8.6 *Non-Waiver.* A Party's (or Developer's) delay or failure to exercise any right under this ICA may not be deemed a waiver of that or any other right contained in this ICA.

8.7 *Successors and Assigns; Third Party Beneficiary.* This ICA inures to the benefit of and binds the City's and the Authority's respective successors and assigns. Developer (and its Transferees) and Vertical Developers are intended third party beneficiaries of this ICA. Except for Developer (and its Transferees) and Vertical Developers, this ICA is for the exclusive benefit of the Parties and not for the benefit of any other Person and may not be deemed to have conferred any rights, express or implied, upon any other Person.

8.8 *Consents by Developer Representative.* Any Developer approvals or consents required under this ICA will be given by the Developer Representative. The attached Developer's Consent is incorporated in this ICA by this reference.

8.9 *Governing Law.* This ICA is governed by and must be construed in accordance with the laws of the State of California.

8.10 *Counterparts.* This ICA may be executed in counterparts, each of which will be deemed an original, but all of which taken together will constitute one and the same instrument.

8.11 *Interpretation of Agreement.*

(a) Exhibit. Whenever an "**Exhibit**" is referenced, it means an attachment to this ICA unless otherwise specifically identified. The following Exhibit is attached to this ICA for reference purposes only:

EXHIBIT A Infrastructure Plan

(b) Captions. Whenever an Article, a Section, a Subsection, or a paragraph is referenced in this ICA, it refers to an Article, a Section, a Subsection, or a paragraph of this ICA unless otherwise specifically identified. The captions preceding the Articles and Sections of this ICA have been inserted for convenience of reference only and do not define or limit the scope or intent of any provision of this ICA.

(c) Words of Inclusion. The words "including", "such as" or words of similar import when following any general term may not be construed to limit the general term to the specific terms that follow, whether or not language of non-limitation is used in the reference. Rather, these terms will be deemed to refer to all other terms that could reasonably fall within the broadest possible scope of the term.

(d) References. Wherever reference is made to any provision, term or matter “in this ICA”, “herein” or “hereof” or words of similar import, the reference will be deemed to refer to any and all provisions of this ICA reasonably related to the provision, term or matter in the context of the reference, unless the reference refers solely to a specific numbered or lettered Section, paragraph, or subdivision of this ICA.

(e) Recitals. If the recitals conflict or are inconsistent with any of the remaining provisions of this ICA, the remaining provisions of this ICA will prevail.

8.12 Entire Agreement. This ICA (including the Developer’s Consent and all Exhibits) contains all the representations and the entire agreement between the Parties with respect to the subject matter of this ICA. Any prior correspondence, memoranda, agreements, warranties, or representations relating to such subject matter are superseded in total by this ICA. No prior drafts of this ICA or changes from those drafts to the executed version of this ICA may be introduced as evidence in any litigation or other dispute resolution proceeding by either Party or any other Person, and no court or other body may consider those drafts in interpreting this ICA.

8.13 Further Assurances. The Authority and the City each agree to take all actions and do all things, and execute, with acknowledgment or affidavit if required, any and all documents that may be necessary or appropriate to achieve the purposes of this ICA.

8.14 Definitions. The following terms have the meanings given to them below or are defined where indicated.

“**Acquisition and Reimbursement Agreement**” is defined in the Financing Plan.

“**Administrative Fee**” is defined in the Development Agreement.

“**Applicable City Regulations**” means ordinances, resolutions, initiatives, rules, regulations, and other official City and Authority policies applicable to and governing the overall design, construction, fees, use, or other aspects of development within the Treasure Island and Yerba Buena Island Project Site to the extent applicable pursuant to the Plan Documents and Project Documents.

“**Authority**” means the Treasure Island Development Authority, a California non-profit public benefit corporation.

“**Authority Applications**” is defined in Recital E.

“**Board of Supervisors**” is defined in Recital A.

“**Project Site**” is defined in Recital A.

“**CEQA**” is defined in Recital B.

“**City**” is defined in the introductory paragraph.

“**City Agency**” or “**City Agencies**” means, where appropriate, all City departments,

agencies, boards, commissions, and bureaus that execute or consent to this ICA and that have subdivision or other permit, entitlement or approval authority or jurisdiction over any Major Phase, Sub-Phase, or individual Lot in any part of the Project Site, including the City Administrator, DPW, SFMTA, and SFFD, together with any successor City agency, department, board, commission, or bureau.

“City Applications” is defined in Recital E.

“City Approval” means any approval by a City Agency of a City Application relating to the Project.

“City Costs” means the actual and reasonable costs incurred by a City Agency in performing its obligations under this Agreement, as determined on a time and materials basis, including any defense costs as set forth in Section 2.c of the Developer's Consent attached to this ICA, but excluding work and fees covered by Administrative Fees.

“Complete Application” is defined in the DRDAP.

“TI/YBI Subdivision Code” is the Treasure Island and Yerba Buena Island Subdivision Code of the City.

“DBI” means the City’s Department of Building Inspection.

“DDA” is defined in the introductory paragraph.

“Design for Development” is defined in Recital D.

“Developer” is defined in the introductory paragraph.

“Developer’s Consent” means the Developer’s Consent to ICA and Agreement attached to this ICA.

“Developer Party” is defined in the Developer’s Consent to ICA and Owner’s

“DPW” is defined in Recital E.

“DRDAP” is defined in Recital D. Agreement attached hereto.

“Development Fees and Exactions” is defined in the Development Agreement.

“Development Requirements” means the Project Approvals and the Transaction Documents, as defined in the Development Agreement.

“Exhibit” is defined in Section 8.11(a).

“ICA” is defined in the introductory paragraph.

“ICA Default” is defined in Section 7.1(a).

“ICA Effective Date” is defined in Section 2.1.

“ICA Term” is defined in Section 2.2.

“Indemnified City Parties” is defined in the Developer’s Consent.

“Indemnify” means indemnify, defend, reimburse, and hold harmless.

“**Losses**” is defined in the Developer’s Consent.

“**Map Act**” means the California Subdivision Map Act (California Government Code Section 66410 *et seq.*).

“**Mitigation Measures**” is defined in Recital B.

“**Other Regulatory Approval**” is defined in Section 6.1.

“**Parties**” or “**Party**” means the Authority or the City, or both, as the context requires.

“**Plan Documents**” means the City’s General Plan, and its implementing documents, including without limitation, the Treasure Island and Yerba Buena Island Special Use District and Design for Development.

“**Project Applications**” is defined in Recital E.

“**Project Documents**” means the Development Agreement, the DDA, and their respective implementing documents, including without limitation, the Infrastructure Plan, Design Review and Document Approval Procedure, this Interagency Cooperation Agreement and Vertical DDAs.

“**Reference Date**” is defined in the introductory paragraph.

“**SFFD**” means the Fire Department of the City and County of San Francisco.

“**SFFD Consent**” means SFFD’s Consent to Infrastructure Plan and ICA attached to this ICA.

“**SFFD Infrastructure**” is defined in Section 3.4(f)(iv).

“**SFMTA**” means the Board of Directors of the Municipal Transportation Agency of the City and County of San Francisco.

“**SFMTA Consent**” means SFMTA’s Consent to Infrastructure Plan and ICA attached to this ICA.

“**SFMTA Infrastructure**” is defined in Section 3.4(e)(ii).

“**SFPUC**” means the Public Utilities Commission of the City and County of San Francisco.

“**SFPUC Consent**” means SFPUC’s Consent to Infrastructure Plan and ICA attached to this ICA.

“**SFPUC Infrastructure**” is defined in Section 3.4(e)(iii).

“**SFPUC-Related Mitigation Measures**” is defined in Section 3.4(e)(iii(1)).

“**Stormwater Management Controls**” is defined in the DDA.

“**DPW Task Force**” is defined in Section 3.4(a)(i).

“**Transportation-Related Mitigation Measures**” is defined in Section 3.4(e)(iii).

“**Vertical DDA**” means a Vertical Disposition and Development Agreement entered into

between Authority and a Vertical Developer, and includes any Vertical LDDA.

“**Vertical LDDA**” means a Vertical Lease Disposition and Development Agreement entered into between Authority and a Vertical Developer.

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This ICA was executed and delivered as of the Reference Date.

CITY AND COUNTY OF SAN FRANCISCO

By _____
_____, Mayor

By _____
Angela Calvillo
Clerk of the Board of Supervisors

By _____
Ben Rosenfield, Controller

By _____
Amy L. Brown, Acting City
Administrator

By _____
Ed Reiskin, Director of Public Works

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By _____

Deputy City Attorney

Ordinance Nos. _____

TREASURE ISLAND DEVELOPMENT
AUTHORITY

By _____

Rich Hillis
Director of Redevelopment

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By _____

Deputy City Attorney

Authority Resolution No. _____

DEVELOPER'S CONSENT TO ICA AND AGREEMENT

By signing below, Developer, on behalf of itself, its Transferees, and all Vertical Developers, each in their capacity under an applicable DDA or Vertical DDA (each, a **"Developer Party"**), acknowledges that the Developer Parties are intended third-party beneficiaries of the Interagency Cooperation Agreement (Treasure Island/Yerba Buena Island) dated for reference purposes as of _____ (the **"ICA"**), to which this Developer's Consent to ICA and Agreement (this **"Developer's Consent"**) is attached and incorporated. Capitalized terms used but not otherwise defined in this Developer's Consent shall have the meanings for such terms set forth in the ICA. By recording the DDA and the ICA, the Parties acknowledge and agree that the ICA and this Developer's Consent shall apply to, and burden and benefit, the Authority and the Developer Parties whether or not this ICA or Developer's Consent is specifically referenced in any Assignment and Assumption Agreement.

1. **Consent and Agreement.** On behalf of the Developer Parties, Developer (i) consents to the ICA, understanding that the City and the Authority have entered into it for the express benefit of the City, the Authority, and the Developer Parties; and (ii) agrees that the ICA and this Developer's Consent will be binding on the Developer Parties and agrees to cause each of the other Developer Parties to accept the ICA and this Developer's Consent as a condition to any Transfer.

2. **Indemnity.**

(a) **Indemnified Losses.** In addition to Developer's indemnities in the DDA and the Development Agreement, each Developer Party shall Indemnify the City, the Authority, and each of the City Agencies, together with their respective commissioners, directors, officers, employees, agents, successors, and assigns (collectively, the **"Indemnified City Parties"**), from and against any and all claims, demands, losses, liabilities, damages (including consequential damages), liens, obligations, interest, injuries, penalties, fines, lawsuits and other proceedings, judgments, and awards and costs (including reasonable attorneys' fees and costs and consultants' fees and costs and court costs) of whatever kind or nature, known or unknown, contingent or otherwise (including the reasonable costs of complying with any judgments, settlements, consent decrees, stipulated judgments, or other partial or complete terminations of any actions or proceedings that require any of the Indemnified City Parties to take any action) (collectively, **"Losses"**) arising from or in connection with:

(i) the failure of Infrastructure or other Improvements constructed by such Developer Party to comply at the time of construction with any of the Applicable City Regulations or any applicable State or federal laws or regulations (except for obligations the City accepts under ICA Section 6.1(c)), including those related to disabled access;

(ii) the death of any Person, or any accident, injury, loss, or damage caused to any Person or to any Person's property in the Project Site (except any Public Property on which the Developer Party has not constructed Improvements) and that is directly or indirectly caused by the negligent act or omission of the Developer Party or its agents, servants, employees, or contractors;

(iii) the failure by the Developer Party to obtain an Other Regulatory Approval when needed, or to comply with (1) any Other Regulatory Approval obtained by such Developer Party or to which such Developer Party is subject or (2) the final decree on any appeal or contest of any conditions of any such Other Regulatory Approval;

(iv) any dispute between such Developer Party and any other Developer Party regarding their respective rights or obligations vis-à-vis one another; and

(v) any dispute under third-party contracts or agreements entered into by such Developer Party in connection with its performance under the DDA (except obligations of such Developer Party's tenants to the Authority or any City Authority).

(b) Exclusions. The indemnification obligation under Subsection (a) excludes Losses to the extent:

(i) directly or indirectly caused by the negligent or willful act or omission of an Indemnified City Party;

(ii) caused by the gross negligence or other actionable misconduct of any City Agency acting (or failing to act) in its governmental capacity in the exercise of its police power;

(iii) caused by the failure of any conditions either: (1) that are the City's responsibility under the ICA, the Project Documents, or under City Approvals; or (2) for which the City otherwise in its sole discretion has agreed to accept responsibility as provided in ICA Section 6.1(c);

(iv) arising from any Other Regulatory Approvals relating to the construction of Improvements within the Affordable Housing Lots, provided that the indemnity shall include Losses arising from Other Regulatory Approvals relating to the applicable Developer Party's obligations to implement certain Mitigation Measures or to construct Infrastructure for or within the Affordable Housing Lots but only to the extent that such Mitigation Measure or Infrastructure obligations have not been assumed by the applicable developer of the Affordable Housing Lot;

(v) originating after the date the City accepts title to any Infrastructure in accordance with the Acquisition and Reimbursement Agreement (or otherwise accepts title consistent with the applicable Plan Documents), excluding latent defects and any noncompliance with laws in effect as of the date of the City's acceptance;

(vi) originating from a change in applicable laws that occurs after the date City accepts title to any Infrastructure under the Acquisition and Reimbursement Agreement (or otherwise accepts title consistent with the applicable Project Documents);

(vii) arising from the City's failure to comply with the conditions of any Other Regulatory Approval either: (1) that are the City's responsibility under the ICA, any other

Project Documents, or City Approvals; or (2) for which the City otherwise, in its sole discretion, has agreed to accept responsibility as provided in Section 6.1(c) of the ICA; or

(c) Obligation to Defend. Each Developer Party agrees to defend the Indemnified City Parties against any claims that are actually or likely to be within the scope of such Developer Party's indemnity in this Developer's Consent, even if the claims may be groundless, fraudulent, or false. The Indemnified City Parties agree to give prompt notice to the applicable Developer Party with respect to any lawsuit or claim initiated or threatened against the Indemnified City Parties, at the address for notices to the applicable Developer Party set forth in the DDA, Vertical DDA or Assignment and Assumption Agreement, and no later than the earlier of: (i) ten (10) days after valid service of process as to any suit; or (ii) fifteen (15) days after receiving written notification of a claim or lawsuit that the Indemnified City Party has reason to believe is likely to give rise to a claim for indemnity under this Developer's Consent. An Indemnified City Party's failure to give the foregoing notice will not affect the Indemnified City Party's rights or the obligations of the applicable Developer Party under this Developer's Consent unless such Developer Party is prejudiced by the lack of notice, and then only to the extent of prejudice. The applicable Developer Party, at its option but subject to the Indemnified City Party's reasonable consent and approval, will be entitled to control the defense, compromise, or settlement of any such matter through counsel of its own choice, but in all cases the Indemnified City Party will be entitled to participate in the defense, compromise, or settlement. To the extent such costs are reasonable and are incurred only to participate as requested or reasonably required in the matter, they shall be deemed to be City Costs. If the applicable Developer Party fails to take reasonable and appropriate action to defend, compromise, or settle the lawsuit or claim within a reasonable time following notice from the Indemnified City Party alleging such failure in the Indemnified City Party's reasonable judgment, the Indemnified City Party will have the right to hire counsel at the sole cost of the applicable Developer Party to carry out the defense, compromise, or settlement, which cost will be immediately due and payable to the Indemnified City Party upon receipt by the applicable Developer Party of a properly detailed invoice.

(d) No Effect on Other Indemnities. The agreement to indemnify the Indemnified City Parties in this Developer's Consent is in addition to, and may not be construed to limit or replace, any other obligations or liabilities that any Developer Party may have under the Development Requirements, at common law, or otherwise. The contractual obligations and indemnities of any Developer Party regarding Hazardous Substances will be governed by the DDA and Permits to Enter, as applicable, and not this Article 2.

(e) Survival. The indemnities contained in this Article 2 will survive any termination or expiration of the ICA as to matters that arise during the ICA Term.

3. **Limitations on Liability.** Developer, on behalf of itself and the other Developer Parties, understands and agrees that no commissioners, members, officers, agents, or employees of the Authority or the City Agencies (or any of their successors or assigns) will be personally liable to the other or to any other Person, nor will any officers, directors, shareholders, agents, partners, members, or employees of any Developer Party (or of its successors or assigns) be personally liable to the Authority, the City Agencies, or any other Person in the event of any

default or breach of the ICA by the Authority or the City Agencies or of this Developer's Consent, as the case may be, or for any amount that may become due or any obligations under the ICA or this Developer's Consent, provided, that the foregoing shall not release obligations of a Person that otherwise has liability for such obligations, such as (i) the general partner of a partnership that, itself, has liability for the obligation or (ii) the issuer of a Guaranty covering such obligation. Neither the Authority nor the City will be liable to any Developer Party for damages under the ICA for any reason.

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This Developer's Consent was executed and delivered as of _____, 2011.

**TREASURE ISLAND COMMUNITY
DEVELOPMENT, LLC.**, a California limited
liability company

By

Treasure Island Community
Development, LLC., a California limited
liability company

By:

Name:

K

of Bonner

Its:

A

Authorized Representative

By:

Name:

C

Chris Meany

Its:

A

Authorized Representative

**CONSENT TO INFRASTRUCTURE PLAN AND ICA
San Francisco Municipal Transportation Agency**

The Municipal Transportation Agency of the City and County of San Francisco (“**SFMTA**”) has reviewed the ICA between the City and the Authority related to the Treasure Island/Yerba Buena Island Project, to which this SFMTA Consent to Infrastructure Plan and ICA (this “**SFMTA Consent**”) is attached and incorporated. Except as otherwise defined in this SFMTA Consent, initially capitalized terms have the meanings given in the ICA.

By executing this SFMTA Consent, the undersigned confirms that the SFMTA Board of Directors, after considering at a duly noticed public hearing the Project Infrastructure Plan, the Transportation Plan, and the CEQA Findings, including the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program, consented to the following, provided that by executing this SFMTA Consent, the SFMTA does not intend to in any way limit, waive or delegate the exclusive authority of the SFMTA as set forth in Article VIIIA of the City’s Charter:

1. the ICA and the Transportation Plan as they relate to matters under SFMTA jurisdiction, including the SFMTA Infrastructure and the Transportation-Related Mitigation Measures;
2. subject to Developer satisfying SFMTA requirements and the Transportation-Related Mitigation Measures for safety, design, construction, testing, performance, training, documentation, warranties and guarantees, that are consistent with the Applicable Regulations and applicable State and federal law, SFMTA accepting the transportation-related infrastructure described in the Infrastructure Plan that will be under SFMTA jurisdiction;
3. subject to identification of resources, appropriation of funds, and other fiscal and operational considerations, including but not limited to, the level of MUNI service provided City-wide, SFMTA procuring, operating, and maintaining transit systems described by the Infrastructure Plan, the Transportation Plan, and the Transportation-Related Mitigation Measures;
4. subject to identification of resources, appropriation of funds, and other fiscal and operational considerations, including but not limited to, the level of MUNI service provided City-wide, SFMTA satisfying the construction required of the SFMTA by the Infrastructure Plan, the Transportation Plan, and Transportation-Related Mitigation Measures, as applicable, and to the extent practicable given fiscal and operational considerations, cooperating with Developer in phasing any required SFMTA construction; and

5. TITMA collecting and using all on-island paid parking revenues from in the Project Site in accordance with the provisions of California Assembly Bill 981 (2008).

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation, acting by and through the SAN
FRANCISCO MUNICIPAL TRANSPORTATION
AGENCY

By: _____
NATHANIEL P. FORD,
Executive Director

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Deputy City Attorney

San Francisco Municipal Transportation Agency Resolution No. _____
Approved _____.

**CONSENT TO INFRASTRUCTURE PLAN AND ICA
San Francisco Public Utilities Commission**

The Public Utilities Commission of the City and County of San Francisco (the “**SFPUC**”) has reviewed the ICA to which this Consent to Infrastructure Plan and ICA (this “**SFPUC Consent**”) is attached and incorporated. Except as otherwise defined in this SFPUC Consent, initially capitalized terms have the meanings given in the ICA.

By executing this SFPUC Consent, the undersigned confirms that the SFPUC, after considering the Infrastructure Plan and Utility-Related Mitigation Measures at a duly noticed public hearing, consented to:

1. the ICA as it relates to matters under SFPUC jurisdiction, including the SFPUC-Related Infrastructure, the Stormwater Management Controls, and the SFPUC-Related Mitigation Measures;
2. subject to Developer satisfying the SFPUC requirements for construction, warranties and guarantees, operations and maintenance manuals, testing, and training that are consistent with the Applicable City Regulations and applicable State and federal law, and meeting the SFPUC-Related Mitigation Measures, the SFPUC accepting and then, subject to appropriation, operating and maintaining SFPUC-Related Infrastructure;
3. delegating to the SFPUC General Manager or his or her designee any future Approvals of the SFPUC under this ICA, including Approvals of Authority Applications, subject to applicable law including the City’s Charter; and
4. subject to Developer providing an on-site recycled water distribution system that is to be charged with low-pressure water unless and until the SFPUC provides recycled water to the Project Site (the timing of which shall be at the SFPUC's sole discretion), the SFPUC's acceptance of the recycled water distribution system that is reviewed and Approved by the SFPUC in accordance with the process set forth in this ICA and the Infrastructure Plan.

By authorizing this SFPUC Consent, the SFPUC does not intend to in any way limit the exclusive authority of the SFPUC as set forth in Article XIII B of the City’s Charter.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation, acting by and through the SAN
FRANCISCO PUBLIC UTILITY COMMISSION

By: _____
EDWARD HARRINGTON,
General Manager

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Deputy City Attorney

San Francisco Public Utility Commission Resolution No. _____
Approved _____.

CONSENT TO INFRASTRUCTURE PLAN AND ICA
San Francisco Fire Department

The Fire Chief and the Fire Marshall of the City and County of San Francisco have reviewed the ICA to which this Consent to Infrastructure Plan and ICA (this “**SFFD Consent**”) is attached and incorporated. Except as otherwise defined in this SFFD Consent, initially capitalized terms have the meanings given in the ICA.

By executing this SFFD Consent, the undersigned confirm that, after considering the Infrastructure Plan and Design for Development, they have consented to:

1. the ICA as it relates to matters under SFFD jurisdiction, including the SFFD Infrastructure;
2. subject to Developer satisfying the SFFD requirements for construction, warranties and guarantees, operations and maintenance manuals, testing, and training that are consistent with the Applicable City Regulations and applicable State and federal law, the SFFD’s acceptance of the SFFD Infrastructure and new Fire Station;
3. subject to the appropriation of funds, the SFFD operating and maintaining the SFFD Infrastructure and new Fire Station; and
4. making any future Approvals of the SFFD under this ICA, including Approvals of Authority Applications, subject to applicable law including the City’s Charter.

By authorizing this SFFD Consent, the SFFD Fire Chief and Fire Marshall not intend to in any way limit the authority of the SFFD as set forth in Section 4.108 and 4.128 of the City’s Charter.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation, acting by and through
the SAN FRANCISCO FIRE CHIEF AND
FIRE MARSHALL

By: _____

Fire Chief

By: _____

Fire Marshall

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____

Deputy City Attorney

EXHIBIT A

Infrastructure Plan

ATTACHMENT F
TREASURE ISLAND / YERBA BUENA ISLAND PROJECT
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:
FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND
ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS
SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

In determining to approve the Treasure Island / Yerba Buena Island Project (“Project”) the San Francisco Municipal Transportation Agency (“SFMTA”) Board of Directors (“Agency”) makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act (“CEQA”), California Public Resources Code Sections 21000 et seq., particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA (“CEQA Guidelines”), 14 California Code of Regulations Sections 15000 et seq., particularly Sections 15091 through 15093, and [] adopted CEQA guidelines.

This document is organized as follows:

Section I provides a description of the Project proposed for adoption, the environmental review process for the Project, the approval actions to be taken and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Sections III and IIIA identify potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describe the disposition of the mitigation measures;

Sections IV and IVA identify significant impacts that cannot be avoided or reduced to less-than-significant levels and describe any applicable mitigation measures as well as the disposition of the mitigation measures;

Section V evaluates mitigation measures and project modifications proposed by commenters and the rejection of these mitigation measures and project modifications;

Section VI 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, analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in

Draft of April 12, 2011

support of the Agency'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 **Attachment B**. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. **Attachment B** provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report for the Project ("Final EIR" or "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**. The mitigation measures described in the MMRP for which the Agency is responsible are attached with these findings as **Attachment C**.

These findings are based upon substantial evidence in the entire record before the Agency. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Comments and Responses document ("C&R") 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.

Use of Acronyms

Like the FEIR itself, these findings use a number of defined terms and acronyms. Each acronym is defined the first time it is used and is also defined in Exhibit A attached hereto.

I. APPROVAL OF THE PROJECT

A. Project Description

By this action, the Agency adopts and takes action to implement the Project identified in Chapter II of the FEIR, with the Project revisions described in the Memorandum from _____, dated _____, which Project consists of: (i) the Treasure Island / Yerba Buena Island Area Plan, a new area plan of the City's General Plan; (ii) the Treasure Island / Yerba Buena Island Special Use District ("SUD"); (iii) the Design for Development for Treasure and Yerba Buena Islands (the "Design for Development"); (iv) the Development Agreement (the "Development Agreement") to be executed by the City and County of San Francisco and Treasure Island Community Development, LLC ("TICD") to implement the Project; (v) the Disposition and Development Agreement (the "DDA") to be executed by Treasure Island Development Authority ("TIDA") and TICD and to implement the Project; (vi) related transactional documents and policies that would be adopted to implement the Project, and (vii) the development program described in the Development Agreement, DDA and Design for Development. Although the Project includes the components described in

items (i) through (vii) above, the Agency's actions are limited to approval or recommendation of item (iv), as well as items (vi) and (vii) to the extent required to approve or recommend item (iv). As part of its implementing actions captured under item (vi) above, the Agency will be approving an Interagency Cooperation Agreement with TIDA and other City agencies, setting forth the Agency's responsibilities for review and approval of Project applications, permits and improvements as they relate to matters within Agency's jurisdiction.

The Project is jointly sponsored by the TIDA, a single-purpose public agency responsible for the Project site, and TICD, a private entity competitively selected as the prospective master developer.

1. Principal Project

The Project includes development of up to 8,000 residential units, 25% of which would be available at below market rates (and up to 30% if the City obtains legislative changes to increase the amount of available public financing, as more particularly described in the DDA); up to 140,000 square feet ("sq. ft.") of new commercial and retail space; up to 100,000 sq. ft. of new office space; adaptive reuse of about 311,000 sq. ft. for commercial, retail, and/or flex space uses in the historic buildings on Treasure Island; up to approximately 500 hotel rooms; rehabilitation of the historic buildings on Yerba Buena Island; retention and continued use of the existing chapel in its existing location for general assembly and non-denominational religious activities; new and/or upgraded public facilities, including a joint police/fire station, a school, and other community facilities; new and upgraded public utilities, including the water distribution system, wastewater collection and treatment, recycled water system and stormwater collection and treatment; about 300 acres of parks and public open space including shoreline access and cultural uses such as a museum; new and upgraded streets and public ways; bicycle, transit, and pedestrian facilities; landside and waterside facilities for the existing Treasure Island Sailing Center; landside services for an expanded marina; and a new Ferry Terminal and intermodal Transit Hub. Construction build-out of the Project would be phased and is anticipated to occur over an approximately 15- to 20-year period.

A range of building heights is proposed on Treasure Island. Based on the height standards set forth in the Design for Development, approximately 50 percent of housing units could be built in low-rise buildings of up to 70 feet, with a range of taller mid-rise and high-rise buildings from 85 to 240 feet. The tallest buildings would be located in and adjacent to the Island Center District, with one 450-foot-tall building located adjacent to the intermodal Transit Hub.

Yerba Buena Island would be developed primarily with low-rise residential buildings in generally the same locations as existing housing, with a small amount of neighborhood-serving commercial

space. A new regionally serving hilltop park would be provided. The Nimitz House and other buildings within the Senior Officers' Quarters Historic District would be adaptively reused for various commercial activities such as a hotel/wellness center and possibly a restaurant. A proposed *Habitat Management Plan* would manage and improve plant and wildlife habitat in the undeveloped areas on this island. The gardens adjacent to the Nimitz House would be improved.

Transportation facilities would include construction of a Transit Hub in the Island Center District. Bus service is planned to the East Bay, expected to serve downtown Oakland, and the existing Muni 108-Treasure Island bus line would continue to provide bus service between the Islands and downtown San Francisco. A free on-island shuttle service would be provided on both islands, replacing and expanding the portion of the existing Muni 108 bus route that circulates on Treasure Island. Ferry service between the west side of Treasure Island and the San Francisco Ferry building is planned as part of the Proposed Project. A new Ferry Terminal would be constructed, including a Ferry Terminal building, a ferry quay and docks, breakwaters, and the ferry basin enclosed by the breakwaters. Project Variant B3 (described below) is included as part of the Project.

New or upgraded utilities would include water distribution piping throughout the Islands; new water storage tanks on Yerba Buena Island; a new recycled water treatment plant, with use of recycled water for irrigation and appropriate plumbing facilities in commercial and residential buildings on Treasure Island; new or upgraded wastewater collection facilities and a new or upgraded wastewater treatment plant, a new stormwater collection and treatment system, to include a 10- to 15-acre wetland in the northeast area of Treasure Island and localized features such as bioretention areas, vegetated swales, and permeable paving; new electricity, natural gas, and telecommunications facilities; and solar power generation facilities.

The Proposed Project includes a system for geotechnical stabilization to improve seismic safety. Components would include stabilization of the causeway connecting Treasure Island and Yerba Buena Island; densification of existing fill in the areas of Treasure Island where buildings and roads are proposed; elevation of the ground surface in areas proposed for development as protection against flooding and future potential sea level rise; strengthening the perimeter berm around Treasure Island; and repairing or rebuilding retaining walls on Yerba Buena Island.

2. Project Variants

The DEIR analyzes several variants to transportation and infrastructure features. Of these variants, Variant B3 is currently included as part of the Project. However, because the Project may subsequently incorporate one or more additional variants, these findings also examine all additional impacts resulting from each variant. All findings made with respect to the Project also include the

potential implementation of the Project variants. It is the Agency's intention that all findings made with respect to the Project also include the potential implementation of any and all Project variants that are subsequently implemented as part of the Project.

a. Energy Variant A1: Renewable Electricity Generation – Increased Solar Photovoltaic

Variant A1 would increase the area devoted to solar photovoltaic technology by providing up to 20 acres of ground- or structure-mounted photovoltaic panels in open space areas on the eastern and northern shorelines of Treasure Island and/or in the center of the island near the Urban Agricultural Park. The 20 acres devoted to photovoltaic panels would be in addition to the 1.4 to 3 acres incorporated into the Project. The purpose of this Variant A1 is to allow the production of more renewable energy than would be achieved by the Proposed Project's 5 percent renewable energy requirement. Implementation of this Variant would require investment in substantial energy generation facilities and implementation of power purchase agreements, or other financing structures, to facilitate feeding excess energy back into the power grid. In addition, implementation of Variant A1 would either reduce or change the nature of a portion of the overall amount of usable open space within the Development Plan Area.

b. Energy Variants A2 and A3: District Energy Heating and Cooling

This group of Energy Variants would provide heating and cooling for some groups of buildings from a central location rather than on a building-by-building basis, and could also produce some on-site power.

i. Energy Variant A2: District Heating and Cooling

Under Variant A2, natural gas-fired steam boilers would be constructed to provide district heating and cooling, with piping carrying hot and cool water from one or more central plants to nearby buildings for space heating, hot water, and space cooling. After use, the water would be returned to the central plant for re-heating or re-cooling. The piping would consist of insulated supply and return piping located in utility trenches below grade, primarily under new streets.

ii. Energy Variant A3: District Energy Heating, Cooling and Power

Like the Variant A2, Variant A3 would provide heating and cooling to buildings around one or more central plants, however the plants in Variant A3 would also generate electricity. The likely technologies include natural gas-fired steam boilers for heating and making steam, and steam

turbines or natural-gas fired combustion turbines for power production. The electric generation portion of plant is likely to have a capacity of 1 to 3 MW. With a steam turbine, a natural gas-fired boiler would create steam that would turn a turbine to create electricity. Waste heat in the form of steam and condensate would be converted to hot water via a heat exchanger. An absorption chiller would also use the waste heat to make chilled water. Cooling towers would still be needed for getting rid of waste heat (i.e., “heat rejection”). With a natural-gas fired combustion turbine, the turbine would turn the generator directly. Waste heat would be recovered from the engine jacket and flue stack. As under Energy Variant A2, piping would carry hot and cool water from the central plants to nearby buildings. After use, the water would be returned to the central plants for re-heating or re-cooling.

iii. Energy Subvariants to either Variant A2 or A3

The following subvariants could be applied to either Energy Variant A2 or A3, and are not mutually exclusive.

District Energy Subvariant A is alternative heat rejection: either dry cooling towers or combination wet-dry cooling towers would be used. Dry cooling towers would be larger and taller than wet cooling towers, by about 30 to 50 percent. The advantage of dry cooling towers is less visible mist, which is sometimes created by wet cooling towers under certain meteorological conditions.

District Energy Subvariant B consists of satellite District Energy plants. Satellite plants would be used in the Cityside District and the Eastside District to provide redundancy and/or distribution efficiency and for phasing. Satellite facilities would have smaller footprints than the central plant, would be a similar height, and could either be separate structures or be integrated into one or more buildings in their neighborhood. Inclusion of satellite district plants would allow the central plant to be smaller, but the overall footprint of all facilities in this Subvariant would be larger than with the use of one central plant. The satellite plants would be built sequentially along with the construction phases, beginning with the southwestern plant in the midst of the central core.

District Energy Subvariant C would include solar thermal energy. Under this subvariant solar thermal energy systems may be used to collect heat for district heating and to heat water that could provide heat and also drive chillers for district cooling. The panels would most likely be either evacuated tube or concentrating solar devices that can produce hotter water than flat-plate collectors over the majority of the year. The collectors would be on building roofs or the upper level of a parking structure, adjacent to the central heating and cooling plant. Other equipment to operate the solar collectors would include pumps, heat exchangers, storage tanks and control systems in an approximately 800-square-foot structure for about 10,000 sq. ft. of solar collectors.

c. Ferry Terminal Breakwater variants

Three additional breakwater configurations are analyzed as possible Project variants in the FEIR. These variants, as well as the Proposed Project, were developed through a study conducted by the Water Emergency Transit Authority (“WETA”).

i. Breakwater Variant B1

Breakwater Variant B1 would provide for symmetrical angled breakwaters, each extending about 600 feet from the shore, providing a 200-foot-wide harbor opening. The harbor opening would be directly west of the shoreline and the ferry berths, as shown on DEIR Figure VI.3: Ferry Terminal Breakwater Variant B1. Variants B1 and B2 were selected because they provide alternative harbor configurations that could create slightly different wave conditions within the harbor.

ii. Breakwater Variant B2

Breakwater Variant B2 would include two symmetrical angled breakwaters extending about 500 feet from the shore, with a harbor opening of about 300 feet, plus a third, detached breakwater. The third structure would be about 100 feet from the northern angled breakwater and would extend about 520 feet to the southwest, resulting a distance of about 400 feet from the end of the southern angled breakwater. The harbor opening would face south rather than west as a result of the third structure, as shown on DEIR Figure VI.4: Ferry Terminal Breakwater Variant B2.

iii. Breakwater Variant B3

Breakwater Variant B3 would have the same configuration as in the Proposed Project (see Figure II.8 in FEIR Chapter II), but the northern breakwater would be constructed first as part of building the Ferry Terminal, and the southern breakwater would be constructed in a later phase, as shown on Figure VI.5: Ferry Terminal Breakwater Variant B3. The access pier and gangway would be narrower than the 28-foot-wide transfer spans providing access to the bow-loading ferries described for the Proposed Project. A boarding float would provide two slips for berthing side-loading ferry vessels, rather than bow-loading vessels.

d. Supplemental Firefighting Water Supply Variants

The Supplemental Firefighting Water Supply Variants would provide a supplemental firefighting water supply comparable to the Project.

i. Supplemental Firefighting Water Supply Variant C1

Supplemental Firefighting Water Supply Variant C1 would use potable water by installing a 1.84 million gallon circular steel or concrete storage tank and pumping facilities (including back-up diesel generator) on Treasure Island in the vicinity of the wastewater treatment plant. Variant C1 also contemplates the upsizing of water mains.

ii. Supplemental Firefighting Water Supply Variant C2

Supplemental Firefighting Water Supply Variant C2 would use Bay water by installing a pump station with a saltwater intake pipe and suction hydrants located around the perimeter, and a firefighting water distribution system with hydrants on Treasure Island. Variant C2 would link the two fire boat manifolds and two suction hydrants along the southern shore of Treasure Island to a network of distribution pipes and hydrants. Both Variants C1 and C2 would reduce the size of the recycled water tank proposed as part of the Proposed Project, from 1.26 million gallons to approximately 420,000 gallons.

e. Wastewater Wetlands Variants

i. Wastewater Wetlands Variant D1

Wastewater Wetlands Variant D1 would use constructed wetlands for tertiary treatment of the portion of the secondary-treated effluent from the treatment plant to be recycled; this would occur prior to the microfiltration step, reducing the need for reverse osmosis for the recycled water. The wetlands in this Wastewater Wetlands Variant D1 would be constructed on about 5 acres of land adjacent to the proposed wastewater treatment facility site in the northeast corner of Treasure Island.

ii. Wastewater Wetlands Variant D2

Wastewater Wetlands Variant D2 would use wetlands to polish the majority of the treated wastewater effluent to be discharged through the outfall, after microfiltration and UV disinfection. In this process, recycled water would not pass through the wetlands; about 0.42 million gallons per day (“mgd”) would be diverted from the treatment plant and further treated with reverse osmosis for use in landscape irrigation and appropriate plumbing fixtures in commercial and residential buildings. Wastewater Wetlands Variant D2 would receive the remainder of the UV-disinfected effluent from the treatment plant (about 0.9 mgd). It would be smaller than Variant D1. Variant D2 would be constructed on about 2 to 4 acres of land and would be suitable to serve as wildlife habitat. Public access to the constructed wetlands in Wastewater Wetlands Variant D2 would not be restricted because the water in it would be disinfected.

f. Automated Waste Collection System Variant

Under this Variant, a system would be constructed as part of the subsurface infrastructure on Treasure Island and buildings would connect to this system as they were built. The system would terminate in a central waste handling facility where the solid waste would be loaded into trucks and hauled to a processing facility on the mainland after materials that could be composted on Treasure Island were separated. This automated solid waste collection facility is not proposed to be extended to Yerba Buena Island because building density would be too low for efficiency.

g. Off-Site Electrical Transmission Facility Improvements Variant

This Variant contemplates one or more of several improvements (*see* DEIR VI.50-51 for a complete list) be constructed on Port of Oakland and City of Oakland property in and around the Davis Street Substation in order to improve capacity and reliability.

C. Project Objectives. The Project's overall purpose is to convert approximately 367 acres on Treasure Island and approximately 94 acres on Yerba Buena Island from a former military base to a dense, mixed-use development with residential, commercial, cultural, hotel, recreational, and retail uses centered around an intermodal Transit Hub. Supporting infrastructure, public services and utilities, and a substantial amount of open space would also be provided, consistent with the following list of objectives.

1. Project Objectives Shared by TIDA and TICD

Land Use

- Create a unique San Francisco neighborhood that includes facilities and amenities necessary to support a diverse, thriving community, with a special emphasis on providing amenities for families and tools and services to ensure that the neighborhood has a cohesive feel and meets the needs of its residents.
- Provide a model of 21st century sustainable urban development that displays architectural and landscape design excellence befitting the Islands' history, location, and prominence and capitalizes on the spectacular views of San Francisco.
- Implement a land use program with high-density, compact residential and commercial development located within walking distance of an intermodal Transit Hub to maximize walking, bicycling, and use of public transportation and to minimize the use and impacts of private automobiles.
- Provide a comprehensive new regional waterfront system of parks and public open spaces that is programmed with a variety of uses, including recreational, passive open space, arts,

cultural, and educational uses, and that establishes the Development Plan Area as a regional destination.

- Provide a high-quality public realm, including a pedestrian and bicycle-friendly environment with high design standards for public open spaces, parks, and streetscape elements.
- Activate and link the area surrounding the historic structures by providing a dense, urban retail/mixed-use environment that attracts residents and visitors to the area.

Housing

- Provide high-density, mixed-income housing with a variety of housing types, consistent with transit-oriented development, that include both ownership and rental opportunities, to attract a diversity of household types, especially families.
- Include enough residential density to create a sustainable community that supports neighborhood-serving retail, community facilities, and transit infrastructure and service.

Sustainability

- Demonstrate leadership in sustainable design and provide new benchmarks for sustainable development practices in accordance with the *Treasure Island Sustainability Plan*.
- Organize streets and open spaces to respond to Treasure Island's microclimate of wind, sun, and fog and optimize solar exposure, in part by shifting the conventional street grid.

Transportation

- Create a circulation and transportation system that emphasizes transit-oriented development, discourages automobile use, and supports and promotes the use of public transportation and car-sharing, through a comprehensive transportation demand management program.
- Provide a range of public transit choices as part of the transportation system.

Infrastructure

- Provide geotechnical and infrastructure improvements and perform environmental remediation to standards necessary to achieve the land use objectives and all applicable building, regulatory, and seismic safety standards.

2. Additional TIDA Objectives

In addition to the shared objectives, TIDA has the following project objectives:

- Provide an affordable housing program that delivers 25 percent of all residential units at below market rates across a wide range of income levels, including units for formerly

_____”).

- Adaptively reuse historic buildings listed on the National Register either individually or as contributors to a National Register District in compliance with the Secretary of Interior Standards for Historic Rehabilitation.
- Create an organizational structure that provides for high-quality development, operations and maintenance of parks and open space.
- Maximize opportunities for on-site renewable energy production.
- Create a development that is financially feasible; that allows for the delivery of infrastructure, public benefits, and affordable housing subsidies; and that is able to fund the Proposed Project’s capital costs and ongoing operation and maintenance costs relating to the development and long-term operation of the project site.
- Provide a comprehensive jobs and community development program that includes the creation of significant numbers of construction and permanent jobs.
- Implement jobs programs that target employment opportunities to economically disadvantaged San Franciscans.
- Support TIHDI jobs and economic development programs.

3. Additional TICD Objective

In addition to the shared objectives, TICD has the following project objective:

- Construct a high-quality development project that is able to attract investment capital and construction financing and produces a reasonable return on investment.

D. Environmental Review

The San Francisco Planning Department (“Planning Department”) and TIDA, as joint lead agencies, initiated environmental review of the Project upon the filing by TICD and TIDA, as co-project sponsors, of an environmental evaluation application with the Planning Department on [_____]. In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the Planning Department and TIDA, as joint lead agencies, prepared a Notice of Preparation (“NOP”) of an EIR and conducted scoping meetings (*see* DEIR, Appendix B). The NOP was circulated to local, state, and federal agencies and to other interested parties on January 26, 2008, initiating a public comment period that extended through February 26, 2008.

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The NOP provided a general description of the proposed action, the need for the Project and Project benefits, the proposed development and the Project location.

Pursuant to CEQA Guidelines Section 15083, the Planning Department held public scoping meetings on February 11, 2008, and February 13, 2008. The purpose of the meetings was to present the proposed Project to the public and receive public input regarding the proposed scope of the EIR analysis. Attendees were provided an opportunity to voice comments or concerns regarding potential effects of the Project. In addition to the meetings described above that were conducted by the Planning Department, the Treasure Island / Yerba Buena Island Citizens Advisory Board (“CAB”) included a public comment agenda item in its regular meeting held on February 12, 2008.

In response to the NOP, the Planning Department received thirteen comment letters from public agencies, organizations and individuals, which are included in Appendix B of the Draft EIR. In addition, at the two public scoping meetings and the CAB meeting, the Planning Department and CAB received oral comments from approximately thirteen speakers total. The oral comments are recorded in official scoping meeting transcripts, which are part of the administrative record. Issues raised by public comments on the NOP were considered in determining the scope and approaches to analysis in the EIR. Many of the issues raised during public scoping were addressed by elements included in or added to the Project. Responding to public comments on the NOP, subsequent review by TIDA and TICD, and substantial input from the public and City agencies, the Project was also modified to increase the number of housing units from 6,000 residential units to 8,000 residential units based on a conclusion that an increase in the total number of housing units would provide a larger population base to maximize transit use and support project feasibility and viable retail, transit, open space, and community services.

The Planning Department and TIDA then prepared the Draft EIR, which describes the Project and the environmental setting for the proposed Project, identifies potential impacts, presents mitigation measures for impacts found to be significant or potentially significant, and evaluates project alternatives. The Draft EIR also includes an analysis of three energy variants (including three energy subvariants), three ferry terminal breakwater variants, two supplemental firefighting water supply variants, two wastewater wetlands variants, one automated waste collection system variant, and one off-site electrical transmission facility improvements variant.

The EIR evaluates the direct, indirect and cumulative impacts resulting from planning, construction and operation of the Project. In preparing the EIR, pertinent City policies and guidelines, existing EIRs and background documents prepared by the City or the Applicant were evaluated for applicability to the Project and used where appropriate. In assessing impacts, significance criteria were based on guidance from the Planning Department and TIDA, which in turn was based on

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Appendix G to the CEQA Guidelines and Planning's Initial Study checklist, with some modifications. (An Initial Study was not conducted, as all resource areas were analyzed by the Draft EIR.) In cases where potential environmental issues associated with the Project are identified but not clearly addressed by the guidance listed above, additional impact significance criteria are presented. The significance criteria used for each environmental resource area are presented at the beginning of the impact discussion in each section of Chapter IV of the Draft EIR.

The Draft EIR was circulated to local, state and federal agencies and to interested organizations and individuals for review and comment on July 12, 2010, for a 45 day comment period, which was extended once to September 10, 2010, for a total of 60 days. During the public review period, the Planning Department and TIDA received 44 letters containing written comments through the mail or by hand-delivery, fax or email. There were a total of 28 people, including 20 members of the public and 8 members of the San Francisco Planning Commission ("Planning Commission") or TIDA that spoke at the August 12, 2010, joint public hearing of the Planning Commission and TIDA on the Draft EIR. A court reporter was present at the joint public hearing, transcribed the oral comments verbatim, and prepared written transcripts. A hearing on the Draft EIR was also held before the Historic Preservation Commission on August 4, 2010.

The Comments and Responses ("C&R") document was published on March 10, 2011, and it provides copies of the comments received on the Draft EIR as well as individual responses to those comments. In some cases, the responses to individual comments are presented as master responses, which consist of comprehensive discussions of issues that received numerous comments.

In addition, the C&R includes refinements to the Project analyzed in the Draft EIR, including: (1) the retention and continued use of the existing chapel in its existing location for general assembly and non-denominational religious activities; (2) the addition of a Class I mixed-use two way bicycle pedestrian path along Macalla Road connecting to the new mixed-use bicycle pedestrian path on the East Span of the Bay Bridge and parallel to Treasure Island Road south of the causeway, leading to scenic overlook to be provided about 500 feet south of the intersection with Macalla Road; and (3) reducing the building height of the tallest icon tower from 650 to 450 feet and reducing the building heights surrounding towers in the Island Center district from 350-450 feet to 315 feet. These refinements that were made to the Project respond to public comments, reduce impacts, provide additional flexibility for Project implementation and changing construction technologies, community priorities, site-specific urban design goals and real estate market demands. The Project and Variant refinements do not affect the overall maximum development envelope, including the total amount of development or building heights or footprints as compared to what was described and analyzed in the Draft EIR. The C&R also provides additional, updated information and clarification on issues raised by commenters as well as by City staff. Staff revisions to the text of the Draft EIR are

included in C&R Section 3 (Draft EIR Revisions). As substantiated by the analysis provided in C&R Section 2 (Comments and Responses), the Project and Variant refinements and the text revisions do not result in new significant environmental impacts or a substantial increase in the severity of impacts compared to the information provided in the Draft EIR, but rather provide further details and clarifications in response to comments or staff review. The Agency reviewed and considered the Final EIR and all of the supporting information. The Final EIR provided augmented and updated information on many issues presented in the Draft EIR, including (but not limited to) the following topics:

- Analysis of the Reduced Parking Alternative that was rejected as infeasible;
- Analysis of visual impacts on views from the East Bay and at night;
- Analysis of species known or presumed to exist in the project area; and
- Revision of certain mitigation measures.

In certifying the Final EIR, TIDA and the Planning Commission found that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA because the Final EIR contains no information revealing (1) any new significant environmental impact that would result from the Project (including the variants to the project proposed for adoption) or from a new or revised mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measures considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project but that was rejected by the Project Applicant, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

E. Approval Actions

Local and state agencies will rely on the EIR for the approval actions listed below and in doing so will adopt CEQA findings, including a statement of overriding considerations and a mitigation monitoring and reporting program. In addition, the list below includes anticipated approval actions that federal agencies will take for the Project.

Local Agency Approvals

1. Planning Commission

- Certify the Final EIR
- Adopt CEQA Findings and Statement of Overriding Considerations

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- Adopt Mitigation Monitoring and Reporting Program
- Recommend amendments to the General Plan, including the adoption of an Area Plan, to ensure consistency between the General Plan and the Project
- Find the Project in conformity with the General Plan, including Section 101.1 Priority Policies
- Recommend amendments to the Planning Code, including the SUD, and Zoning Maps for the Project
- Adopt Design for Development
- Approve Interagency Cooperation Agreement
- Approve programmatic future office allocations for the Project under the Planning Code
- Recommend approval of Development Agreement

2. TIDA

- Certify the Final EIR
- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program
- Approve Disposition and Development Agreement and related transactional documents
- Approve Interagency Cooperation Agreement
- Approve Economic Development Conveyance Memorandum of Agreement with Navy
- Recommend approval of Design for Development
- Adopt Transition Housing Rules and Regulations
- Approve Amended and Restated TIHDI Agreement
- Approve Public Trust Exchange Agreement
- Approve agreement with the San Francisco Public Utilities Commission (“SFPUC”) for financing, construction, operations and maintenance of proposed wastewater facilities and parcel transfer

3. Board of Supervisors

- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program

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- Adopt General Plan consistency findings, and Planning Code Section 101.1 Priority Policies
- Approve amendments to the General Plan
- Approve amendments to the Planning Code, including the SUD, and Zoning Maps for the Project
- Approve Disposition and Development Agreement
- Adopt Treasure Island / Yerba Buena Island Subdivision Code
- Approve Public Trust Exchange Agreement
- Approve Navy Economic Development Conveyance Memorandum of Agreement
- Create or designate a Treasure Island Transportation Management Agency
- Approve Development Agreement

4. San Francisco Public Utilities Commission

- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program
- Approve Interagency Cooperation Agreement
- Approve agreement with TIDA for financing, construction, operations and maintenance of proposed wastewater facilities and parcel transfer
- Approve Development Agreement

5. San Francisco Municipal Transportation Agency Commission

- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program
- Approve Interagency Cooperation Agreement
- Approve Development Agreement

6. San Francisco Department of Public Works

- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program
- Approve Interagency Cooperation Agreement
- Approve subdivision maps

7. Department of Building Inspection

- Approve demolition and building permits

8. San Francisco Fire Department

- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program
- Approve Interagency Cooperation Agreement

Regional and State Agencies

1. Bay Conservation and Development Commission

- Adopt CEQA Findings and Statement of Overriding Considerations
- Approve permits for activities within the Bay Conservation and Development Commission's jurisdiction

2. State Lands Commission

- Approve Public Trust Exchange Agreement

3. California Department of Transportation

- Approve encroachment permits if construction occurs in right-of-way owned by Department
- Approve metering system for Bay Bridge ramps if located on Department property

5. Regional Water Quality Control Board

- Water quality certification, National Pollutant Discharge Elimination System (“NPDES”) permit and waste discharge requirements
- Approve Soil and Groundwater Management Plan

6. East Bay Municipal Utility District

- Approve operating agreement for emergency water supply line from Oakland

7. Water Emergency Transit Authority

- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program

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- Approve Memorandum of Understanding with TIDA for ferry service

8. Alameda County Transit Authority

- Adopt CEQA Findings and Statement of Overriding Considerations
- Adopt Mitigation Monitoring and Reporting Program
- Approve Memorandum of Understanding with TIDA for East Bay bus service

Federal Agencies

1. US Army Corps of Engineers

- Approve permit under Section 10 and/or 303 (including, if and as required, consultation with the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and other agencies as directed by the Corps)

2. US Department of the Navy

- Approve transfer or conveyance of property at Naval Station Treasure Island pursuant to Section 2905 (b)(4) of the Defense Base Closure and Realignment Act of 1990, as discussed in the Draft EIR 1.4-1.5.

G. Contents and Location of Record

The record upon which all findings and determinations related to the Project are based includes the following:

- The Notice of Preparation and all other public notices relating to the Project.
- The Draft EIR and all documents referenced in or relied upon by the EIR. (The references in these findings to the EIR or FEIR include both the Draft EIR and the C&R documents.)
- All information including written evidence and testimony provided by City staff to TIDA and the Planning Commission relating to the EIR, the Project, and the alternatives set forth in the EIR.
- All information provided by the public, including the proceedings of the public hearings on the adequacy of the Draft EIR and the transcripts of the August 12, 2010 joint public hearing and written correspondence received by TIDA and Planning Department staff during the public comment period of the Draft EIR.
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The Agency has relied on all of the documents listed above in reaching its decision on the Project,

even if not every document was formally presented to the Agency. Without exception, any documents set forth above not so presented fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the Agency was aware in approving the Project. Other documents influenced the expert advice provided to TIDA or Planning Department staff or consultants, who then provided advice to the Planning Commission and TIDA Board. For that reason, such documents form part of the underlying factual basis for the Agency's decisions relating to the adoption of the Project.

The public hearing transcript, a copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR, as well as additional materials concerning approval of the Project and adoption of these findings are contained in Planning Commission files, located at 1650 Mission Street, Suite 400, San Francisco, CA 94103 and in TIDA files, located at One Avenue of the Palms, 2nd Floor, Treasure Island, San Francisco, CA 94130. Linda Avery, Planning Commission Secretary, is the custodian of records for the Planning Commission. Peter Summerville, TIDA Board Secretary is the custodian of records for TIDA. All files have been available to the Agency and the public for review in considering these findings and whether to approve the Project.

H. Requirement for Findings of Fact

CEQA requires public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the

approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Public Resources Code Section 21081, subd (a); see also CEQA Guidelines Sections 15091, subd. (a).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*).) “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (Ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing “‘economic, environmental, social, and technological factors’ ... ‘an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground’”].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . .

any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

Because the EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of the Guidelines presented above, Agency hereby adopts these findings as part of the approval of the Project. These findings reflect the independent judgment of the Agency and constitute its best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the Agency’s approval of the Project and implementation of any of the Project variants in the future.

I. Findings About Significant Environmental Impacts and Mitigation Measures

The following Sections II, III and IV set forth the Agency’s findings about the Final EIR’s determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Agency regarding the environmental impacts of the Project (including the Project variants) and the mitigation measures included as part of the Final EIR and adopted by the Agency as part of the Project. To avoid duplication and redundancy, and because the Agency agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not repeat the analysis and conclusions in the Final EIR, but instead incorporates them by reference in these findings and relies upon them as substantial evidence supporting these findings.

In making these findings, the Agency has considered the opinions of staff and experts, other agencies and members of the public. The Agency finds that the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; 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 the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

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 FEIR’s determination regarding the Project’s impacts and mitigation measures

designed to address those impacts. In making these findings, the Agency 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.

The Agency adopts and incorporates the mitigation measures set forth in the FEIR and the attached MMRP as described below to substantially lessen or avoid the potentially significant and significant impacts of the Project. In adopting these mitigation measures, the Agency intends to adopt each of the mitigation measures proposed in the FEIR for the Project unless otherwise identified as infeasible or outside of the jurisdiction of the Agency, in which case the Agency urges the other agency having jurisdiction to adopt the mitigation measure. 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, unless these findings expressly reject that measure. In addition, these findings generally do not set forth the full text of the mitigation measures. Rather, the findings provide a succinct description of the mitigation measures. The full text of the adopted mitigation measures is set forth in the MMRP. The Agency intends to abide by, and carry out, the full text of the adopted mitigation measures as set forth in the MMRP, notwithstanding the summary description of those measures as set forth in these findings. Finally, 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 impact and mitigation measure numbers used 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, the initial finding obviates the need for such repetition because in no instance is the Agency rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

II. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AND THUS REQUIRING NO MITIGATION

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

areas, therefore, do not require mitigation. In some instances, the Project would have no impact in a particular area; these instances are denoted below by “NI” for no impact.

The DEIR evaluates the impacts of not only the Principal Project described in Section I.A.1 above, but also the Project Variants described in Section I.A.2. Unless otherwise noted below, any additional impacts under each Project Variant would be less than significant and would not change the analysis or conclusions associated with the Principal Project.

A. Land Use and Plans

- **Impact LU-1**, Effects of construction on an established community from physical division, or on the character of the vicinity. (DEIR IV.A.21-23)
- **Impact LU-2**, Effects on an established community from physical division. (DEIR IV.A.23-24; C&R 3.118)
- **Impact LU-3**, Effects on character of the vicinity. (DEIR IV.A.24-25; C&R 2.6.8, 3.15)
- **Impact LU-4**, Effects on land uses subject to Tidelands Trust Doctrine. (DEIR IV.A.26-27)
- **Impact LU-5**, Cumulative effects on an established community from physical division, or on the character of the vicinity. (DEIR IV.A.27-28)

B. Aesthetics

- **Impact AE-2**, Effects on existing scenic resources. (DEIR IV.B.23-24; C&R 2.6.3)
- **Impact AE-3**, Effects on visual quality within the Project Area. (DEIR IV.B.25-27; C&R 2.4.37-38)
- **Impact AE-4**, Effects of nighttime lighting on nighttime views and sources of glare. (DEIR IV.B.27-29; C&R 2.4.29-31, 3.6, 3.20-21)
- **Impact AE-5**, Cumulative effects related to aesthetics. (DEIR IV.B.29-30)

C. Population and Housing

- **Impact PH-1**, Effect on temporary population growth during construction. (DEIR IV.C.13)
- **Impact PH-2**, Effect of displacing persons and/or housing units. (DEIR IV.C.13-14; C&R 3.118)
- **Impact PH-3**, Direct or indirect effect on growth in the area. (DEIR IV.C.14-19)

- **Impact PH-4**, Direct or indirect effect on cumulative growth in the area. (DEIR IV.C.19-22)

D. Cultural and Paleontological Resources

- **Impact CP-5**, Effect of reusing and rehabilitating historical resources. (DEIR IV.D.52-53)
- **Impact CP-8**, Effect of demolition of Building 111. (DEIR IV.D.55; C&R 2.6.25-26)
- **Impact CP-10**, Effect of demolition of NSTI resources. (DEIR IV.D.58)
- **Impact CP-11**, Effect of construction in the vicinity of historical resources. (DEIR IV.D.58-60; C&R 2.6.17-18)
- **Impact CP-12**, Effects of construction on historical significance of the Senior Officers' Quarters Historic District. (DEIR IV.D.60-61; C&R 2.6.34)
- **Impact CP-13**, Cumulative effect on historic architectural resources. (DEIR IV.D.61)

E. Transportation and Circulation

- **Impact TR-5**, Effects at three ramp locations, under conditions without and with the Ramps Project. (DEIR IV.E.82-83; C&R 2.7.74)
- **Impact TR-15**, Effects at three signalized intersections (First/Howard, Essex/Harrison/I-80 Eastbound on-ramp, The Embarcadero/Harrison) that operate at LOS E or LOS F under Existing Conditions. (DEIR IV.E.91-92)
- **Impact TR-16**, Effects at five intersections (Fremont/Howard, Fremont/Folsom, Fremont/I-80 Westbound off-ramp/Harrison, Second/Bryant, Avenue of the Palms/First Street) that operate at LOS D or better under Existing Conditions. (DEIR IV.E.92)
- **Impact TR-20**, Effects on capacity of AC Transit bus lines serving Treasure Island. (DEIR IV.E.95)
- **Impact TR-21**, Effects on capacity of proposed ferry. (DEIR IV.E.95-96)
- **Impact TR-22**, Effects on San Francisco downtown screenlines (transit trips). (DEIR IV.E.96)
- **Impact TR-23**, Effects on capacity of various regional public transit systems. (DEIR IV.E.97-98)

- **Impact TR-28**, Effects on existing or proposed ferry services on San Francisco Bay. (DEIR IV.E.102-106)
- **Impact TR-32**, Effects of additional downtown congestion on Golden Gate Transit or SamTrans bus lines. (DEIR IV.E.107-108; C&R 2.7.62-63)
- **Impacts TR-33**, Safety effects on bicyclists on Treasure Island. (DEIR IV.E.108-110; C&R 2.7.74, 2.7.83, 2.7.86, 3.28)
- **Impacts TR-34**, Safety effects on bicyclists on mainland San Francisco. (DEIR IV.E.110-111)
- **Impacts TR-35**, Safety effects on pedestrians on Treasure Island. (DEIR IV.E.111-112; C&R 2.7.92-93)
- **Impacts TR-36**, Safety effects on pedestrians near the San Francisco Ferry Building. (DEIR IV.E.112-113; C&R 2.7.63; 3.71-72)
- **Impacts TR-37**, Effects on loading demand. (DEIR IV.E.113-116)
- **Impacts TR-38**, Effects on emergency access. (DEIR IV.E.116-117; C&R 2.7.63)
- **Impact TR-43**, Effects at three ramp locations, under 2030 Cumulative plus Project conditions without and with the Ramps Project. (DEIR IV.E.120)
- **Impact TR-53**, Effects at seven intersections (Fremont/Howard, Fremont/Folsom, Fremont/I-80 Westbound off-ramp/Harrison, First/Harrison, Essex/Harrison/I-80 Eastbound on-ramp, Second/Bryant, The Embarcadero/Harrison) that operate at LOS E or LOS F under 2030 Cumulative plus Project conditions. (DEIR IV.E.127-128)
- **Impact TR-56**, Cumulative effects on San Francisco downtown screenlines (transit trips). (DEIR IV.E.129)
- **Impact TR-57**, Cumulative effects on capacity of various regional public transit systems. (DEIR IV.E.130-133)
- **Impact TR-62**, Cumulative effects of additional downtown congestion on Golden Gate Transit or SamTrans bus lines. (DEIR IV.E.36; C&R 2.7.62-63)

F. Air Quality

- **Impact AQ-2** (*Less than Significant under Applicable 1999 Guidelines, Significant and Unavoidable with Mitigation under 2010 Guidelines*), Effects of construction-related emissions of criteria pollutants. (DEIR IV.G.27-30; C&R 2.9.2, 2.9.4-5, 3.2-3, 3.31-32) *See, also*, Section IV.E of these Findings.

- **Impact AQ-4, NI** (*Not Applicable to 1999 BAAQMD Thresholds, Significant and Unavoidable with Mitigation for 2010 BAAQMD Thresholds*), Effects of construction-related PM_{2.5} emissions. (DEIR IV.G.36-38; C&R 2.9.2, 2.9.4, 2.9.9) *See, also*, Section IV.E of these Findings.
- **Impact AQ-7**, Effects of odor generation. (DEIR IV.G.49-50)
- **Impact AQ-8** (*Significant for Proposed Project; Less Than Significant for Proposed Project with Expanded Transit Service*), Conflict with adopted plans related to air quality. (DEIR IV.G.50-52) *See, also*, Section IV.E of these Findings.

G. Greenhouse Gas Emissions

- **Impact GHG-1**, Generation of GHG emissions. (DEIR IV.H.44-45)
- **Impact GHG-2**, Conflict with applicable GHG-related plans, policies or regulations applicable to the Project. (DEIR IV.H.45-46)

H. Wind and Shadows

- **Impact WS-1**, Shadow effects on existing and proposed open space. (DEIR IV.I.5-24; C&R 2.11.3-5; 3.121)
- **Impact WS-2**, Cumulative effects on open space under Recreation and Parks Commission jurisdiction or on other public areas. (DEIR IV.I.25-26)

I. Recreation

- **Impact RE-1**, Temporary physical effects of construction on parks and open space. (DEIR IV.J.16-18; C&R 2.68, 3.33-34)
- **Impact RE-2**, Deterioration of existing recreational facilities due to increased on-site population. (DEIR IV.J.18-19; C&R 2.12.9-10)
- **Impact RE-3**, Effects of synthetic turf use. (DEIR IV.J.19-25)
- **Impact RE-4**, Cumulative effects of construction on parks and open space. (DEIR IV.J.26-27)

J. Utilities and Service Systems

- **Impact UT-2**, Effects of collection system blockages or lift/pump station failures on sanitary sewer overflows. (DEIR IV.K.13-14)
- **Impact UT-3 (NI)**, Cumulative effects on wastewater collection and treatment facilities. (DEIR IV.K.14)
- **Impact UT-5 (NI)**, Recycled wastewater treatment and collection facilities would reduce water demand in conformance with City policies. (DEIR IV.K.20)

- **Impact UT-6 (NI)**, Cumulative effects on recycled water infrastructure. (DEIR IV.K.20)
- **Impact UT-8 (NI)**, Cumulative effects on stormwater collection and treatment facilities. (DEIR IV.K.39)
- **Impact UT-10 (NI)**, Sufficient water supply. (DEIR IV.K.56-60; C&R 3.10, 3.36, 3.115)
- **Impact UT-11 (NI)**, Cumulative effects on water supply. (DEIR IV.K.61)
- **Impact UT-12**, Sufficient landfill capacity. (DEIR IV.K.65-67)
- **Impact UT-13**, Compliance with solid waste statutes and regulations. (DEIR IV.K.68-39)
- **Impact UT-14**, Cumulative effects on regional landfill capacity. (DEIR IV.K.69)
- **Impact UT-16 (NI)**, Cumulative effects on energy and telecommunications infrastructure. (DEIR IV.K.81)

K. Public Services

- **Impact PS-2**, Effects on police services and performance. (DEIR IV.L.9-10)
- **Impact PS-3**, Cumulative effects on police services and performance. (DEIR IV.L.11)
- **Impact PS-5 (NI)**, Effects of demand for fire services and performance. (DEIR IV.L.16-19)
- **Impact PS-6**, Cumulative effects of fire services and performance. (DEIR IV.L.19-20)
- **Impact PS-7**, Construction effects on school services. (DEIR IV.L.25)
- **Impact PS-8**, Effects on school services. (DEIR IV.L.25-29)
- **Impact PS-9**, Cumulative effect on demand for educational facilities. (DEIR IV.L.29)
- **Impact PS-10**, Construction effects on hospital services. (DEIR IV.L.32)
- **Impact PS-11 (NI)**, Effects on hospital services and performance. (DEIR IV.L.32)
- **Impact PS-12 (NI)**, Cumulative effects on hospital services and performance. (DEIR IV.L.33)

- **Impact PS-13 (NI)**, Construction effects on library services. (DEIR IV.L.37)
- **Impact PS-14**, Effects on library services. (DEIR IV.L.38)
- **Impact PS-15 (NI)**, Cumulative effects on library services. (DEIR IV.L.38-39)

L. Biological Resources

- **Impact BI-5**, Consistency with local policies or ordinances protecting biological resources. (DEIR IV.M.55)
- **Impact BI-7**, Cumulative effects on biological resources (as to sensitive plants, animals and habitats other than rafting waterfowl). (DEIR IV.M.63-64; C&R 2.15.48-49)

M. Geology and Soils

- **Impact GE-1**, Construction effects on surface soils. (DEIR IV.N.23)
- **Impact GE-2**, Effects of ground shaking in the event of a major earthquake on people, structures and the perimeter berm. (DEIR IV.N.24-28; C&R 2.14.1)
- **Impact GE-3**, Effects of ground shaking in the event of a major earthquake due to liquefaction and settlement. (DEIR IV.N.28-29; C&R 2.14.1)
- **Impact GE-4**, Effects of settlement over time from static forces. (DEIR IV.N.29-30)
- **Impact GE-6**, Effects of structural damage on emergency rescue efforts in the event of a major earthquake. (DEIR IV.N.31-32; C&R 2.18.3, 3.47)
- **Impact GE-7**, Cumulative effects with regard to geology, soils or seismicity. (DEIR IV.N.32-33)

N. Hydrology and Water Quality

- **Impact HY-1**, Consistency with water quality standards and waste discharge requirements and effect on water quality. (DEIR IV.O.35-37)
- **Impact HY-3**, Construction effects on groundwater supplies. (DEIR IV.O.39)
- **Impact HY-4**, Effects of existing drainage patterns. (DEIR IV.O.39)
- **Impact HY-5**, No construction of housing within a 100-year flood hazard area if one is designated by the Federal Emergency Management Agency. (DEIR IV.O.39-40)
- **Impact HY-6**, No placement of structures within a 100-year flood hazard area that would impede or redirect flood flows. (DEIR IV.O.40-41)

- **Impact HY-7 (NI)**, No exposure to flooding associated with levee or dam failure. (DEIR IV.O.41)
- **Impact HY-8**, Effects on water quality. (DEIR IV.O.42-46)
- **Impact HY-9**, Effects on groundwater levels. (DEIR IV.O.46-47)
- **Impact HY-10**, Effects on water quality in rainwater runoff due to impervious surfaces. (DEIR IV.O.47; C&R 3.138)
- **Impact HY-11**, Susceptibility to inundation by seiche, tsunami, mudflow or wind waves. (DEIR IV.O.48)
- **Impact HY-12**, Effects of climate-induced sea level rise on people and structures. (DEIR IV.O.48-50; C&R 2.2.1, 2.17.8-10)
- **Impact HY-13**, Cumulative effects related to hydrology and water quality. (DEIR IV.O.50)

O. Hazards and Hazardous Materials

- **Impact HZ-6**, Effects caused by exposures to hazardous materials during dredging. (DEIR IV.P.46-47; C&R 3.145)
- **Impact HZ-7**, Effects caused by exposures to hazardous materials in during demolition of buildings and structures and transportation of debris. (DEIR IV.P.47-50)
- **Impact HZ-9**, Effects of temporary dewatering activities during construction. (DEIR IV.P.51; C&R 3.146)
- **Impact HZ-11**, Effects of general commercial/retail and household hazardous waste. (DEIR IV.P.52-53)
- **Impact HZ-12**, Effects of potential release of water treatment chemicals associated with new or upgraded water treatment plant. (DEIR IV.P.53-54)
- **Impact HZ-14**, Cumulative effects relating to hazardous materials. (DEIR IV.P.55-56)

P. Mineral and Energy Resources

- **Impact ME-1**, Effects of energy use during construction activities. (DEIR IV.Q.15)
- **Impact ME-2**, Effects (direct and cumulative) of energy use during operation. (DEIR IV.Q.15-17)

Q. Agricultural Resources and Farmland

- **Impact AG-1 (NI)**, No conversion of designated farmland, conflict with agricultural zoning of Williamson Act contract. (DEIR IV.R.2-3)
- **Impact AG-2**, Consistency with zoning for forest land and timberlands; no loss or conversion of forest land. (DEIR IV.R.3-4)

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

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 (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this Section III and Section IIIA and in Section IV and Section IVA concern mitigation measures set forth in the FEIR. These findings discuss mitigation measures and improvement measures as proposed in the FEIR and as recommended for adoption by the Agency. The full explanation of the potentially significant environmental impacts is set forth in Section IV of the Draft EIR and in some cases is further explained in the C&R. In many cases, mitigation measures will be implemented by the Project Applicant or another developer or facility operator who enters into a disposition and development agreement or other agreement with the Agency. In these cases, implementation of mitigation measures by the Project Applicant or other developer or facility operator have been or will, in future agreements, be made conditions of Project approval. In the case of other mitigation measures, an agency of the City or another non-City agency will have responsibility for implementation of mitigation measures.

In any instance in which the mitigation measure will be implemented by an entity other than the Project Applicant, the entity that will be responsible for implementation is explained in the paragraphs below. Generally, City agencies will implement mitigation measures as part of their existing permitting or program responsibilities, such as the San Francisco Department of Building Inspection ("DBI") or San Francisco Department of Public Works ("SFDPW") through their permit responsibilities, the SFPUC through its operation of the City sanitary sewer system and the existing and new or updated on-island treatment facility, or the SFMTA as part of its operation and maintenance of traffic systems and transit services.

The mitigation measures proposed for adoption in Sections III, IIIA, IV and IVA are the same as the mitigation measures identified in the Final EIR for the Project as proposed. The full text of all of the mitigation measures as proposed for adoption is contained in Attachment B, the Mitigation Monitoring and Reporting Program.

As explained previously, Attachment B contains the Mitigation Monitoring and Reporting Program

required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It 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 entity responsible for implementation of each measure, and establishes monitoring actions and a monitoring schedule.

Attachment C lists only those mitigation measures for which the Agency is responsible. The Agency hereby acknowledges and agrees that it is responsible for the mitigation measures listed on Attachment C.

Based on the analysis contained in the FEIR, other considerations in the record, and the standards of significance, the Agency finds that that implementation of all of the proposed mitigation measures discussed in this Section III and Section IIIA will reduce potentially significant impacts to a less-than-significant level.

The DEIR evaluates the impacts of not only the Principal Project described in Section I.A.1 above, but also the Project Variants described in Section I.A.2. Unless otherwise noted below, any additional impacts under each Project Variant would be less than significant and would not change the analysis or conclusions associated with the Principal Project.

A. Cultural Resources and Paleontological Resources

- **Impact CP-1: Project construction activities could disturb significant archaeological resources, if such resources are present within the Project Site.** (DEIR IV.D.17-22; C&R 3.78-79, 3.119) Ground-disturbing construction activities associated with the Project could adversely affect significant archaeological resources under California Register of Historic Resources (“CRHR”) Criterion 4 (Informational Potential) by impairing the ability of such resource to convey important scientific and historical information.

M-CP-1: Archaeological Testing, Monitoring, Data Recovery and Reporting. M-CP-1 requires a qualified archaeological consultant selected from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist to prepare and submit a plan for pre-construction testing, construction monitoring and data recovery, for approval by the San Francisco Environmental Review Officer to ensure adherence to M-CP-1 and the standards and requirements set forth in the Archeological Research Design and Treatment Plan, thereby ensuring the significance of CRHR-eligible archaeological resources would be preserved and/or realized in place. Therefore, implementation of M-CP-1 would reduce Impact CP-1 to a less than significant level. (DEIR IV.D.18; C&R 3.78-79, 3.119.)

- **Impact CP-2: Project construction activities could disturb human remains, if such resources are present within the Project Site.** (DEIR IV.D.22) Construction activities could adversely affect the scientific significance of an archaeological resource.

M-CP-1 (described above) requires compliance with applicable state and federal laws regarding human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity. This measure includes immediate notification of the Coroner of the City and County of San Francisco upon any such discovery and in the event of the Coroner's determination that the human remains are Native American remains, notification of the Native American Heritage Commission, who shall appoint a Most Likely Descendant (Public Resources Code Section 5097.98). Implementation M-CP-1 would reduce Impact CP-2 to less than significant levels. (DEIR IV.D.22.)

- **Impact CP-3: Project construction activities could disturb paleontological resources.** (DEIR IV.D.22-23) Construction activities associated with the Project could disturb significant paleontological resources that possibly exist in the Franciscan Formation and sedimentary Colma Foundation, impairing the ability of such resources to yield important scientific information.

M-CP-3: Paleontological Resources Monitoring and Mitigation Program. M-CP-3 requires a qualified paleontologist to implement an approved Paleontological Resources Monitoring and Mitigation Program. The program shall include a description of the following: when and where construction monitoring would be required; emergency discovery procedures, sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program. Implementation of the approved plan for monitoring, recovery, identification and curation would ensure that the scientific significance of the resource would be preserved and/or realized. Therefore, implementation of M-CP-3 would reduce Impact CP-3 to a less than significant level. (DEIR IV.D.23.)

- **Impact CP-6: Alterations to the contributing landscape areas of Buildings 1, 2, and 3 could impair the significance of those historical resources.** (DEIR IV.D.53-54) Removal of the character defining retaining walls and alteration of the driveways west of Building 1, and alterations of contributing landscapes of Building 1, could cause a substantial adverse change in the significance of an historic resource.

M-CP-6: Review of Alterations to the Contributing Landscape of Building 1.

Implementation of M-CP-6 would reduce Impact CP-6 to a less than significant level by prohibiting TIDA from approving any design proposal for Building 1 unless it finds that the alterations, taken together with the alterations to the building, comply with the Secretary's Standards. As set forth in the Document Review and Design Approval Procedure ("DRDAP") attached to the Design for Development, TIDA shall not approve Schematic Design Documents for historic resources without first consulting with a qualified professional preservation architect, planner, architectural historian or other professional experienced in the application of Secretary's Standards for Rehabilitation to adaptive reuse projects. Conformity with the Secretary's Standards, as called for by the regulatory program established by the draft Design for Development, and also as required by Mitigation Measure M-CP-6, would ensure that the potential impacts on historic architectural resources would be less than significant. (DEIR IV.D.54; C&R 2.6.17-18.)

- **Impact CP-7: New construction within the contributing landscapes of Buildings 1, 2, and 3 could impair the significance of those historical resources.** (DEIR IV.D.54-55) Removal of character-defining features and introduction of new incompatible features within these areas could materially impair the physical characteristics that convey the historical significance of Buildings 1, 2, and 3 and that justify their inclusion in the CRHR.

M-CP-7: Review of New Construction within the Contributing Landscape West of Building 1. M-CP-7 would reduce Impact CP-7 to a less than significant level by prohibiting TIDA from approving any design proposal for Building 1 unless it finds that any new construction, taken together with the alterations to the building, comply with the Secretary's Standards. As set forth in the DRDAP attached to the Design for Development, TIDA shall not approve Schematic Design Documents for historic resources without first consulting with a qualified professional preservation architect, planner, architectural historian or other professional experienced in the application of Secretary's Standards for Rehabilitation to adaptive reuse projects. Conformity with the Secretary's Standards, as called for by the regulatory program established by the draft Design for Development, and also as required by Mitigation Measure M-CP-7, would ensure that the potential impacts on historic architectural resources resulting from alterations and additions associated with rehabilitation and reuse of Buildings 1, 2, and 3, would be less than significant. (DEIR IV.D.55; C&R 2.6.15-23.)

B. Transportation

Impact TR-24: Implementation of the Proposed Project without the Ramps Project would result in queues extending from the westbound Bay Bridge at Yerba Buena Island on-ramps which would impact Muni line 108-Treasure Island operations. (DEIR IV.E.99-100; C&R 2.7-54) Under conditions without the Ramps Project, delays to Muni operations would be significant due to queues from the Bay Bridge on-ramp approaches from Yerba Buena Island.

M-TR-24: Provide Transit Only Lane between First Street on Treasure Island and the transit and emergency vehicle-only westbound Bay Bridge on-ramp. Implementation of M-TR-24 would provide a transit and emergency vehicle-only lane thus allowing Muni vehicles to bypass vehicle queues that may occur on the Bay Bridge on-ramp approaches from Yerba Buena Island. Therefore the impact to Muni operations would be reduced to a less-than-significant level. The implementation of a transit-only lane would be triggered if impacts to the proposed Muni line 108-Treasure Island are observed over the course of six months at least 50 percent of the time during the AM, PM, or Saturday peak periods. (DEIR IV.E.99-100; C&R 2.7.54, 2.7.58. 3.28.)

- **Impact TR-26: Implementation of the Proposed Project with the Ramps Project would result in significant impacts to Muni line 108-Treasure Island operations.** (DEIR IV.E.101-102) Under conditions with the Ramps Project, delays to Muni operations would be significant due to queues from the westbound on-ramp on the east side of Yerba Buena Island.

M-TR-24 (described above) would allow Muni vehicles to bypass vehicle queues that may occur on the Bay Bridge on-ramp approaches from Yerba Buena Island and therefore the impact to Muni operations would be reduced to a less-than-significant level. (DEIR IV.E.101-102; C&R 2.7.54, 2.7.58. 3.28.)

C. Noise

- **Impact NO-5: Proposed residences and other sensitive uses would be located in incompatible noise environments.** (DEIR IV.F.27-28) Residences and other sensitive uses would be located in areas with existing plus projected L_{dn} noise levels in excess of recommended levels.

M-NO-5: Residential, Schools, and Transient Lodging Land Use Plan Review by Qualified Acoustical Consultant. M-NO-5 would avoid potentially significant noise impacts to proposed residential and other sensitive use development in the Development

Plan Area by ensuring appropriate noise analyses and implementation of appropriate necessary noise reduction and insulation measures, so that noise levels would be consistent with the General Plan Land Use Compatibility Guidelines for Community Noise thresholds. Post-construction monitoring to verify the adequacy of noise attenuation measures is also required. Through this mechanism, noise impacts on residents and other sensitive land uses would be mitigated to less-than-significant levels. (DEIR IV.F.27-28.)

- **Impact NO-6: Operation of stationary sources at the proposed public utility facilities (e.g., water distribution systems, wastewater collection and treatment facilities, electric substation facilities, etc.) would increase existing noise levels, potentially exceeding noise level standards.** (DEIR IV.F.28-29) Although specific information regarding utility facilities is currently not available, many of them would require the operation of stationary noise sources, such as pump stations, which could generate noise levels in excess of Land Use Compatibility Guidelines threshold recommendations, depending on the types and location of nearby land uses.

M-NO-6: Stationary Operational Noise Sources. M-NO-6 would require utility and industrial stationary noise sources (e.g., pump stations, electric substation equipment, etc.) to be designed with adequate noise attenuating features to achieve acceptable regulatory noise standards for industrial uses as well as to achieve acceptable levels at the property lines of nearby residences or other noise sensitive uses, as determined by the San Francisco Land Use Compatibility Guidelines for Community Noise standards. To ensure that adequate performance of the attenuating features would be achieved, operational noise levels of the utility facilities would be monitored, and if stationary noise sources were found to exceed the applicable noise standards, additional noise attenuation measures would be applied in order to meet the applicable noise standards. With implementation of these measures, impacts of stationary noise sources would be mitigated to less-than-significant levels. (DEIR IV.F.29.)

D. Air Quality

- **Impact AQ-1: Construction of the Proposed Project would result in localized construction dust-related air quality impacts.** (DEIR IV.G.24-27) Construction of the Proposed Project would result in localized construction dust-related air quality impacts primarily from fugitive sources.

M-AQ-1: Implementation of Bay Area Air Quality Management District

(“BAAQMD”)-Identified Basic Construction Mitigation Measures. M-AQ-1 requires that all eight BAAQMD-recommended best management practices for dust abatement be included in the Project’s Construction Dust Control Plan (required under the San Francisco Health Code), thereby reducing project-generated construction dust to less-than-significant levels. These best management practices generally include the following: water down exposed surfaces; cover all haul trucks transporting loose materials off-site; remove all visible mud or dirt tracked-out onto adjacent public roads; as soon as possible, complete construction of all roadways, driveways, and sidewalks that are to be paved; minimize idling times of equipment; maintain all construction equipment per manufacturers specifications; post visible signs of the point of contact to receive dust complaints and who will take corrective action within 48 hours. Studies have demonstrated (Western Regional Air Partnership, U.S. Environmental Protection Agency) that the application of best management practices at construction sites have significantly controlled fugitive dust emissions. Therefore, incorporating M-AQ-1 into the required Construction Dust Control Plan would reduce project-generated construction dust to a less-than-significant level. (DEIR IV.G.25-27.)

In addition, **M-AQ-4** (described below in Section IV.E. of these Findings) would further reduce project-generated construction dust. **M-AQ-4** identifies 13 measures suggested by the BAAQMD to reduce particulate matter emissions during construction activities. These measures are in addition to the measures included in M-AQ-1 described above. (DEIR IV.G.37-38; C&R 2.9.2, 2.9.9.)

E. Public Services

- **Impact PS-1: Project construction activities could result in adverse physical impacts or in the need for new or physically altered facilities in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.** (DEIR IV.L.8-9) Construction activities could result in increased demand for police services if construction activities cause traffic conflicts.

Implementation of **M-TR-1** (Construction Traffic Mitigation Plan) would provide access to the Development Plan Area site during construction. As required by M-TR-1, access to the Development Plan Area site during construction would be maintained with implementation of a Construction Traffic Management Plan (“CTMP”). The CTMP would provide necessary information to various contractors and agencies about how to maximize the opportunities for complementing construction management measures and to minimize the possibility of conflicting impacts on the roadway system, while safely

accommodating the traveling public in the area. Incorporating M-TR-1 would reduce this impact to a less-than-significant level. (DEIR IV.L.8-9; C&R 3.27.)

Potential impacts associated with the construction of the proposed new joint Police-Fire station are addressed in the DEIR in Section IV.E, Transportation, pp. IV.E.67 (Impact TR-1); Section IV.F, Noise, pp. IV.F.14-IV.F.20 (Impacts NO-1 and NO-2); Section IV.G, Air Quality, pp. IV.G.24-IV.G.38 (Impacts AQ-1, AQ-2, AQ-3, and AQ-4); Section IV.M, Biological Resources, pp. IV.M.41-IV.M.63 (Impacts BI-1, BI-2, BI-3, BI-4, and BI-6); Section IV.O, Hydrology and Water Quality, pp. IV.O.35-IV.O.41 (Impacts HY-1, HY-2, HY-3, HY-4, HY-5, HY-6, and HY-7)); and Section IV.P, Hazards and Hazardous Materials, pp. IV.P.39-IV.P.47 (Impacts HZ-1, HZ-2, HZ-3, HZ-4, HZ-5, and HZ-6). As discussed in these sections, construction impacts, including impacts associated with construction of the joint Police-Fire Station, are less than significant, or would be mitigated to less-than-significant levels with implementation of mitigation measures.

- **Impact PS-4: Project construction activities could result in adverse physical impacts or in the need for new or physically altered facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.** (DEIR IV.L.15-16) Construction activities could impede fire protection services.

Implementation of **M-TR-1** (Construction Traffic Mitigation Plan; described above) would provide emergency access throughout Islands during construction. Compliance with the CTMP would require that emergency access is not obstructed during construction activities. Thus, construction of the Proposed Project would not affect fire response times, nor would construction require expansion of, or replacement of fire stations. Therefore, incorporating M-TR-1 would reduce this impact to a less-than-significant level. (DEIR, IV.L.16; C&R 3.27.)

Construction-related impacts of the new Police-Fire station are addressed in Section IV.E, Transportation, pp. IV.E.67 (Impact TR-1); Section IV.F, Noise, pp. IV.F.14-IV.F.20 (Impacts NO-1 and NO-2); Section IV.G, Air Quality, pp. IV.G.24-IV.G.38 (Impacts AQ-1, AQ-2, AQ-3, and AQ-4); Section IV.M, Biological Resources, pp. IV.M.41-IV.M.63 (Impacts BI-1, BI-2, BI-3, BI-4, and BI-6); Section IV.O, Hydrology and Water Quality, pp. IV.O.35-IV.O.41 (Impacts HY- 1, HY-2, HY-3, HY-4, HY-5, HY-6, and HY-7)); and Section IV.P, Hazards and Hazardous Materials, pp. IV.P.39-IV.P.47 (Impacts HZ-1, HZ-2, HZ-3, HZ-4, HZ-5, and HZ-6). As discussed in those

sections, construction impacts, including construction of the joint Police-Fire Station, are less than significant, or would be mitigated to less-than-significant levels with implementation of construction-related mitigation measures.

F. Biological Resources

- **Impact BI-1: The Proposed Project may adversely affect dune gilia and locally significant plants, special status animals, and protected or special-status marine species, such as marine mammals, salmon, steelhead, green sturgeon, longfin smelt, harbor seals and California sea lions.** (DEIR IV.M.41-47; C&R 3.40-41) The Proposed Project may directly or indirectly impact the listed organisms themselves.

M-BI-1a: Survey for Special-Status Plants. Surveying for and establishing buffer zones around special-status plants on Yerba Buena Island. If not feasible, special-status species would be restored on-site on a 1:1 basis.

M-BI-1b: Pre-Project Survey for Nesting Birds. No work shall be conducted in any no-work buffer zone established by a qualified biologist if it could disrupt bird breeding.

M-BI-1c: Minimizing Disturbances to Bats. Removal of trees or buildings showing bat activity shall occur during the period least likely to disturb bats, as determined by a qualified biologist.

M-BI-1d: Control of Domestic and Feral Animals. To avoid conflicts with Yerba Buena Island wildlife, the Island's Covenants, Conditions and Restrictions would limit off-leash dogs and feeding of feral cats.

M-BI-1e: Monitoring During Off-Shore Pile Driving. Off-shore pile driving shall be monitored by a qualified marine biologist and bubble curtains will be used if necessary to reduce sound/vibration to acceptable levels.

With implementation of M-BI-1a, M-BI-1b, M-BI-1c, and M-BI-1d, which include requirements for conducting surveys for special-status plants and nesting birds, removing trees and demolishing buildings with bat activity at certain times of the year and establishing restrictions on off-leash dogs and feeding feral cats, the impacts on terrestrial species identified as rare, threatened, endangered, candidate, sensitive, or other special status by the California Department of Fish & Game or U.S. Fish and Wildlife Service from the Proposed Project would be less than significant. Furthermore, these resources would be protected and enhanced by the Habitat Management Plan

implementation measures, including the removal of non-native vegetation and restoring native habitats. (DEIR IV.M.42; C&R 2.15.44-45, 2.15-50-53. 3.3-4, 3.45-46.) M-BI-1e would also protect special-status fish species such that any potential pile driving noise impacts on special-status fish would be less than significant after mitigation due to on-site monitoring by a qualified marine biologist during pile driving activities and other steps to reduce the generation of pile driving noise. (DEIR IV.M.45; C&R 2.15.39, 2.15.50-51.)

- **Impact BI-2: The project may adversely affect Central Coast Riparian Scrub (riparian habitat), California Buckeye, or SAV/eelgrass beds (other sensitive natural communities).** (DEIR IV.M.47-49; C&R 2.15.32-34, 2.15.50-51, 3.4) Riparian vegetation (Central Coast Riparian Scrub on Yerba Buena Island) and one sensitive natural community (California Buckeye Woodland on Yerba Buena Island) would be protected by the Habitat Management Plan, considered to be part of the Project, therefore no impact is anticipated. Eelgrass and SAV beds could be impacted by the improvement work along and adjacent to Treasure Island's armored shorelines.

M-BI-2a: Restriction of Construction Activities. Limits activities to terrestrial and upper intertidal zones to greatest extent possible.

M-BI-2b: Seasonal Limitations on Construction Work. Shoreline construction work limited to the period between March 1 and November 30 to avoid disturbances to spawning herring occurring in SAV surrounding Treasure Island. (C&R 3.135)

M-BI-2c: Eelgrass Bed Survey and Avoidance. Pre-construction survey and minimization of transit through and avoidance of anchoring in any eelgrass beds around Treasure Island.

M-BI-2a and M-BI-2b would act to limit the physical disturbance to these habitats and the sensitive marine communities they support, as well as prevent the loss of SAV and potential Pacific herring spawning substrate. In particular, M-BI-2a and M-BI-2b would restrict all construction activities for geotechnical stabilization of the perimeter berm, shoreline heightening and repair work, stormwater outfall improvements to the terrestrial and upper intertidal zones. All shoreline work would be conducted between March and November to limit disturbance. These mitigation measures would reduce impacts by limiting activities to the maximum extent practicable in the lower intertidal and near subtidal zones. M-BI-2c would further ensure that any work along Treasure Island's shoreline, as well as the use of barges for delivery of equipment and removal of debris,

would result in less-than-significant impacts on SAV beds located around the island and associated Pacific herring spawning substrate and habitat. M-BI-2c is intended to ensure that any changes in the eelgrass beds are reflected in the actions and environmental protections applied to ongoing operations. (DEIR IV.M.48-49; C&R 2.15.32-34, 2.15.50-51, 3.4. 3.46, 3.79, 3.135.)

- **Impact BI-3: The project may adversely affect biological resources regulated by the Clean Water Act or the Rivers and Harbors Act.** (DEIR IV.M.49) Eelgrass beds are “Special Aquatic Sites” regulated under Section 404 of the Clean Water Act and may be adversely affected by shoreline work, removal and installation of storm drains, and other Project elements.

Implementation of **M-BI-2a**, **M-BI-2b** and **M-BI-2c** (described above) would reduce potential impacts to less-than-significant levels by limiting the aerial extent and severity of disturbance in the lower intertidal habitat and nearshore subtidal habitat, and timing of work in the shoreline areas so that eelgrass beds are not disturbed. (DEIR IV.M.48-50; C&R 2.15.32-34, 2.15.50-51, 3.4. 3.46, 3.79, 3.135.)

- **Impact BI-4: The project may adversely affect the movement of migratory birds and/or fish passage.** (DEIR IV.M.50-55) (*Impact BI-4 is significant and unavoidable for rafting waterfowl as addressed in Section IV.G. of these Findings.*) Avian collisions with multi-story residential and commercial buildings are a potentially significant impact. Construction activities at the proposed Ferry Terminal and Sailing Center could cause changes in normal movement behavior of fish and marine mammals, including protected marine species.

M-BI-4a: Minimizing Bird Strikes. TIDA shall ensure the measures are taken with respect to the following to minimize potential for bird strikes: (i) building design and landscaping; (ii) lighting; (iii) antennae, monopole structures and rooftop elements; (iv) educating residents and occupants; and (v) documentation of mitigation measures. M-BI-4a will reduce the impact on birds to less-than-significant. CEQA mitigation must be roughly proportional to a project’s impact, and for both bird strike impacts and mitigation, the conclusions are largely dependent on the professional judgment of the analysts and experts in the field. The information cited in the EIR and the expert consultant’s opinions regarding this impact support the conclusion that implementation of Mitigation Measure M-BI-4a would reduce the potential adverse effects to less-than-significant levels. (DEIR IV.M.50-51, IV.M.52-54; C&R 2.15.15-19, 2-15.46-47.)

- **Impact BI-6: The Proposed Project may result in adverse effects on intertidal and subtidal marine habitat and biota located along Treasure Island's shoreline and nearshore regions of the Bay as well as Bay waters.** (DEIR IV.M.56-63; C&R 3.41) Construction and operation of the Proposed Project, and any regular maintenance, could cause short- and long-term habitat alterations.

M-BI-2a: Restriction of Construction Activities; M-BI-2b: Seasonal Limitations on Construction Work; M-BI-2c: Eelgrass Bed Survey and Avoidance. Impacts are expected to be less-than-significant, or would be, reduced to less-than-significant levels with application of the listed mitigation measures (described above), or in the LTMS (long term management strategy) guidelines and requirements described in the DEIR with regard to dredging. (DEIR IV.M.48-49, 56-63; C&R 2.15.32-33, 2.15.41.)

M-BI-4a: Minimizing Bird Strikes. Lighting reduction techniques, including the use of low-voltage, sodium, and blue-green spectrum lights, as well as appropriate placement and shielding of lights, to prevent impacts to birds would also reduce lighting impacts to marine biota to a less-than-significant level. In addition, the proposed Design for Development guidelines for lighting in open space areas call for "pedestrian scaled lighting" including relatively low light standards with limited spill, and the guidelines for the Northern Shoreline Park note that "lighting should be kept to a minimum around the perimeter of the Island." Within its permit jurisdiction, which includes a 100' shoreline band around both islands, the Bay Conservation and Development Commission would also apply its guidelines which call for locating night lighting away from sensitive habitat areas. (DEIR IV.M.60; C&R 2.15.36.)

Variant B3 Only (Breakwater Variant 3)

- **Impact BI-8 (Variant B3): For Variant B3, delayed construction of the southern breakwater could result in adverse impacts on sensitive species, such as protected eelgrass beds, protected marine mammals, or protected fish species that are not currently present in or known to frequent the area, but could establish themselves there by the time the southern breakwater is constructed.** (DEIR VI.29-30) Because of the delayed construction schedule, construction of the southern breakwater could result in a significant impact on sensitive, protected eelgrass beds, protected marine mammals, or protected fish species such as green sturgeon (*Acipenser medirostris*) that are not currently present in or known to frequent the area, but could be there by the time the southern breakwater is constructed.

M-BI-8 (Variant B3): Minimize Disturbance to Newly Established Sensitive Species During Construction of Southern Breakwater. If a pre-construction survey shows that the planned establishment or construction of the southern breakwater would affect utilization of the area by protected fish species or by marine mammals as a haul-out area, construction and establishment of the southern breakwater will be done, under consultation with National Marine Fisheries Service, in a manner that does not adversely affect the protected fish species or prevent the continued utilization of the area by harbor seals or sea lions. Therefore, the impact would be less than significant. (DEIR VI.30; C&R 2.15.48.)

Variant C2 Only (Supplemental Fire Fighting Water Supply Variant 2)

- **Impact BI-9 (Variant C2): Depending on the intake diameter and amount of water suction occurring with Variant C2, there is the potential for significant fish and invertebrate entrainment and/or impingement as well as disturbance to the Islands' intertidal and near subtidal habitat and associated marine biota.** (DEIR VI.36-37) The potential for fish impingement and/or entrainment of important and protected fish and invertebrates such as green sturgeon (*A. medirostris*), salmon species, pacific herring (*Clupea pallasii*), longfin smelt (*Spirinchus thaleichthys*), Dungeness crabs (*Metacarcinus magister*), and shrimp could be significant if the Bay intake pipe is not designed and constructed in a manner that prevents fish impingement.

M-BI-9 (Variant C2): Impingement and/or Entrainment of Protected Fish and Invertebrates. For Variant C2, the Bay water intake pipe for the supplemental fire water supply shall be designed and constructed in a manner that prevents impingement of fish and macroinvertebrates, such as installing the intake pipe inside a screened subsea vault, thereby reducing the impact to less than significant levels. (DEIR VI.37; C&R 2.15.48.)

G. Geology and Soils

- **Impact GE-5: Development of the Proposed Project could result in potential damage or injury as a result of slope failures including the perimeter rock berms.** (DEIR IV.N.30-31; C&R 3.100-101) Steep slopes on Yerba Buena Island, most notably along Macalla Road, could result in slope failure.

M-GE-5: Slope Stability. Unless slope stability indicates a static factor of safety of 1.5 and a seismic factor of safety of 1.1 are present or can be established, new improvements on Yerba Buena Island shall be located at least 100 feet from the top of the existing slope

along Macalla Road. Implementation of Mitigation Measure M-GE-5 would reduce slope stability hazards to less-than-significant levels. (DEIR IV.N.30; C&R 3.80, 3.135.)

H. Hydrology and Water Quality

- **Impact HY-2: The Proposed Project could require disposal of dewatered groundwater during construction.** (DEIR IV.O.38; C&R 3.43) Near-surface groundwater removed from the Islands during excavation activities could contain harmful pollutants currently contained in the subsurface soils and groundwater.

M-HZ-1: Soil and Groundwater Management Plan (described below). M-HZ-1 would require the preparation of a Soil and Groundwater Management Plan (“SGMP”). Compliance with the Soil and Groundwater Management Plan would ensure that water effluent from dewatering activities would meet applicable Regional Water Quality Control Board (“RWQCB”) or SFPUC standards, and would therefore reduce the potential for groundwater dewatering activities to result in water quality pollution. With implementation of Mitigation Measure M-HZ-1, the impact would be less than significant. (DEIR IV.O.38.)

I. Hazards and Hazardous Materials

- **Impact HZ-1: Construction of the Proposed Project could expose construction workers to unacceptable levels of known or newly discovered hazardous materials as a result of disturbance of subsurface soils and/or groundwater with contaminants from historic uses.** (DEIR IV.P.39-43; C&R 2.18.1-2, 3.80, 3.145) As with any ground disturbing construction activities in areas with a history of hazardous materials use, and despite cleanup conducted to date, there is always a potential to encounter previously unidentified contamination. If significant levels of hazardous materials in site soils are discovered, health and safety risks to workers could occur.

M-HZ-1: Soil and Groundwater Management Plan. Prior to issuance of a building or grading permit for any one or more parcels, there shall be regulatory approval by California Department of Toxic Substances Control (“DTSC”) or RWQCB for the proposed land use. Construction specifications for each parcel shall include implementation of an SGMP prepared by a qualified environmental consulting firm and reviewed and agreed to by DTSC and RWQCB. The SGMP shall include: soil management requirements; groundwater management requirements; and an unknown contaminant/hazard contingency plan. With implementation of Mitigation Measure M-HZ-1: Soil and Groundwater Management Plan, in accordance with California Division

of Occupational Safety & Health requirements, construction activities would not expose construction workers to unacceptable levels of known hazardous materials and the potential impact would be reduced to less-than-significant levels. (DEIR IV.P.41; C&R 2.18.1-2, 2.18.6, 3.80, 3.145.)

- **Impact HZ-2: Construction activities associated with the Proposed Project could expose the public, including existing and future residents as well as visitors and employees, to unacceptable levels of known or newly discovered hazardous materials as a result of disturbance of soil and/or groundwater with contaminants from historic uses.** (DEIR IV.P.43-44) Due to the phased approach to development across Treasure Island, remediation activities will be ongoing in some areas for several years and occurring concurrently with the early phases of development. Therefore, both existing and future residents as well as other members of the public could become exposed to hazardous materials being disturbed through construction activities, either by inhalation of dust containing contaminants or by direct exposure to materials on construction sites, with health effects similar to those described for construction workers in Impact HZ-1.

M-HZ-1: Soil and Groundwater Management Plan. The SGMP would include all notification, site access protection (i.e. fencing, isolation of excavated soils, dust control, etc.), and other requirements that would protect the public from exposure to any known or newly discovered hazardous materials, as well as notification protocols for situations where suspected contamination is encountered, and would therefore reduce the potential to expose to less-than-significant levels. (DEIR IV.P.43; C&R 2.18.1-2, 2.18.6, 3.80, 3.145.)

- **Impact HZ-3: Construction of the Proposed Project could expose the environment to unacceptable levels of known or newly discovered hazardous materials as a result of disturbance of soil and/or groundwater with contaminants from historic uses.** (DEIR IV.P.44) Improperly handled or stockpiled contaminated soils could affect other areas of Treasure Island or the San Francisco Bay.

M-HZ-1: Soil and Groundwater Management Plan. M-HZ-1 would require that all construction activities adhere to the SGMP as approved by DTSC or the RWQCB. The SGMP would include detailed protocols for handling, testing, storage, and disposal protocols for all excavated soils and extracted groundwater. In addition, as also discussed in Section IV.O, Hydrology and Water Quality, the project sponsors and each parcel developer would be required to obtain coverage under the NPDES General Construction

Permit for Discharges of Stormwater Associated with Construction Activities (NPDES General Permit), under the RWQCB, with a condition that best management practices be adhered to. Implementation of the SGMP as required by Mitigation Measure M-HZ-1, as well as regulatory requirements of the NPDES General Permit, would result in a less-than-significant impact on the environment from construction activities. (DEIR IV.P.44; C&R 2.18.1-2, 2.18.6, 3.80, 3.145.)

- **Impact HZ-4: Construction of the Proposed Project could expose construction workers, the public or the environment to unacceptable levels of hazardous materials as a result of dewatering activities that extract contaminated groundwater from historic uses.** (DEIR IV.P.44-45) There is a strong likelihood that dewatering would be required during construction activities.

M-HZ-1: Soil and Groundwater Management Plan. The SGMP would require collection of groundwater data prior to dewatering. Any water extracted would be analyzed and any chemicals found in groundwater could be reused for dust control, treated and discharged under a site-specific NPDES permit, discharged to the sanitary sewer system, or disposed of at an approved off-site facility, depending on the results of the sampling and agency approval. Compliance with the SGMP would ensure that water effluent from dewatering activities would meet applicable handling, storage and disposal requirements from RWQCB or SFPUC, and would therefore reduce the potential to expose to less-than-significant levels. (DEIR IV.P.45; C&R 2.18.1-2, 2.18.6, 3.80, 3.145.)

- **Impact HZ-5: Construction activities associated with the Proposed Project could expose construction workers, the public or the environment to unacceptable levels of hazardous materials associated with encountering previously unidentified underground storage tanks.** (DEIR IV.P.45-46) Previously unidentified underground storage tanks could be encountered during construction activities and, if not prepared, workers could be exposed to hazardous materials or waste during excavation activities.

M-HZ-1: Soil and Groundwater Management Plan. The SGMP would be implemented for all construction activities and would include protocols for encountering previously unidentified underground storage tanks and associated contamination. Implementation of M-HZ-1, and adherence to existing regulatory requirements requiring that construction immediately cease if an underground storage tanks is encountered, would ensure that potential impacts related to discovering unanticipated underground storage tanks would be less than significant. (DEIR IV.P.45-46; C&R 2.18.1-2, 2.18.6,

3.80, 3.145.)

- **Impact HZ-8: Hazardous materials used on site during construction activities (e.g. solvents) could be released to the environment through improper handling or storage.** (DEIR IV.P.50-51) Inadvertent release of large quantities of hazardous materials such as fuels, oils, solvents, and glues used in construction activities into the environment could adversely impact soil, surface waters, or groundwater quality.

M-HZ-8: Construction Best Management Practices. Use of construction best management practices during project construction would minimize potential negative effects to groundwater and soil. Such practices would apply to (i) use, storage and disposal of chemical products used in construction, (ii) creating a dedicated area for refueling and maintenance with appropriate spill control equipment, (iii) properly containing and removing grease and oils during routine maintenance of construction equipment, and (iv) properly disposing of discarded containers of fuel and other chemicals. Implementation of the construction best management practices would reduce the potential impact from inadvertent releases during project construction activities to less than significant. (DEIR IV.P.50-51.)

- **Impact HZ-10: Migration of residual contamination could expose existing and future residents, employees, or the general public to hazardous materials causing acute or chronic health effects.** (DEIR IV.P.51-52; C&R 3.111) With continued remediation efforts currently being conducted by the Navy and any that would be assumed by TIDA as overseen by the DTSC or RWQCB, the potential for residual contamination to significantly impact residents, employees or the general public would be minimized. However, there could be residual contamination with volatile components, such as chlorinated solvents.

M-HZ-10: Soil Vapor Barriers. Proposed building plans on parcels with residual contamination that have volatile components such as chlorinated solvents (PCE and TCE) or petroleum hydrocarbons shall include vapor barriers beneath the foundation for the prevention of soil vapor intrusion. With implementation of M-HZ-10, the potential impacts to future residents, visitors, or employees from these residual volatile contaminants would be reduced to less-than-significant levels. (DEIR IV.P.52; C&R 3.80-81, 3.146.)

- **Impact HZ-13: The Proposed Project includes developing the existing school site into a K-8 school. The existing school is located in the vicinity of Site 12 where**

hazardous materials have been released to the subsurface. If not remediated appropriately, students, workers, or the public could be exposed to adverse conditions related to hazardous materials emissions. (DEIR IV.P.54-55)

M-HZ-13: Human Health Risk Assessment. Prior to reopening the site for an elementary school use, a Voluntary Clean-Up Agreement shall be entered into and a Preliminary Endangerment Assessment prepared. If the Preliminary Endangerment Assessment discloses the presence of a hazardous materials release, or threatened release, or the presence of naturally occurring hazardous materials, at or near the school site at concentrations that could pose a significant risk to children attending the school or adults working at the school, or discloses that ongoing or planned remediation activities to address such a release near the school could pose a significant risk to children attending the school or adults working at the school, then the school shall not reopen until all actions required by DTSC to reduce the increased cancer risk from exposure to such releases to less than one in a million (1×10^{-6}) and reduce the increased risk of noncancerous toxic effects such that the Hazard Index for chronic and acute hazards is less than one. With implementation of M-HZ-13, the potential impact would be reduced to less-than-significant. (DEIR IV.P.54-55; C&R 3.80-81, 3.146.)

IIIA. FINDINGS FOR POTENTIALLY SIGNIFICANT CUMULATIVE IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

A. Cultural and Paleontological Resources

- **Impact CP-4: Disturbance of archaeological and paleontological resources, if encountered during construction of the Proposed Project, could contribute to a cumulative loss of significant historic and scientific information. (DEIR IV.D.24)**
When considered with other past and proposed development projects along and near the San Francisco Bay shoreline, disturbance of archeological and paleontological resources within the Project Site would contribute to a cumulative loss of significant historic and scientific information about California and Bay Area regional history and prehistory.

M-CP 1: Archaeological Testing, Monitoring, Data Recovery and Reporting. M-CP-1 (described above) requires approval of a plan for pre-construction testing, construction monitoring and data recovery by the San Francisco Environmental Review Officer to ensure adherence to M-CP-1 and the standards and requirements set forth in the ARDTP. (DEIR IV.D.18; C&R 3.78-79, 3.119.)

M-CP 3: Paleontological Resources Monitoring and Mitigation Program. M-CP-3 requires a qualified paleontologist to implement an approved Paleontological Resources Monitoring and Mitigation Program. (DEIR IV.D.23.)

As discussed above, implementation of an approved plan for testing, monitoring, and data recovery would preserve and realize the information potential of archaeological and paleontological resources. The recovery, documentation, and interpretation of information about archaeological and paleontological resources that may be encountered within the Project Site would enhance knowledge of prehistory and history. This information would be available to future archaeological and paleontological studies, contributing to the body of scientific and historic knowledge. Therefore, implementation of mitigation measures **M-CP-1** and **M-CP-3**, the Project's contribution to cumulative impacts would be less than cumulatively considerable. (DEIR IV.D.24)

IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS THAN SIGNIFICANT LEVEL

The DEIR identified a number of significant environmental effects (or impacts) to which the project would cause or contribute. Some of these significant effects can be avoided or reduced to a less-than-significant level through the adoption of feasible mitigation measures; these effects are described in Section III above. Other effects are significant and unavoidable. Some of these unavoidable significant effects can be substantially lessened by the adoption of feasible mitigation measures, but still remain significant and unavoidable with or without mitigation. Other significant, unavoidable effects cannot be substantially lessened. For reasons set forth in the Statement of Overriding Considerations in Section VII below, however, the Agency has determined that overriding economic, social, and other considerations outweigh the significant and unavoidable effects of the Project.

Based on substantial evidence in the whole record of these proceedings, the Agency finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts identified in the FEIR. The Agency finds that the mitigation measures in the FEIR and described below are appropriate, and that changes have been required in, or incorporated into, the Project that may substantially lessen, but do not avoid (i.e., reduce to less than significant levels), some of the potentially significant or significant environmental effects associated with implementation of the Project as described in FEIR Chapter IV. The Agency adopts

all of these mitigation measures as proposed in the FEIR that are relevant to the Project and are within the Agency's jurisdiction as set forth in the MMRP, which are listed on Attachment C and more particularly described on Attachment B.

Based on the analysis contained within the FEIR, other considerations in the record, and the standards of significance, the Agency finds that because some aspects of the Project would cause potentially significant impacts for which feasible mitigation measures are not available to reduce the impact to a less-than-significant level, these impacts are *significant and unavoidable*. The Agency recognizes that although mitigation measures are identified in the Final EIR that would reduce many potentially significant impacts to less than significant levels, for some potentially significant and unavoidable impacts, the measures are uncertain, infeasible, or within the jurisdiction of another agency, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

The Agency determines that the following significant impacts on the environment, as reflected in the FEIR, are unavoidable, but under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines Sections 15091(a)(3), 15092(b)(2)(B), and 15093, the Agency determines that the impacts are acceptable due to the overriding considerations described in Section VI below. This finding is supported by substantial evidence in the record of this proceeding.

The DEIR evaluates the impacts of not only the Principal Project described in Section I.A.1 above, but also the Project Variants described in Section I.A.2. Unless otherwise noted below, any additional impacts under each Project Variant would be less than significant and would not change the analysis or conclusions associated with the Principal Project.

A. Aesthetics

- **Impact AE-1: Development under the proposed Project would adversely alter scenic vistas of San Francisco and San Francisco Bay from public vantage points along the eastern shoreline of San Francisco, Telegraph Hill, the East Bay shoreline, and from the Bay Bridge east span.** (DEIR IV.B.21-23; C&R 2.4.37-38; C&R 3.13) Implementation of the proposed Project would create a prominent new cluster of high-rise buildings on Treasure Island at the center of San Francisco Bay, altering views throughout the Bay. The effect of the Proposed Project on scenic vistas of the Bay when viewed from the eastern waterfront of San Francisco, Telegraph Hill, the East Bay shoreline, and from the Bay Bridge east span would be considered significant. This effect on a scenic resource is also considered unavoidable because no feasible mitigation is available that would avoid or substantially reduce a significant impact on scenic Bay

vistas resulting from construction of a new, high-density urban community on Treasure Island. These impacts are considered *significant and unavoidable*.

B. Cultural and Paleontological Resources

- **Impact CP-9: Demolition of the Damage Control Trainer would impair the significance of an historical resource.** (DEIR IV.D.56-58; C&R 2.6.27, 2.21.59) The Damage Control Trainer (housed in Building 341) would be demolished as part of the Project. The HRE concludes that the object (but not the building housing it) meets the criteria for inclusion in the CRHR and is therefore an historical resource for the purposes of CEQA. Demolition of this historical resource would result in a significant adverse impact on an historical resource. Implementation of mitigation measure M-CP-9, requiring documentation and interpretation of the Damage Control Trainer, would lessen the impact of demolition of this historical resource, but would not reduce this impact to a less-than-significant level. Furthermore, retention of the Damage Control Trainer would preclude construction on two development blocks resulting in a substantially different project than the Proposed Project. Therefore, these impacts are considered *significant and unavoidable*.

M-CP-9: Documentation and Interpretation. The project sponsors shall retain a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to prepare written and photographic documentation of the historical resource, which shall be transmitted to the San Francisco History Center of the San Francisco Public Library and to the Northwest Information Center of the California Historical Information Resource System. Implementation of this mitigation measure would lessen the impact of demolition, but would not reduce the impact to a less-than-significant level. Alternative mitigation measures, such as moving the object, are not feasible because the Damage Control Trainer includes a large concrete sump, which is partially built into the grade. Avoiding removal of the object is also not possible because its location overlaps two development blocks and eliminating those development blocks would result in a substantially different project than the Proposed Project. (DEIR IV.D.56; C&R 2-6.27-28, 2.21.59-60.)

C. Transportation

- **Impact TR-1: Construction of the Proposed Project would occur over a long period of time and would result in significant impacts on the transportation and circulation network.** (DEIR IV.E.67-71; C&R 2.21.26) Project construction activities

could result in temporary impacts to the transportation system, including increased delay and congestion on the Bay Bridge near the ramps during the peak periods, and disruption to transit, pedestrian, bicycle, and vehicular traffic on the Islands due to roadway closures. Although implementation of mitigation measure M-TR-1 would minimize the transportation impacts of construction activities, given the magnitude and duration of potential construction activities, and their potential impact on ramp operations on the Bay Bridge, these construction-related transportation impacts would be considered ***significant and unavoidable***. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

M-TR-1: Construction Traffic Management Plan. The project sponsors shall develop and implement a Construction Traffic Management Plan, approved by TIDA, designed to anticipate and minimize transportation impacts of various construction activities associated with the Proposed Project. Implementation of M-TR-1 would help reduce the proposed project's construction-related traffic impacts. However, given the magnitude of the proposed development and the duration of the construction period, some disruptions and delays could still occur and it is possible that significant construction-related transportation impacts on regional roadways could still occur. (DEIR IV.E.70; C&R 2.7.95, 2.7.97, 2.12.5, 2.21.26, 3.2, 3.27.)

- **Impact TR-2: Implementation of the Proposed Project would contribute to existing LOS E operating conditions during the weekday PM peak hour, and result in significant impacts during the Saturday peak hour at the eastbound offramp (west side of Yerba Buena Island).** (DEIR IV.E.71-75; C&R 2.1.45, 2.7.114.) The Proposed Project would contribute traffic to the eastbound off-ramp diverge section on the west side of Yerba Buena Island, which was observed to operate at LOS E in the PM peak hour under existing conditions; the Proposed Project's contribution would be considered substantial and a significant impact. The Proposed Project would also cause this same off-ramp diverge section to deteriorate from LOS D to LOS E in the Saturday peak hour. Reconstruction of this ramp would require major construction and has been found by Caltrans and the San Francisco County Transportation Authority ("SFCTA") to be infeasible. Mitigation measure M-TR-2 described below could reduce vehicle trip generation, but this reduction would have only a slight benefit to congestion and levels of service would remain the same. Further, this mitigation is within the jurisdiction of the Water Emergency Transit Authority ("WETA") (as to ferry service) and SFMTA (as

to bus service) and is therefore partially outside the Agency's jurisdiction and its feasibility is uncertain (as discussed in M-TR-2 below). This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge. Therefore, the Project's impacts to this ramp diverge section would remain *significant and unavoidable*.

M-TR-2: Expanded Transit Service. As a means to reduce vehicular travel to and from the Islands, additional transit capacity shall be provided. The project sponsors shall work with WETA and SFMTA to develop and implement the Proposed Project's transit operating plan. Elements of the plan include, but are not limited to:

- Additional ferry service to reduce peak period headways from 50-minutes to as much as 15-minute headways during the AM and PM peak periods.
 - Increased frequency on the Muni line 108-Treasure Island service to reduce peak period headways from 15 minutes to as low as 7-minute headways in the AM peak period and as low as 5 minutes in the PM peak period.
 - New bus service to another location in San Francisco (e.g., to the San Francisco Civic Center area) with frequencies as low as 12-minutes during the AM and PM peak periods. Service shall be provided between approximately 5 AM and 10 PM.
- For Impacts TR-2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 25 and 27, implementation of M-TR-2 would reduce the impact, but not to a less than significant level. Implementation of M-TR-2 is partially outside the jurisdiction of the Agency, as it lies partially within the jurisdiction of the WETA (with respect to expanded ferry service) and partially within the jurisdiction of SFMTA (with respect to expanded bus transit service). Operation of the ferry service would be implemented by the WETA and would not be within the control of TIDA or the City. For the reasons set forth in the SFMTA Expanded Transit Memorandum, implementation of M-TR-2 by SFMTA remains uncertain. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge. Therefore, the impact would be considered *significant*

and unavoidable. (DEIR IV.E.75-80, 82-85, 88-93, 101-102; C&R 2.7.16-18, 2.7.45-47, 2.7.51-52, 2.7.112, 2.7.114, 2.7.116-117, 3.2.)

As noted above, CEQA requires public agencies to adopt feasible mitigation measures which would avoid or substantially lessen the significant environmental effects of projects. Therefore, while these impacts will likely remain significant and unavoidable with or without the implementation of M-TR-2, the Agency finds that WETA can and should adopt implementation of M-TR-2 with respect to the expanded ferry service. With respect to the portion of M-TR-2 within the jurisdiction of SFMTA, the Agency hopes to implement M-TR-2 to the extent that adequate funding is made available to feasibly implement the measure. However, as stated above, for the reasons set forth in the SFMTA Expanded Transit Memorandum, implementation of M-TR-2 by SFMTA remains uncertain.

Impact TR-3: Under conditions without the Ramps Project, implementation of the Proposed Project would result in significant impacts at the two westbound on-ramps. (DEIR IV.E.75-80; C&R 2.7.27, 2.7.114.) Based on the STOP-sign controlled analysis of conditions in which the westbound ramps on the east side of Yerba Buena Island are not reconstructed and in which case the two westbound on-ramps would remain STOP-sign controlled, the Proposed Project would contribute substantial traffic to both westbound ramps. Implementation of mitigation measure M-TR-2 (described above) would reduce vehicle trip generation such that the Proposed Project's impacts to ramp delays at the two STOP-sign controlled westbound on-ramps from Yerba Buena Island to the Bay Bridge would be reduced. However, even with implementation of mitigation measure M-TR-2, vehicles would still experience delays consistent with LOS F operations. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge. Therefore, the Proposed Project's impacts to delays approaching the on-ramps would remain *significant and unavoidable*.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.80.)

- **Impact TR-4: Under conditions with the Ramps Project, implementation of the Proposed Project would result in a significant impact during the AM and PM peak hours at the ramp meter at the westbound on-ramp (east side of Yerba Buena Island).** (DEIR IV.E.80-82; C&R 3.23; C&R 2.7.114.) Under conditions with the Ramp

Project, the Proposed Project may result in extensive queues on Treasure Island Road that may interfere with traffic circulation. Implementation of mitigation measure M-TR-2 would reduce trip generation, however the Project's impact on the reconstructed westbound on-ramp would still be considered *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.82.)

- **Impact TR-6: Implementation of the Proposed Project would result in a significant impact on queuing at the Bay Bridge toll plaza during the weekday AM peak hour, with and without the Ramps Project.** (DEIR IV.E.83-84; C&R 2.7.114.) By displacing west-bound traffic on the Bay Bridge, the Proposed Project's would increase queues approaching the Bay Bridge from the East Bay in the AM peak hour; this impact would be considered significant. Implementation of M-TR-2 and the proposed transportation demand management (TDM) strategies would reduce vehicle trip generation, however, the Proposed Project would continue to increase queues on the East Bay bridge approaches during the AM peak hour, which would be a *significant and unavoidable* impact. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.83.)

- **Impact TR-7: Implementation of the Proposed Project would result in a significant impact on queuing on San Francisco streets approaching Bay Bridge during the weekday PM peak hour, under conditions with and without the Ramps Project.** (DEIR IV.E.84-87; C&R 2.7.114.) The Proposed Project's increase to queues approaching the Bay Bridge from downtown San Francisco in the PM peak hour would be considered a significant impact, irrespective of whether the Ramps Project is implemented. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce vehicle trip generation such that the Proposed Project's impacts to queues approaching the Bay Bridge from downtown San Francisco would be reduced.

However, the Proposed Project would continue to increase queues on the bridge approaches from downtown San Francisco during the PM peak hour, which would be considered a *significant and unavoidable* impact. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the San Francisco streets approaching Bay Bridge and the Bay Bridge.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.84-85.)

- **Impact TR-8: Implementation of the Proposed Project would result in a significant project impact at the signalized intersection of First/Market.** (DEIR IV.E.88) During the PM peak hour, vehicular traffic generated by the Proposed Project would cause this intersection to deteriorate from LOS E to LOS F. Modifications to signal timing or addition of traffic lanes would interfere with other City policies and priorities. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve intersection operations, but it would continue to operate at LOS F during the PM peak hour. Therefore, the traffic impact at this intersection would be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of First/Market.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.87.)

- **Impact TR-9: Implementation of the Proposed Project would result in a significant project impact at the signalized intersection of First/Mission.** (DEIR IV.E.88-89) During the PM peak hour, vehicular traffic generated by the Proposed Project would cause this intersection to deteriorate from LOS E to LOS F. Modifications to signal timing or addition of traffic lanes would interfere with other City policies and priorities. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve intersection operations, but it would continue to operate at LOS F during the PM peak hour. Therefore, the traffic impact at this intersection would be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific

modes are generally not feasible given the physical constraints of the intersection of First/Mission.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.89.)

- **Impact TR-10: Implementation of the Proposed Project would result in a significant project impact at the signalized intersection of First/Folsom.** (DEIR IV.E.89) During the PM peak hour, vehicular traffic generated by the Proposed Project would cause this intersection to deteriorate from LOS E to LOS F. The addition of traffic lanes would interfere with other City priorities. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve intersection operations, but it would continue to operate at LOS F during the PM peak hour. Therefore, the traffic impact at this intersection would be ***significant and unavoidable***. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of First/Folsom.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.89.)

- **Impact TR-11: Implementation of the Proposed Project would result in a significant project impact at the signalized intersection of First/Harrison/I-80 Eastbound On-Ramp.** (DEIR IV.E.89-90) During the PM peak hour, vehicular traffic generated by the Proposed Project would cause this intersection to deteriorate from LOS E to LOS F. The addition of traffic lanes would interfere with other City priorities. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve intersection operations, but it would continue to operate at LOS F during the PM peak hour. Therefore, the traffic impact at this intersection would be ***significant and unavoidable***. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of First/Harrison/I-80 Eastbound On-Ramp.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.89-90.)

- **Impact TR-12: Implementation of the Proposed Project would result in a significant project impact at the signalized intersection of Bryant/Fifth/I-80 Eastbound On-**

Ramp. (DEIR IV.E. 90) During the Saturday peak hour, vehicular traffic generated by the Proposed Project would cause this intersection to deteriorate from LOS D to LOS E. The addition of traffic lanes would interfere with other City priorities. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve intersection operations, but it would continue to operate at LOS E during the Saturday peak hour and LOS F during the PM peak hour. Therefore, the traffic impact at this intersection would be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Bryant/Fifth/I-80 Eastbound On-Ramp.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.90.)

- **Impact TR-13: Implementation of the Proposed Project would result in a significant project impact at the signalized intersection of Fifth/Harrison/I-80 Westbound Off-Ramp.** (DEIR IV.E.90-91) During the PM peak hour, vehicular traffic generated by the Proposed Project would cause this intersection to deteriorate from LOS D to LOS E. The addition of traffic lanes would interfere with other City priorities. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve intersection operations, but it would continue to operate at LOS E during the PM peak hour. Therefore, the traffic impact at this intersection would be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Fifth/Harrison/I-80 Westbound Off-Ramp.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.91.)

- **Impact TR-14: Implementation of the Proposed Project would contribute substantially to existing LOS E conditions at the signalized intersection of Second/Folsom, resulting in a significant project impact.** (DEIR IV.E.90-91) With implementation of the Proposed Project, this intersection would continue to operate at LOS E conditions during the PM peak hour. The addition of traffic lanes would interfere with other City priorities. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve intersection operations, but it would continue to operate at LOS E during the PM peak hour, resulting in a *significant and unavoidable* impact.

This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Second/Folsom.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.91.)

- **Impact TR-17: Implementation of the Proposed Project would result in a significant project impact at the uncontrolled study intersection of Folsom/Essex.** (DEIR IV.E.92) Implementation of the Proposed Project would add to queues existing under current conditions during the PM peak period. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce the number of vehicles that travel through the intersection, however it would continue to operate under queued conditions. Therefore, the traffic impact at this intersection would be ***significant and unavoidable***. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Folsom/Essex.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.92.)

- **Impact TR-18: Implementation of the Proposed Project would result in a significant project impact at the uncontrolled study intersection of Bryant/Sterling.** (DEIR IV.E.92-93) Implementation of the Proposed Project would add to queues existing under current conditions during the PM peak period. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce the number of vehicles that travel through the intersection, however it would continue to operate under queued conditions. Therefore, the traffic impact at this intersection would be ***significant and unavoidable***. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Bryant/Sterling.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.93.)

- **Impact TR-19: Implementation of the Proposed Project would exceed the available transit capacity of Muni's 108-Treasure Island bus line serving the Islands.** (DEIR IV.E.95; C&R 2.7.42, 2.7.56) The total transit travel demand on Muni buses would not be accommodated during the three peak hours of analysis (*see* DEIR IV.E.94). The 108-

Treasure Island bus line would exceed Muni's capacity utilization standard of 85 percent during the AM, PM and Saturday peak hours, therefore the Proposed Project's impact to transit capacity would be considered a significant impact. (If the unserved demand for the 108-Treasure Island service shifted to the ferry, demand during the PM peak hours would be 91 percent of total capacity, also in excess of the 85 percent standard.) With implementation of Mitigation Measure M-TR-2 (Expanded Transit Service), the Proposed Project's transit demand would be accommodated within Muni because there would be more frequent Muni service and corresponding increases in capacity. Therefore, implementation of Mitigation Measure M-TR-2 would create sufficient capacity on Muni to accommodate all the riders generated by the Proposed Project. However, because full funding for this Expanded Transit Service has not yet been identified and implementation is outside the jurisdiction of the Agency, its implementation remains uncertain. Accordingly, Proposed Project impacts to transit capacity are considered *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.95.)

- **Impact TR-25: Implementation of the Proposed Project without the Ramps Project would impact AC Transit operations on Hillcrest Road between Treasure Island and the eastbound on-ramp to the Bay Bridge.** (DEIR IV.E.101; C&R 2.7.53, 61.) Although the new AC Transit bus service would not utilize the westbound on-ramps, queues from both westbound ramps would interfere with AC Transit bus travel between Treasure Island and the eastbound on-ramp to the Bay Bridge. With implementation of Mitigation Measure M-TR-2 (Expanded Transit Service), the Proposed Project's vehicle traffic generation would be reduced, but queues would remain approximately 1/3 mile during Saturday peak hours. For the reasons discussed under Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and implementation remains uncertain. Implementation of Mitigation Measure M-TR-24 to provide a transit and emergency vehicle-only lane between First Street on Treasure Island and the westbound Bay Bridge on-ramp would allow AC Transit vehicles to bypass vehicle queues; however, since this improvement would extend the transit lane only to the westbound on-ramp (because there is not sufficient right-of-way to extend a lane on Hillcrest Road), AC Transit vehicles would continue to experience congestion between

the transit only westbound on-ramp and the eastbound on-ramp, and impacts to AC Transit operations would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.101.)

M-TR-24: Provide Transit Only Lane between First Street on Treasure Island and the transit and emergency vehicle-only westbound Bay Bridge on-ramp. (Discussed above under Impact TR-24) (DEIR IV.E.101.)

- **Impact TR-27: Implementation of the Proposed Project with the Ramps Project would impact AC Transit operations on Treasure Island Road and Hillcrest Road between Treasure Island and the eastbound on-ramp to the Bay Bridge.** (DEIR IV.E.102; C&R 2.7.53, 2.7.61.) AC Transit vehicles would travel in the queue for the westbound on-ramp on the east side of Yerba Buena Island nearly for its entire length, resulting in delays of approximately five minutes per vehicle. This would be considered a significant impact to AC Transit operations. With implementation of Mitigation Measure M-TR-2 (Expanded Transit Service), the Proposed Project's vehicle traffic generation would be reduced such that queues would be reduced to smaller levels during weekday peak hours. The Proposed Project's impacts on AC Transit operations would remain significant because AC Transit vehicles would still have to travel through queues on the west side of Yerba Buena Island to reach the eastbound on-ramp. Further, as discussed under Impact TR-2 above, its implementation is outside the jurisdiction of the Agency and remains uncertain. Implementation of Mitigation Measure M-TR-24 would improve operations for AC Transit buses destined to the eastbound on-ramp. However, since this improvement would extend only to the transit and emergency vehicle-only westbound on-ramp on the west side of Yerba Buena Island and since sufficient right-of-way is not available to extend a transit-only lane beyond the transit and emergency vehicle-only westbound on-ramp, AC Transit vehicles would continue to experience congestion between the transit and emergency vehicle-only westbound on-ramp and the eastbound on-ramp. The impact to AC Transit operations would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.102.)

M-TR-24: Provide Transit Only Lane between First Street on Treasure Island and the transit and emergency vehicle-only westbound Bay Bridge on-ramp. (Discussed above under Impact TR-24) (DEIR IV.E.102.)

- **Impact TR-29: The Proposed Project would increase congestion in downtown San Francisco, which would increase travel times and would impact operations of the Muni 27-Bryant bus line.** (DEIR IV.E.106) No feasible mitigation measures have been identified for the intersections of Fifth/Bryant/I-80 Eastbound On-Ramp and Fifth/Harrison/I-80 Westbound Off-Ramp. Implementation of M-TR-2 would improve operations at these intersections, but the intersections would continue to operate poorly. Since no feasible mitigation measures have been identified, the Proposed Project's impacts on transit delay on the 27-Bryant would be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways in downtown San Francisco.
- **Impact TR-30: The Proposed Project would increase congestion in downtown San Francisco, which would increase travel times and would impact operations of the Muni 30X-Marina Express bus line.** (DEIR IV.E.106) Potential mitigation measures for the intersection of First/Market are limited, as traffic signals at this intersection are timed to prioritize transit movements on Market Street. Providing additional travel lanes at this intersection would require substantial reduction in sidewalk widths, which would be inconsistent with the pedestrian environment on Market Street. Implementation of M-TR-2 would improve operations at these intersections, but the intersections would continue to operate poorly. No feasible mitigation measures have been identified, therefore the Proposed Project's impacts on transit delay on the 30X-Marina Express would be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways in downtown San Francisco.
- **Impact TR-31: The Proposed Project would increase congestion in downtown San Francisco, which would increase travel times and would impact operations of the Muni 47-Van Ness bus line.** (DEIR IV.E.106-107) No feasible mitigation measures have been identified at the intersections of Fifth/Bryant/I-80 Eastbound On-Ramp and

Fifth/Harrison/I-80 Westbound Off-Ramp. Implementation of M-TR-2 would improve operations at these intersections, but the intersections would continue to operate poorly. Therefore the Proposed Project's impacts on transit delay on the 47-Van Ness would be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways in downtown San Francisco.

- **Impact TR-63: Implementation of the Proposed Project parking supply maximums would exacerbate the exceedance of the capacity utilization standard on Muni's 108-Treasure Island bus line serving the Islands.** It is anticipated that the parking shortfall on the Islands could result in a shift from auto to transit modes, resulting in an increase in transit travel demand during the peak hours. Increased utilization of the Muni line 108-Treasure Island bus line would exacerbate already significant impact to transit capacity, resulting in a secondary significant impact. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce the secondary impact on transit to a less than significant level. However, as discussed under Impact TR-2 above, its implementation is outside the jurisdiction of the Agency and remains uncertain. Therefore, the secondary parking impacts on transit would be considered *significant and unavoidable*. (DEIR IV.E.141; C&R 2.7.42.) This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

M-TR-2: Expanded Transit Service. (Discussed above under Impact TR-2) (DEIR IV.E.141.)

D. Noise

- **Impact NO-1: Project-related construction activities would increase noise levels above existing ambient conditions.** (DEIR IV.F.14-17; C&R 3.79, 3.120) Construction noise would be substantially greater than existing noise levels at the nearby receptor locations and would have the potential to result in significant impacts to existing sensitive receptors. (Construction noise impacts from non-impact equipment would be considered less than significant.) Mitigation Measures M-NO-1a and M-NO-1b would decrease construction noise levels by requiring construction contractors to implement noise reduction measures for construction activities, including pile-driving activities. With implementation of mitigation measures, impact noise would still exceed existing

monitored values by over 30 dBA at the closest locations and represent a potential *significant and unavoidable* noise impact to existing sensitive receptors.

M-NO-1a: Reduce Noise Levels During Construction. Specified practices shall be incorporated into construction contract agreement documents to be implemented by the construction contractor. (DEIR IV.F.16-17; C&R 3.79, 3.120.)

M-NO-1b: Pile Driving Noise-Reducing Techniques and Muffling Devices. The project sponsors and developers of each structure shall require the construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration. Construction contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices. (DEIR IV.F.16-17.)

- **Impact NO-2: Construction activities could expose persons and structures to excessive ground-borne vibration or ground-borne noise levels.** (DEIR IV.F.17-20) On-shore pile “impact activities” (e.g., pile driving and deep dynamic compaction) and vibro-compaction could produce ground-borne vibration at nearby sensitive buildings and sensitive receptors. Mitigation Measures M-NO-1b and M-NO-2 would decrease the vibration impacts associated with impact and vibro-compaction construction activities through implementation of such techniques as pre-drilling for piles and the development of a comprehensive monitoring program to detect ground settlement or lateral movement of structures. With these measures, and judicious use of mitigation techniques, damage impacts to existing and proposed buildings could be avoided. However, potential annoyance from vibration impacts could still result. Construction activities would be limited to daytime hours, but vibration annoyance may affect day sleepers, students studying at the Job Corps campus or Life Learning Academy, or other receptors engaged in quiet daytime activities. Given the number of years over which these activities would occur, and the fact that noise impacts would occur at different times throughout the multiple phases of construction, human annoyance-related vibration impacts are considered to be *significant and unavoidable*. (DEIR IV.F.19-20.)

M-NO-1b: Pile Driving Noise-Reducing Techniques and Muffling Devices. (Discussed above under Impact NO-1) (DEIR IV.F.19-20.)

M-NO-2: Pre-Construction Assessment to Minimize Impact Activity and Vibro-Compaction Vibration Levels. If recommended by a pre-construction assessment performed by a qualified geotechnical engineer, for structures or facilities within 50 feet

of impact or vibro-compaction activities, the Project Applicant shall require ground-borne vibration monitoring of nearby structures. (DEIR IV.F.19-20.)

- **Impact NO-3: Project-related traffic would result in a substantial permanent increase in ambient noise levels in the project vicinity above existing ambient noise levels.** (DEIR IV.F.20-23) The Proposed Project and the Proposed Project under Expanded Transit Service (*see* Mitigation Measure M-TR-2) would both increase noise levels along existing and proposed roadways due to increased vehicle traffic. Noise-reducing building techniques to attain Title 24 interior noise standard would be required for multi-family structures and hotels proposed as part of the Project. Consequently, the impact of project-related traffic noise would primarily result in a significant noise increase to exterior noise areas only, such as balconies and public gathering areas. No feasible mitigation measures are available that would reduce this exterior noise impact to a level that would be less than significant. Therefore, traffic noise impacts associated with the Proposed Project would be *significant and unavoidable*.
- **Impact NO-4: Project-related ferry noise levels would result in a substantial permanent increase in ambient noise levels in the project vicinity above existing ambient conditions.** (DEIR IV.F.23-26) Ferry noise (including noise due to engine exhaust, main propulsion engines and water noise) would have the potential to result in a significant noise impact from an increase in ambient noise conditions at the nearest existing and proposed sensitive receptor locations. Implementation of Mitigation Measure M-NO-4, to prepare and implement a noise reduction plan, would ensure that the ferry terminal and its operations would be designed in a manner that would reduce the potentially significant noise impact to a level that would be less than significant. However, because operation of the ferry service would be implemented by WETA and would not be within the control of TIDA or the City, if WETA elects not to implement this measure, the impact would be considered *significant and unavoidable*. The Agency finds WETA can and should adopt and implement this measure if it is found feasible.

E. Air Quality

- **Impact AQ-2: Construction of the Proposed Project could violate an air quality standard or contribute significantly to an existing or projected air quality violation.** (*Less than Significant under Applicable 1999 Guidelines, Significant and Unavoidable with Mitigation under 2010 Guidelines*) (DEIR IV.G.27-30; C&R 2.9.4-2.9.5, 3.2-3, 3.31-32) Construction related emissions of ROG and NO_x would exceed the 2010 Bay Area Air Quality Management District (“BAAQMD”) thresholds for construction emissions.

Mitigation Measure M-AQ-2, which requires the Project Sponsor to implement combustion emission reduction measures during construction activities, is identified to reduce construction exhaust emissions for ROG and NOx. However, given current technologies, Mitigation Measure M-AQ-2 would achieve a maximum NOx and ROG reduction of approximately 50 percent each. It is unlikely that the mitigation measure could achieve a 95 percent reduction in NOx emissions or a 51 percent reduction in ROG emissions (the level necessary to reduce each such emission to a level below BAAQMD's average daily emissions significant thresholds).

BAAQMD suggested the City consider establishing an offsite mitigation program that project sponsor(s) could pay into if on-site construction and/or operation emission reductions cannot lower emissions to the less-than-significant level. (C&R 2.9.9) BAAQMD has developed a document entitled *Guidance for Lead Agencies to Develop an Off-site Mitigation Program*, which states the lead agency determines the feasibility of an off-site mitigation measure. Assuming a fee program were established that is comparable to off-site mitigation programs in other jurisdictions (e.g. Sacramento Metropolitan Air Quality Management District), it is estimated an annual financial commitment of approximately \$1.64 million would be required to offset the projects NOx emissions. It is likely that the mitigating mechanism would not reduce all pollutants equally and that additional mitigation off-sets would be required to reduce potential residual PM10 and/or NOx impacts, at unknown additional cost. (C&R 2.9.10.) The City has not established an off-site air quality mitigation program for any development project, nor has a project funding source been identified that could afford the estimated annual funding commitment without significantly reducing the public benefits (e.g. affordable housing, transportation, community facilities and open space) that are key project objectives. The BAAQMD also has not established such a program. There is no guarantee that a program would be successful in reducing emissions of criteria pollutants to less-than-significant levels. Based on the absence of such an adopted program, and the analysis provided in the EIR, the Agency finds an off-site mitigation program is not feasible. (C&R 2.9.10-11.)

Therefore, the potential impacts of the Proposed Project with respect to the BAAQMD CEQA construction thresholds would be ***significant and unavoidable*** for NOx and ROG relative to the 2010 BAAQMD Thresholds.

M-AQ-2: Construction Exhaust Emissions. TIDA shall require project sponsors to implement combustion emission reduction measures, during construction activities, including those measures specified in the EIR. (DEIR IV.G.28-30; C&R 2.94-2.95, 3.2-3, 3.31-32.)

- **Impact AQ-3: Construction of the Proposed Project could expose sensitive receptors to substantial levels of toxic air contaminants which may lead to adverse health effects. (*Potentially Significant and Unavoidable for both 1999 and 2010 BAAQMD thresholds in Phase 2*)** (DEIR IV.G.30-36; C&R 2.9.5, 3.3, 3.32) Construction of the Proposed Project would generate substantial levels of diesel particulate matter (“DPM”). Based upon the representative project phasing analyzed in the DEIR (*see* DEIR IV.G.33-35), the DPM exposure cancer risk levels associated with the analyzed receptors would be significant for most phases. Additionally, because of the flexibility in the proposed DDA between TICD and TIDA that allows for different phasing scenarios, it is possible that the actual phasing and location of sensitive receptors could differ from that of the representative project analyzed here, potentially resulting in other significant impacts to sensitive receptors from toxic air contaminants. Implementation of Mitigation Measure M-AQ-3 would reduce the impact; however, because elements of this Mitigation Measure would only be implemented to the extent feasible, it cannot be concluded with certainty that the mitigation measure would reduce the impacts to a less than significant level. Therefore, even with mitigation, the impact is found to be potentially *significant and unavoidable*.

M-AQ-3: Analysis by Air Quality Consultant and Implementation of Best Management Practices. At the submission of any Major Phase application, TIDA shall require that an Air Quality consultant review the proposed development in that Major Phase. If the Air Quality consultant determines the possible impact of the actual phasing could result in a significant impact on any group of receptors, then TIDA shall require that the applicant implement in connection with that Major Phase best management practices to the extent that TIDA determines feasible to reduce construction emissions in accordance with Mitigation Measures M-AQ-1, M-AQ-2, and M-AQ-4. (DEIR IV.G.36; C&R 2.9.5, 3.3, 3.32.)

- **Impact AQ-4: Construction of the Proposed Project would expose sensitive receptors to substantial levels of PM_{2.5} which may lead to adverse health effects. (*Not Applicable to 1999 BAAQMD Thresholds, Significant and Unavoidable with Mitigation for 2010 BAAQMD Thresholds*)** (DEIR IV.G.36-38; C&R 2.9.2-2.9.3.) Modeling results estimated that maximum annual PM_{2.5} concentrations from construction activities would be as high as 0.84µg/m³ at the closest receptor. This is above the BAAQMD threshold of 0.3µg/m³ that will become effective for projects that submit a Notice of Preparation after January 1, 2011. Consequently, although project construction exhaust emissions of PM_{2.5} are less than significant on a regional basis (*see* Impact AQ-2) localized PM_{2.5} concentrations that consider both fugitive dust and emissions would be *significant and unavoidable*. These estimates assume that fugitive dust control measures specified in Mitigation Measure M-AQ-

1 would already be implemented. Mitigation Measure M-AQ-4 below would implement additional mitigation measures recommended by BAAQMD for projects with construction emissions above thresholds. All 13 components of Mitigation Measure M-AQ-4 may or may not be feasible, and thus cannot be assumed to be implemented. Even if all 13 components were implemented, the mitigation would be unlikely to achieve a reduction in PM 2.5 emissions that would be below BAAQMD's significance threshold.

M-AQ-4: Implement Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above Thresholds. TIDA shall require the project sponsors to implement all of the following mitigation measures identified by BAAQMD, to the extent feasible, for projects that exceed construction thresholds that would be applicable to reducing PM2.5 emissions. (DEIR IV.G.38; C&R 2.9.2-2.9.3.)

- **Impact AQ-5: The Proposed Project's operations would violate an air quality standard or contribute substantially to an existing or projected air quality violation. (*Significant and Unavoidable with Mitigation for both 1999 and 2010 BAAQMD thresholds*)** (DEIR IV.G.38-42; C&R 2.9.6, 3.3, 3.32-33, 3.121) Operational emissions from Proposed Project operations would exceed 1999 BAAQMD thresholds for ROG, NOx, and PM10 and would exceed 2010 BAAQMD thresholds for ROG, NOx, PM10, and PM2.5. ROG emissions would primarily result from the use of consumer products and architectural coating applications by future residents (non-construction), which could not be feasibly mitigated. Although NOx emissions can be reduced by up to 85 percent by the use of selective catalytic reduction technology, this technology is not feasible because the relatively short ferry trips that would be generated would not allow for adequate engine temperatures to be maintained for catalysis to occur. Thus, no feasible mitigation has been identified for NOx emissions. An additional mitigation measure, M-AQ-5, is identified to reduce PM10 and PM2.5 impacts from the ferries, however emissions of PM2.5 would remain significant and unavoidable under the 2010 BAAQMD thresholds. Because WETA would operate ferry service, implementation of this measure is outside of the jurisdiction of the City and is not assured. Two comments suggested alternate types of ferries that do not rely solely on diesel fuel be considered. (C&R 2.9.5) Alternative power systems for ferries are still in development and may not be feasible for the project. The choice of the type of ferries used for the project would be selected by WETA and would not be within the control of TIDA or the City. The Agency finds WETA can and should adopt and implement this measure if it is found feasible. However, it was appropriate for the EIR to conservatively calculate air emissions based on diesel powered ferries rather than relying on an unproven technology or technology

not readily available. (C&R Section 2.9.6-7.) Therefore, this impact is considered *significant and unavoidable*.

M-AQ-5: Ferry Particulate Emissions. All ferries providing service between Treasure Island and San Francisco shall meet applicable California Air Resources Board regulations. Additionally, all ferries shall be equipped with diesel particulate filters or an alternative equivalent technology to reduce diesel particulate emissions. (DEIR IV.G.42; C&R 2.9.6, 3.3, 3.32-33, 3.121.)

- **Impact AQ-6: Operation of the Proposed Project could expose sensitive receptors to substantial pollutant concentrations. (*Significant and Unavoidable with Mitigation for both 1999 and 2010 BAAQMD thresholds*)** (DEIR IV.G.42-49) Operation of the Proposed Project with the Expanded Transit Service (*see* Mitigation Measure M-TR-2) would result in significant levels of DPM emissions even with mitigation measure M-AQ-5; exposure to significant levels of cancer risks for any residences on Yerba Buena Island within 400 feet of the Bay Bridge; and significant levels of exposure to PM_{2.5} emissions for residences with 600 feet of the Bay Bridge. This impact is considered *significant and unavoidable*.
- **Impact AQ-8: The Proposed Project could conflict with adopted plans related to air quality. (*Significant for the Proposed Project and Less than Significant for Expanded Transit Service*)** (DEIR IV.G.50-52) The Proposed Project would have a significant impact with regard to conflicts with the BAAQMD's Air Quality Plan. Implementation of M-TR-2 would reduce Impact AQ-8 to a less than significant level with regard to conflicts with the Air Quality Plan. Because the feasibility of this measure is currently uncertain and implementation is outside the jurisdiction of the Agency (as discussed under M-TR-2 above), the impact is considered significant and unavoidable. Without implementation of M-TR-2, the impact would be considered *significant and unavoidable*.

M-TR-2: Expanded Transit Service. (Discussed above Impact TR-2)

F. Wind and Shadow

- **Impact WS-3: The phased development of the Proposed Project could temporarily result in the creation of a Section 148 wind hazard, an increase in the number of hours that the wind hazard criterion is exceeded or an increase in the area that is subjected to wind hazards.** (DEIR IV.I.50-52; C&R 2.11.2-3.) Following the completion of the first building or the first cluster of buildings of the Proposed Project in this windy site, there could be one or more wind hazards similar to those identified at the perimeter of the

completed development. With implementation of Mitigation Measure M-WS-3, the potential impact would be reduced as much as practicable. However, because not every wind hazard may be identified by a wind consultant's review, wind hazards can still occur. It should not be expected that all of the wind hazards identified in prior wind testing would be eliminated. Therefore, these temporary wind hazards must be considered to be potentially *significant and unavoidable* impacts.

M-WS-3: Identification of Interim Hazardous Wind Impacts. At least once a year, throughout construction, a wind consultant shall review and consider the designs of all buildings that are approved or under construction and the status of site development and building construction to date, and shall identify locations where potentially hazardous winds are likely to occur in pedestrian areas as a result of the new construction. TIDA shall ensure, by conditions of approval for both building permits and site permits, that the project sponsor and the subsequent building developer(s) cooperate to implement and maintain all structural measures and precautions identified by the wind consultant. Mitigation measure M-WS-3 would result in mitigation actions that could include changing building designs or orientations, installing permanent or semi-permanent windscreens to provide shelter from the wind, installing or modifying landscaping to provide shelter from the wind, and/or identifying alternate pedestrian or bicycle routes. (DEIR IV.I.51-52; C&R 2.11.2-3)

- **Impact WS-4: Section 148 wind hazards would occur at publicly accessible locations in the Development Plan Area. These wind hazards would represent a general reduction in the number of existing wind hazards and the overall duration of the wind hazards. Changes in building design, height, location, and orientation, as well as changes in the overall configuration of the Project, could result in wind hazards that differ from those found for the representative design Project. The wind hazards could occur in different locations, could increase the number of hours that any wind hazard would occur, and/or could increase the area that would be subjected to wind hazards.** (DEIR IV.I.53-60; C&R 2.11.2-3.) Because TIDA has discretion to approve the construction of buildings that differ in design, location and height from the representative design analyzed in the EIR, and because design differences could result in different wind effects, wind hazards may differ from those presented in the EIR. Implementation of Mitigation Measures M-WS-3 (which would require structural and precautionary measures such as placing warning signs around or restricting access to areas with potential wind hazards) and M-WS-4 (which would require wind impact review for buildings prior to design approval and would require that design changes be made to certain buildings on an as-needed basis) would reduce the magnitude of wind impacts, however they cannot be assured reduce the impacts to less-than-

significant levels. With regard to M-WS-4 in particular, implementation of this measure would likely reduce or possibly eliminate some of the identified wind hazards to pedestrians.

However, because wind impacts depend in part on the design of each building and its surroundings and because actual building designs and site plans have not yet been prepared, it is not possible to determine whether or not the proposed building designs and site plans have not yet been prepared, it is not possible to determine whether the proposed building designs or changes proposed through implementation of M-WS-4 would reduce the level of significance of this impact. Therefore, the wind hazard impact is considered to be potentially *significant and unavoidable*.

M-WS-3: Identification of Interim Hazardous Wind Impacts. (Discussed above under Impact WS-3) (DEIR IV.I.51-52.)

M-WS-4: Ongoing Review and Mitigation of Hazardous Wind Impacts. Prior to schematic design approval of the building(s) on any parcel within the Project, TIDA shall require that a qualified wind consultant shall review and compare the exposure, massing, and orientation of the proposed building(s) on the subject parcel to the project described in the EIR and determine whether additional analysis is required. Mitigation measure M-WS-4 would result in mitigation actions that could include changing building designs or orientations, installing permanent or semi-permanent windscreens to provide shelter from the wind, installing or modifying landscaping to provide shelter from the wind, and/or identifying alternate pedestrian or bicycle routes. (DEIR IV.I.56-60; C&R 2.11.2-3.)

G. Biological Resources

- **Impact BI-4: The project may adversely affect the movement of rafting waterfowl.** (*Impact BI-4 is less than significant with mitigation for migratory birds and fish passage.*) (DEIR IV.M.50-55; C&R 2.15.20, 3.80.) Increased ferry traffic to and from Treasure Island could have a negative effect on “rafting” (i.e., aggregating on water) bird species. Implementation of Mitigation Measure M-BI-4b, to limit ferry speeds (i.e., lessen the effects of noise and wake) and ferry trips during months of increased waterfowl populations, would reduce the impacts on rafting birds from the Proposed Project to a less than significant level if the measure is adopted by the responsible agency (see discussion below under Mitigation Measure M-BI-4b). Because adoption of the measure by the responsible agency and full funding are not assured and is outside the jurisdiction of the City, the impact on rafting waterfowl is determined to be *significant and unavoidable*.

M-BI-4b: Changes in Ferry Service to Protect Rafting Waterfowl. Ferries between San

Francisco and Treasure Island shall operate in reduced numbers and slower speeds during December and January (peak waterfowl months); alternatively, during this period ferries, to the extent practicable, shall maintain a buffer zone of 250 meters from areas of high-use by rafting waterbirds. (DEIR IV.M.54-55; C&R 2.5.20, 3.80.) However, while either of these measures would be an effective mitigation, because adoption of these measures by WETA is not assured and is outside the jurisdiction of the Agency, the impact on rafting waterfowl is considered significant and unavoidable. (DEIR IV.M.54; C&R Section 2.15.20.) The Agency further finds WETA can and should adopt and implement this measure if it is found feasible.

IVA. SIGNIFICANT CUMULATIVE IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

A. Transportation

Note: For Impacts TR-40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 58, 59, 60, and 61, implementation of M-TR-2 would reduce the impact, but not to a level below significance. Implementation of M-TR-2 is within the jurisdiction of WETA and SFMTA, as discussed under Impact TR-2 above. Because the feasibility of this measure is currently uncertain and implementation is partially outside the jurisdiction of the Agency, the impact remains significant and unavoidable. As noted above, CEQA requires public agencies to adopt feasible mitigation measures which would avoid or substantially lessen the significant environmental effects of projects. Therefore, while these impacts will likely remain significant and unavoidable with or without the implementation of M-TR-2, the Agency finds that WETA can and should adopt implementation of M-TR-2 with respect to the expanded ferry service. With respect to the portion of M-TR-2 within the jurisdiction of SFMTA, Agency hopes to implement M-TR-2 to the extent that adequate funding is made available to feasibly implement the measure. However, as stated above, for the reasons set forth in the SFMTA Expanded Transit Memorandum, implementation of M-TR-2 by SFMTA remains uncertain.

- **Impact TR-39: Construction of the Proposed Project would occur over a long period of time and would contribute to cumulative construction impacts in the Project vicinity.** (DEIR IV.E.118) Implementation of Mitigation Measure M-TR-1, a Construction Traffic Management Plan, would help minimize the Proposed Project's contribution to cumulative construction-related traffic impacts. However, some disruption and increased delays could still occur even with implementation of M-TR-1, and it is possible that significant construction-related traffic impacts could still occur in the project vicinity. This impact is considered unavoidable because additional measures that involve physical modifications to

existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge. Cumulative construction-related transportation impacts would therefore, remain *significant and unavoidable*.

- **Impact TR-40: Implementation of the Proposed Project would contribute to significant cumulative traffic impacts at the eastbound off-ramp (west side of Yerba Buena Island).** (DEIR IV.E.119; C&R 2.7.114.) Based on the merge/diverge analysis conducted for the EIR, under 2030 Cumulative plus Project conditions, the Proposed Project would contribute traffic to the eastbound off-ramp diverge section on the west side of Yerba Buena Island. Project traffic would comprise a majority of the traffic using the off-ramp during the PM and Saturday peak hours and the project's contribution would therefore, be considered substantial. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce vehicle trip generation such that the project's cumulative impacts to the eastbound off-ramp diverge section would be reduced. However, this would have only a slight benefit to congestion around the off-ramp diverge section and the Proposed Project's cumulative impacts on this ramp diverge section would remain *significant and unavoidable*. This impact would occur irrespective of whether the Ramps Project was implemented. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.
- **Impact TR-41: Under conditions without the Ramps Project, implementation of the Proposed Project would contribute to significant cumulative impacts at the two westbound on-ramps.** (DEIR IV.E.119-120; C&R 2.7.114.) Delays on westbound on-ramps to the Bay Bridge would be considered a significant impact to both westbound on-ramps in the AM, PM, and Saturday peak hours under 2030 Cumulative plus Project conditions. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce vehicle trip generation such that cumulative impacts to ramp delays at the two stop controlled westbound on-ramps would be reduced. However, weekday AM and PM and Saturday peak hours, autos would still experience delay consistent with LOS F and the project's impacts on delay approaching the on-ramps would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.

- **Impact TR-42: Under conditions with the Ramps Project, implementation of the Proposed Project would result in significant cumulative impacts during the AM and PM peak hours at the ramp meter at the westbound on-ramp (east side of Yerba Buena Island).** (DEIR IV.E.120; C&R 2.7.114.) Under 2030 Cumulative plus Project conditions, vehicular traffic delay under conditions with the reconstructed westbound ramps would be the same as Existing plus Project conditions. This would be a significant impact. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce vehicle trip generation such that the project's impacts to ramp delays at the ramp meter at the reconstructed westbound on-ramp would be reduced by nearly one-half. However, autos would still experience delay consistent with LOS F and the Project's cumulative impacts to delay approaching the on-ramps would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.
- **Impact TR-44: Implementation of the Proposed Project would contribute to significant cumulative queuing impacts at the Bay Bridge toll plaza during the AM and PM peak hours, whether or not the Ramps Project is implemented.** (DEIR IV.E.121; C&R 2.7.114.) The Proposed Project's contribution to cumulative increases to queuing on Bay Bridge approaches in the East Bay in the AM and PM peak hours would be considered a significant impact. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce vehicle trip generation such that the project's impacts to queues approaching the Bay Bridge from the East Bay would be reduced. However, the Proposed Project would continue to contribute to significant cumulative impacts during the AM and PM peak hours, which would be a *significant and unavoidable* impact. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways on Yerba Buena Island and the Bay Bridge.
- **Impact TR-45: Implementation of the Proposed Project would contribute to significant cumulative queuing impacts on San Francisco streets approaching the Bay Bridge during the weekday AM and PM and Saturday peak hours, whether or not the Ramps Project is implemented.** (DEIR IV.E.121-122; C&R 2.7.114.) Under 2030 Cumulative plus Project conditions, the Proposed Project's contribution to cumulative increases in peak hour queuing on Bay Bridge approaches in downtown San

Francisco would be significant. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce vehicle trip generation such that the Proposed Project's contributions of vehicles approaching the Bay Bridge from downtown San Francisco during the peak hours would be reduced. However, the Proposed Project would continue to contribute to significant cumulative impacts during the peak hours, which would be a *significant and unavoidable* impact. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of San Francisco streets approaching the Bay Bridge and the Bay Bridge.

- **Impact TR-46: Implementation of the Proposed Project would result in significant project and cumulative impacts at the intersection of First/Market.** (DEIR IV.E.123) Under 2030 Cumulative plus Project conditions, the intersection of First/Market would operate at LOS E or LOS F conditions during all three peak hours. During the Saturday peak hour, vehicular traffic generated by the Proposed Project would cause the intersection to deteriorate from LOS C to LOS E, resulting in a significant cumulative impact. In addition, the Proposed Project would contribute considerably to critical movements operating at LOS E or LOS F during the PM peak hour, resulting in significant cumulative impacts. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at this intersection, but not to LOS D or better and the Proposed Project's contribution would remain considerable. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the study intersection of First/Market would therefore be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of First/Market.
- **Impact TR-47: Implementation of the Proposed Project would result in significant project and cumulative impacts at the intersection of First/Mission.** (DEIR IV.E.123-124) Under 2030 Cumulative plus Project conditions, the intersection of First/Mission would operate at LOS F conditions during the PM peak hour, and the Proposed Project would contribute considerably to critical movements operating at LOS E or LOS F, resulting in significant project and cumulative impacts. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at

this intersection during the PM peak hour, but not to LOS D or better and the Proposed Project's contribution would remain considerable. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the study intersection of First/Mission would therefore be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of First/Mission.

- **Impact TR-48: Implementation of the Proposed Project would result in significant project and cumulative impacts at the intersection of First/Folsom.** (DEIR IV.E.124) At intersections where project-specific impacts were identified for Existing plus Project conditions, the Proposed Project would also be considered to result in a project and cumulative impact under 2030 Cumulative plus Project conditions, and therefore the Proposed Project would result in a significant cumulative impact at the intersection of First/Folsom. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at this intersection, but not to LOS D or better and the Proposed Project's impact would remain considerable. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the study intersection of First/Folsom would therefore be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of First/Folsom.
- **Impact TR-49: Implementation of the Proposed Project would result in significant project and cumulative impacts at the intersection of First/Harrison/I-80 Eastbound On-Ramp.** (DEIR IV.125) Under 2030 Cumulative plus Project conditions, the intersection of First/Harrison/I-80 Eastbound On-Ramp would operate at LOS F conditions during the PM peak hour, and the Proposed Project would contribute considerably to critical movements operating at LOS E or LOS F, resulting in significant project and cumulative impacts. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at this intersection during the PM peak hour, but not to LOS D or better and the Proposed Project's contribution would remain considerable. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the study intersection of First/Harrison/I-80 Eastbound On-

Ramp would therefore, be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of First/Harrison/I-80 Eastbound On-Ramp.

- **Impact TR-50: Implementation of the Proposed Project would result in significant project and cumulative impacts at the intersection of Bryant/Fifth/I-80 Eastbound On-Ramp.** (DEIR IV.E.125-126) Under 2030 Cumulative plus Project conditions, the intersection of Bryant/Fifth/I-80 Eastbound On-Ramp would operate at LOS E or LOS F conditions during all three peak hours. During the Saturday peak hour, vehicular traffic generated by the Proposed Project would cause the intersection to deteriorate from LOS D to LOS E, resulting in a significant project and cumulative impact. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at this intersection, but not to LOS D or better and the Proposed Project's contribution would remain considerable. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the study intersection of Bryant/Fifth/I-80 Eastbound On-Ramp would therefore, be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Bryant/Fifth/I-80 Eastbound On-Ramp.
- **Impact TR-51: Implementation of the Proposed Project would result in significant project and cumulative impacts at the intersection of Harrison/Fifth/I-80 Westbound Off-Ramp.** (DEIR IV.E.126) Under 2030 Cumulative plus Project conditions, the intersection of Fifth/Harrison/I-80 Westbound Off-Ramp would operate at LOS F conditions during the PM peak hour, and the Proposed Project would contribute considerably to critical movements operating at LOS E or LOS F, resulting in significant project and cumulative impacts. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at this intersection during the PM peak hour, but not to LOS D or better and the Proposed Project's contribution would remain considerable. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the study intersection of Fifth/Harrison/I-80 Westbound Off-Ramp would therefore, be *significant and unavoidable*. This impact is considered unavoidable because additional measures that

involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Fifth/Harrison/I-80 Westbound Off-Ramp.

- **Impact TR-52: Implementation of the Proposed Project would result in significant project and cumulative impacts at the intersection of Second/Folsom.** (DEIR IV.E.126-127) Under both 2030 Cumulative No Project and 2030 Cumulative plus Project conditions, the intersection of Second/Folsom would operate at LOS F conditions during the AM and PM peak hours. Based on the assessment of the project-generated vehicle trips, the Proposed Project would contribute considerably to critical movements operating at LOS E or LOS F during both peak hours, resulting in significant project and cumulative impacts. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at this intersection during the PM peak hour, but not to LOS D or better and the Proposed Project's contribution would remain considerable. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the study intersection of Second/Folsom would therefore be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints intersection of Second/Folsom.
- **Impact TR-54: Implementation of the Proposed Project would contribute to significant cumulative impacts at the uncontrolled study intersection of Folsom/Essex.** (DEIR IV.E.128) Under 2030 Cumulative conditions, the existing queues that form on the approaches to the I-80 eastbound on-ramp and that spill back into the intersection would increase due to background traffic growth. Implementation of the Proposed Project would add vehicles to these existing queues, and contributions to the queued operations would be considered a significant cumulative impact. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce the number of Proposed Project vehicles that would travel through this intersection; however, it would continue to operate at queued conditions and the Proposed Project would continue to substantially contribute to these queues. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the uncontrolled study intersection of Folsom/Essex would therefore, be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications

to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Folsom/Essex.

- **Impact TR-55: Implementation of the Proposed Project would contribute to significant cumulative impacts at the uncontrolled study intersection of Bryant/Sterling.** (DEIR IV.E.128-129) Under 2030 Cumulative conditions, the existing queues that form on the approaches to the I-80 eastbound on-ramp and that spill back into the intersection would increase due to background traffic growth. Implementation of the Proposed Project would add vehicles to these existing queues, and contributions to the queued operations would be considered a significant cumulative impact. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would reduce the number of Proposed Project vehicles that would travel through this intersection; however, it would continue to operate at queued conditions and the Proposed Project would continue to substantially contribute to these queues. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. The Proposed Project's traffic impacts at the uncontrolled study intersection of Bryant/Sterling would therefore, be *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the intersection of Bryant/Sterling.
- **Impact TR-58: The Proposed Project would contribute to cumulative congestion in downtown San Francisco, which would increase travel time and would impact operations of the Muni 27-Bryant bus line.** (DEIR IV.E.134) The Proposed Project contributions to adverse traffic conditions at the intersections of Bryan/Fifth/I-80 Eastbound On-Ramp and Harrison/Fifth/I-80 Westbound Off-Ramp would affect the travel times of the 27-Bryant. No feasible mitigation measures have been identified that would reduce these impacts below significance. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at these intersections, but the intersections would continue to operate poorly during the PM peak hour. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. Therefore, the Proposed Project's cumulative impacts on transit travel times on the 27-Bryant would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific

modes are generally not feasible given the physical constraints of the roadways in downtown San Francisco.

- **Impact TR-59: The Proposed Project would contribute to cumulative congestion in downtown San Francisco, which would increase travel time and would impact operations of the Muni 30X-Marina Express bus line.** (DEIR IV.E.134) The 30-X-Marina Express bus operations would be affected by Proposed Project-related traffic delays at the intersection of First/Market. No feasible mitigation measures have been identified that would reduce these impacts below significance. Modifications to signal timing to provide more capacity to the southbound movement which would operate poorly would likely result in impacts to transit operations on Market Street and would be inconsistent with the City's Transit First policy. Providing additional travel lane at this intersection would require substantial reduction in sidewalk widths, which would be inconsistent with the pedestrian environment on Market Street. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at this intersection, but the intersection would continue to operate poorly during the PM peak hour. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. Therefore, the Proposed Project's cumulative impacts on transit travel times on the 30X-Marina Express would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways in downtown San Francisco.
- **Impact TR-60: The Proposed Project would contribute to cumulative congestion in downtown San Francisco, which would increase travel time and would impact operations of the Muni 47-Van Ness bus line.** (DEIR IV.E.135) The 47-Van Ness bus operations would be affected by Proposed Project-related traffic delays at the intersection of Bryant/Fifth/I-80 Eastbound On-Ramp and Harrison/Fifth/I-80 Westbound Off-Ramp. No feasible mitigation measures have been identified that would reduce these impacts below significance. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations at these intersections, but the intersections would continue to operate poorly during the PM peak hour. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. Therefore, the Proposed Project's cumulative impacts on transit travel times on the 47 Van Ness would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that

involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways in downtown San Francisco.

- **Impact TR-61: The Proposed Project would contribute to cumulative congestion in downtown San Francisco, which would increase travel time and would impact operations of the Muni 10-Townsend bus line.** (DEIR IV.E.135) The Proposed Project's contribution to cumulative impacts on the 10-Townsend as it maneuvers through Second Street northbound and southbound mixed-flow traffic destined for the Bay Bridge, would be significant. No feasible mitigation measures have been identified that would reduce these impacts below significance. Implementation of Mitigation Measure M-TR-2 (Expanded Transit Service) would improve operations, but the intersection would continue to operate poorly during the PM peak hour. Further, as described for Impact TR-2 above, implementation of M-TR-2 is outside the jurisdiction of the Agency and remains uncertain. Therefore, the Proposed Project's cumulative impacts on transit travel times on the 10-Townsend would remain *significant and unavoidable*. This impact is considered unavoidable because additional measures that involve physical modifications to existing roadways to improve capacity for specific modes are generally not feasible given the physical constraints of the roadways in downtown San Francisco.

B. Noise

- **Impact NO-7: Project-related construction activities in combination with construction activities of other cumulative development would increase noise levels above existing ambient conditions.** (DEIR IV.F.29-30) Other cumulative development in the area, including the Clipper Cove Marina and the Yerba Buena Island Ramps Improvement Project, could have construction activities that occur simultaneously with those of the Proposed Project. Consequently, the Proposed Project would be considered to result in a considerable contribution to a significant cumulative construction-related noise impact. Mitigation Measures M-NO-1a and M-NO-1b would not mitigate the impact to less-than-significant levels, therefore it would remain *significant and unavoidable*.
- **Impact NO-8: Increases in traffic from the project in combination with other development would result in cumulative noise increases.** (DEIR IV.F.30-31) Estimates associated with the cumulative scenario indicate that the contribution to cumulative traffic noise increases associated with both the Proposed Project and

Expanded Transit Service along each of the roadway segments would be considerable, and significant traffic noise level increases would occur on Saturday associated with both the Proposed Project and Expanded Transit Service along each of the modeled roadway segments with the exception of Avenue of the Palms, north of 1st Street. All multi-family structures and hotels proposed by the project would be required to design interior dwelling spaces to achieve interior noise standard as required by Title 24. Thus, this impact would primarily result in a significant noise increase to exterior areas only, such as balconies and public gathering areas. Traffic noise increases associated with the Proposed Project would be cumulatively considerable and no feasible mitigation measures would reduce the Project's contribution to this cumulative impact to less than significant levels, therefore the impact is considered *significant and unavoidable*.

C. Air Quality

- **Impact AQ-9: The Proposed Project could result in significant cumulative air quality impacts.** (DEIR IV.G.52-58) The proposed Development Plan would exceed BAAQMD construction-related significance thresholds for ROG and NOx (*see* Impact AQ-2) and, consequently, would result in significant cumulative impacts with regard to regional emissions of these criteria pollutants. In addition, predicted PM_{2.5} concentrations from construction of the Proposed Project alone would exceed the cumulative PM_{2.5} threshold (*see* Impact AQ-4). Even with implementation of all (BAAQMD identified) mitigation measures (including Mitigation Measures M-AQ-3 and M-AQ-4), PM_{2.5} concentrations would remain significant at residences close to peak Phase 2 construction activities and would be a potential significant and unavoidable cumulative impact. Finally, operation of the Proposed Project would exceed BAAQMD significance thresholds for ROG, NOx, PM₁₀ and PM_{2.5} (*see* Impact AQ-5) and, consequently, would result in a significant cumulative impact with regard to emissions of these criteria pollutants. Because mitigation measures are unlikely to reduce cumulative air quality impacts to a less-than-significant level, the impacts are considered *significant and unavoidable*.

The following cumulative air quality impacts were found to be less than significant: (i) construction emissions relative to 1999 BAAQMD guidelines, with implementation of Mitigation Measure M-AQ-1 (dust control); (ii) construction-related and operations-related cancer risk; (iii) construction-related and operations-related chronic hazards indices; (iv) operations-related PM_{2.5} concentrations; and (v) emissions resulting from power boat use at the marina.

D. Wind and Shadow

- **Impact WS-5: The Proposed Project, when combined with other cumulative projects, could result in wind hazards that differ from those found for the representative design Project, either in the location of the hazard, in an increase in the number of hours that Section 148 wind hazards would occur, or in an increase in the area that is subjected to wind hazards.** (DEIR IV.I.60-61) The cumulative wind effects of the Proposed Project and the Marina Project, including the very small wind reductions due to the Marina Project's waterside improvements, would be almost entirely due to the Proposed Project. Because the Proposed Project's direct impact would be significant and unavoidable, as discussed in Impact WS-4 (above), this cumulative impact would also be considered *significant and unavoidable*.

E. Biological Resources

- **Impact BI-7: The development planned as part of the Proposed Project, when combined with past, present, and other reasonably foreseeable development in the vicinity, could result in significant cumulative impacts to biological resources.** (*Significant and unavoidable for rafting waterfowl; Less than Significant for other sensitive plants, animals and habitats, see Section II.L of these Findings.*) (DEIR IV.M.63-64) Off-island, there could be cumulative impacts on sensitive biological resources located throughout the Central Bay when the impacts of the Proposed Project are considered in combination with the impacts of other projects in the vicinity. Many of these are habitat improvement projects that are intended to provide a net benefit to biological resources and would not contribute to long-term, adverse cumulative impacts on sensitive species and habitats. However, expanded ferry or water taxi services, such as the service described in the *Berkeley Albany Ferry Terminal Study Draft EIS/EIR*, are expected to contribute, along with the Proposed Project, to a cumulatively *significant and unavoidable* impact on rafting waterfowl. Impacts on rafting waterfowls would remain significant and unavoidable because enforcement of proposed mitigation measures is beyond the authority of the City. For more information on this impact to rafting waterfowls, see the discussion under Section IV.G of this document.

V. MITIGATION MEASURES AND PROJECT MODIFICATIONS PROPOSED BY COMMENTERS

Several commenters on the DEIR suggested additional mitigation measures and/or modifications to the measures recommended in the DEIR. In considering specific recommendations from

commenters, the Agency has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The Agency recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects. The Agency is also cognizant, however, that the mitigation measures recommended in the DEIR reflect the professional judgment and experience of the Agency's expert staff and environmental consultants. The Agency therefore believes that these recommendations should not be lightly altered. Thus, in considering commenters' suggested changes or additions to the mitigation measures as set forth in the DEIR, the Agency, in determining whether to accept such suggestions, either in whole or in part, considered the following factors, among others:

- (i) Whether the suggestion relates to a significant and unavoidable environmental effect of the Project, or instead relates to an effect that can already be mitigated to less than significant levels by proposed mitigation measures in the DEIR;
- (ii) Whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace;
- (iii) Whether the proposal may have significant environmental effects, other than the impact the proposal is designed to address, such that the proposal is environmentally undesirable as a whole;
- (iv) Whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted;
- (v) Whether the language might be too inflexible to allow for pragmatic implementation;
- (vi) Whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and
- (vii) Whether the proposal is consistent with the Project objectives.

For this project, several potentially significant and unavoidable impacts were identified and comments were received suggesting ways to further reduce those impacts. Where feasible, the mitigation measures were revised or clarified in response to comments. (See C&R 3.1-77.) Staff also initiated changes to the text of the Draft EIR, including mitigation measures. (See C&R 3.78-77-154.) In some cases, suggested measures are rejected for not being feasible or for lacking a nexus and rough proportionality to the anticipated significant adverse impacts of the project on the

physical environment. These reasons for rejecting mitigation proposed by commenters that were received during the comment period are explained in the C&R. (*See, e.g.*, C&R 2.1.1-2.23.6; 3.1-77.)

VI. EVALUATION OF PROGRAM ALTERNATIVES

This Section VI describes the Project as well as the Project Alternatives and the reasons for approving the Project and for rejecting the Alternatives. This Section VI also outlines the Project's purposes and provides a context for understanding the reasons for selecting or rejecting alternatives.

CEQA mandates that EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. 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.

A. Reasons for Selection of the Project

The overall goal of the Project is to convert approximately 367 acres on Treasure Island and approximately 94 acres on Yerba Buena Island from a former military base to a dense, mixed-use development. The project will provide numerous public benefits, including the following:

Land Use. The Project will result in the creation of a new, mixed-use and transit-oriented neighborhood on the former military base, incorporating the best principles of smart growth and quality urban design. Key land use-related benefits include:

- Locating dense development around a multi-modal transportation hub, including a newly created Ferry Quay on the west side of Treasure Island
- Creating an island gateway and heart with the most intense residential density and the majority of commercial uses focused on the western shore to capitalize on the spectacular views to San Francisco as a public resource
- Organizing buildings, streets and open spaces to respond to Treasure Island's unique microclimate of wind, sun and fog, accomplished, in part, by shifting the conventional street grid to orient certain streets due south

- Creating a compact neighborhood with public spaces and land uses that are organized to encourage walking, bicycling and public transit and discourage the use of private automobiles
- Establishing Treasure Island as a vibrant commercial and visitor destination, including encouraging arts, cultural, entertainment and educational uses, that serve as both an amenity for San Francisco residents and a destination for nonresidents
- Delivering a comprehensive network of new parks, open spaces and recreational opportunities that is unprecedented in San Francisco since the creation of Golden Gate Park
- Including enough residential density to create a sustainable and self-sufficient community that supports neighborhood serving retail, community facilities, and transit infrastructure and service
- Establishing new businesses on the Islands to support a jobs-housing link
- Redeveloping Treasure and Yerba Buena Islands to be a leading example of environmentally sensitive and sustainable master planned development
- Creating a mixed-income community that is family-friendly and makes a significant contribution to the City's need for affordable housing
- Integrating public and private art and art programming opportunities throughout the Project
- Rehabilitation and reuse of Buildings 1, 2 and 3 on Treasure Island, and of the historic Nimitz House, the eight other Senior Officers' Quarters and the Torpedo Assembly Building on Yerba Buena Island, in compliance with the Secretary of the Interior's Standards for Historic Rehabilitation.

Housing. Adding up to 8,000 housing units to the City's housing stock, including significant numbers of new below-market rate housing units, including the following:

- Providing housing affordable to a range of household incomes and household types (e.g., families, seniors, singles, and formerly homeless), with approximately 2,000 affordable units (approximately 25 percent of all new units)

- Providing at least six percent of all new units at a level affordable to very-low income households.
- Providing approximately 435 of the new affordable units for supportive homeless housing units to be developed by TIHDI member organizations
- Implementing a replacement and transition housing plan that would offer existing residents the opportunity to stay on Island and transition into replacement units, or assist in their relocation off-Island

Infrastructure.

- A comprehensive program for geotechnical stabilization and improvement, including soil densification, raising site grades in developed areas above the expected flood level, taking an allowance for long-term sea level rise into account and densifying the perimeter and causeway between Treasure and Yerba Buena Islands to provide protection against overtopping under extreme combinations of tide and storm activity.
- Implementing a comprehensive strategy for potential sea level rise, including (i) setting back the large portions of the development 200 to 350 feet from the shoreline to mitigate against storm events, (ii) elevating all development and vital infrastructure by 42 inches, which would accommodate potential SLR and (iii) enhancing the island's perimeter to protect from wave overtopping in large storm events. In addition, the Project will adopt an adaptive management strategy that enables a variety of responses to actual future SLR conditions.
- Rebuilding a new backbone utility and street network for Treasure and Yerba Buena Island, including:
 - A new street network which includes the causeway between Treasure Island and Yerba Buena Island, rebuilt to current standards and on a stable platform achieved by seismically reinforcing the development areas as described above.
 - A new wet utility system, including new water tanks on Yerba Buena Island, new trunk lines throughout both islands, connections to a new secondary/emergency back-up water supply line on the new Eastern Span of the Bay Bridge linked to the East Bay Municipal Utility District water system, construction by the PUC of an entirely new wastewater treatment and recycled water plant that would tie into a new waste water collection system being constructed by the Project., and

construction of a new storm water drainage and treatment system, including a storm water treatment wetland.

- A new dry utility network, including new electrical, gas and telecommunications lines.
- Completing certain environmental remediation to support the proposed land uses, above and beyond the levels the Navy is legally required to clean to under Federal law

Parks and Open Space. Creating approximately 300 acres of parkland, ecological, recreational, neighborhood and cultural areas, including: a shoreline park for pedestrians and bicycles; an approximately 100-acre Great Park with stormwater wetlands, passive open space, the existing sailboat launch and space for an environmental educational center; seven neighborhood parks and playgrounds; a linear park; off-leash dog areas; space for art installations; an urban agriculture park; 40 acres of athletic fields; improvements to the existing sailing center; a new 5 to 6-acre Hilltop Park on Yerba Buena Island, in addition to existing parks and open space; plazas and active public spaces; and a 3-acre Cultural Park adjacent to Building 1.

Sustainable Development. The Project would implement a comprehensive sustainability strategy that includes principles, goals, targets and strategies for key elements including site design and land use, landscape and biodiversity, transportation, energy, water and wastewater, materials, solid waste, health, safety and security, community and society and economic development. Key elements of the Sustainability Plan include the following:

- Creating a dense, compact land use plan located in close walking proximity to a multi-modal transit node, residents, employees and visitors are encouraged to choose walking, bicycling and transit over the automobile, also enabling the majority of the Islands to be preserved or established as natural habitat.
- Locating neighborhood-serving uses and transit within walking and bicycling distance of all residences, making substantial improvements to the pedestrian and bicycle network, and making each of these modes of transit a viable alternative to automobiles for non-commute trips. Development would be concentrated around public transportation facilities, with 50 percent of residences within a 10-minute walk and all residences within a 15-minute walk of the Ferry Terminal and intermodal Transit Hub.
- Delivering a comprehensive transportation program that includes multiple alternatives to use of the private automobile, including extensive bicycle and pedestrian path networks (including connections to the East Bay via the new Eastern Span of the Bay Bridge), bus

service to downtown San Francisco and the East Bay, ferry service to downtown San Francisco, and intra-island shuttle services.

- Creating a Treasure Island Transportation Management Agency that would implement a comprehensive transportation management program designed to discourage driving and promote use of alternative travel modes.
- Implementing best practices to conserve energy by achieving green building specifications beyond the City's adopted Green Building Ordinance, extensive renewable energy generation provided primarily via solar resources.
- Incorporating features in individual buildings to minimize consumption of potable water, generating recycled water, which can be used for irrigating landscaped areas and help establish plantings within restored habitat areas, and capturing and filtering stormwater runoff through LID treatment systems such as bio-swales and rain gardens and a constructed stormwater treatment wetland.

Economic Development. Providing opportunities to generate thousands of annual construction jobs via build out of the project and thousands of permanent jobs at project completion, encouraging participation by small and local business enterprises through a comprehensive employment and contracting policy.

Community Facilities. Providing a comprehensive package of educational, social, cultural, environmental and public safety facilities and programs, including a joint police/fire station on Treasure Island, child-care facilities, a school, community meeting rooms or facilities, a Treasure Island Sailing Center, and the Delancey Street Life Learning Center.

B. Alternatives Rejected and Reasons for Rejection

The Agency rejects the Alternatives set forth in the Final EIR and listed below because the Agency finds, in addition to the reasons described in Section VII below, that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this Section under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives. In making these determinations, the Agency 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."

1. No Project Alternative

Consistent with Section 15126.6(e)(1) of the CEQA Guidelines, this alternative assumes that the Project Site would remain in its existing condition, would not transfer from the Navy to TIDA, and would not be subject to a tidelands trust exchange. The No Project Alternative is rejected because it would not achieve any of the Project objectives identified in Section I. In particular, it would fail to provide a dense, mixed-use neighborhood capable of supporting a diverse, thriving neighborhood, reduce the ability to provide substantial new market rate and affordable housing to a variety of income levels and household types, or include infrastructure improvements and geotechnical stabilization. Under the No Project Alternative, existing historic resources would not be rehabilitated and reused. No additional jobs would be created under the No Project Alternative.

Thus, while the No Project Alternative would avoid impacts associated with the Project, this alternative would not further any of the Project Sponsor's objectives or provide any of the benefits contemplated by the Project, and is therefore rejected. The Agency rejects the No Project Alternative on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

2. Reduced Development Alternative

Under the Reduced Development Alternative, development would be generally consistent with the *Development Plan and Term Sheet for the Redevelopment of Naval Station Treasure Island* (the "2006 Term Sheet") endorsed by TIDA in October 2006 and by the Board of Supervisors in December 2006, but without the 2010 Development Plan Update endorsed by TIDA in April 2010 and the Board of Supervisors in May 2010. The Reduced Development Alternative would be substantially similar to the Proposed Project, except residential development would be reduced to 6,000 units, there would be no office space, and the total number of parking spaces would be reduced to 8,995 spaces. Because there would be fewer residents to support neighborhood-serving retail, the percentage of regional serving retail would be greater under the Reduced Development Alternative unless neighborhood-serving retail were subsidized. The Reduced Development Alternative was evaluated in the EIR to determine whether it would avoid or substantially lessen traffic and aesthetic impacts.

Environmental Impacts Compared to Proposed Project. The Reduced Development Alternative would generally result in the same impacts as the Project. Although the Project's potentially significant impacts associated with aesthetics, transportation, noise, air quality, and greenhouse gases would be somewhat lessened under this alternative, the impacts would require the same mitigation measures, which would still not avoid the impacts.

More specifically, the Reduced Development Alternative would generate fewer person and vehicle

trips. However, construction-related traffic impacts would remain the same. Operational traffic impacts would be reduced as a result of fewer vehicle trips, yet the Reduced Development Alternative would still result in significant impacts at eight study intersections (compared with nine for the Proposed Project). Similarly, impacts to AC Transit and Muni bus service would remain significant and unavoidable. Thus, although the Reduced Development Alternative would generate fewer vehicle trips as a result of having fewer residents, the majority of significant traffic impacts would not be reduced to a less-than-significant level. As with the Proposed Project, the Reduced Development Alternative would result in a parking deficit on both Treasure Island and Yerba Buena Island during its peak hour of parking demand.

Although the Reduced Development Alternative would generally meet most project objectives, the Agency rejects this alternative as infeasible within the meaning of CEQA for the following reasons:

High-Density Housing/Transit-Oriented Development. Because this alternative would provide significantly fewer residential units, it would not fulfill Project objectives that rely on high density residential development. By providing 25% fewer residential units, this alternative is less likely to support neighborhood-serving retail, community facilities and transit infrastructure and service, as described in more detail in the *Feasibility Impacts of Reduced Development Scenario for the Treasure Island / Yerba Buena Island Project* memorandum prepared by Treasure Island Development Authority staff dated April 6, 2011 (the “*TIDA staff memo*”). Development of 25% fewer residential units would also impede successful implementation of a transit-oriented development that relies on sufficient density to support the transportation demand management program administered by the Transportation Management Agency.

Employment Opportunities. This alternative would provide fewer employment opportunities both during construction and in new commercial space, and significantly reduce numbers of construction and permanent jobs, as well as reducing opportunities available to economically disadvantaged San Franciscans, as described in more detail in the *TIDA staff memo*.

Open Space. This alternative would not achieve the Project objective of a comprehensive new regional waterfront system of parks and public open spaces that is programmed with a variety of uses. As described in the *TIDA staff memo*, the reduced development program would not support the up-front capital needs and on-going maintenance costs that would support the type of high-quality open space and park system that would establish the Project as a regional destination.

Delivery of Public Benefits/Financial Feasibility. Reducing the development program by 25% would also significantly reduce some of the economic advantages and efficiencies that a higher density residential development would provide in order to achieve key project objectives (e.g.,

providing sufficient market-rate development necessary to support the key public benefits of the Project, including infrastructure and transportation improvements; affordable housing; new and enhanced parks and open space; and creating a community of sufficient size to support neighborhood-serving retail, community facilities, and transit). As described in the *TIDA staff memo*, the Reduced Development Alternative would not generate sufficient funding to meet TIDA's objective of a financially feasible development that would allow for the delivery of infrastructure, affordable housing and other public benefits, or support the Project's capital costs and ongoing operation and maintenance costs. The Reduced Project Alternative would also not meet TICA's objective to attract investment capital and construction financing and produces a reasonable return on investment.

The Agency rejects the Reduced Development Alternative on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

3. No Ferry Service Alternative

Under the No Ferry Service Alternative, the Ferry Terminal would not be built and ferry service to downtown San Francisco would not be provided. It is assumed that Mitigation Measure M-TR-2 (Expanded Transit Service) would be implemented, as additional funding would be available if the Ferry Terminal were not constructed. In order to accommodate the more limited transit capacity, and assuming that Muni service goals are met (buses operating at an average of 85 percent of seated and standing capacity), development under this alternative was limited to only 5,100 residential units. Additionally, as fewer residents would reside on the Islands but the amount of retail would remain the same as the Proposed Project, it was presumed that a larger percentage of retail uses would be regional- or visitor-serving and a lower percentage would be neighborhood-serving retail than under the Proposed Project. The reduction in residential units would result in a reduced development footprint compared to the Proposed Project, allowing the preservation of the historic *U.S.S. Buttercup* training facilities and creation of additional open space areas.

Environmental Impacts Compared to Proposed Project. The No Ferry Service alternative would avoid or lessen certain environmental impacts as a result of the elimination of Ferry Terminal construction and ferry service, and the reduced number of residents (including with respect to underwater biological resources, air quality, noise, traffic and cultural resources).

The Agency rejects the No Ferry Service Alternative as infeasible within the meaning of CEQA because it would decrease the availability of public transit options, limit emergency access, and eliminate higher density residential development that would prevent the Project from achieving many of its key objectives, all as more particularly described below.

Transportation-Related Project Objectives: This alternative would not achieve a number of the Project objectives to encourage alternative means of transportation and provide a range of public transportation choices. Under the No Ferry Service Alternative, public transit options to mainland San Francisco will be limited to the Muni 108-Treasure Island. By limiting the choice and availability of public transit modes, the Project would not achieve the objective of maximizing use of public transportation and minimizing use of private automobiles or providing a range of public transit choices.

Alternative Emergency Access: The loss of ferry service to Treasure Island would represent a loss in alternative emergency access to and egress from Treasure Island in the event of major earthquake, presenting safety concerns particularly if the Bay Bridge is not accessible following such major earthquake. Impacts identified as less-than-significant under the Proposed Project related to limited emergency access to and egress from the Islands identified (*see* Impact GE-6) would increase in magnitude.

Delivery of Public Benefits/Financial Feasibility: Reducing the development program by approximately 3,000 units would also significantly reduce some of the economic advantages and efficiencies that a higher density residential development would provide, making it more difficult to achieve key project objectives (e.g., providing sufficient market-rate development necessary to support the key public benefits of the Project, including infrastructure and transportation improvements; affordable housing; new and enhanced parks and open space; and creating a community of sufficient size to support neighborhood-serving retail, community facilities, and transit). As described in the *TIDA staff memo*, the No Ferry Alternative would not generate sufficient funding to meet TIDA's objective of a financially feasible development that would allow for the delivery of infrastructure, affordable housing and other public benefits, or support the Project's capital costs and ongoing operation and maintenance costs. The No Ferry Alternative would also not meet TICD's objective to attract investment capital and construction financing and produces a reasonable return on investment. Although funding would not be expended on the Ferry Terminal, the alternative assumes these funds would be made available to implement the Expanded Transit Service (M-TR-2).

The Agency rejects the No Ferry Service Alternative on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

4. Reduced Parking Alternative

The DEIR found the Reduced Parking Alternative to be infeasible and therefore did not including a lengthy discussion or detailed analysis of the alternative. However, in response to comments, the

discussion of the Reduced Parking Alternative was expanded and revised in C&R Section 2.1.

Under the Reduced Parking Alternative, a maximum of 0.5 parking spaces per residential unit, 1 parking space per 1,000 square feet of commercial/flex space in Buildings 1, 2 and 3 and for office space, and a maximum 0.4 parking spaces per hotel room would be permitted. Parking for retail uses, the marina, and open space would remain as in the Proposed Project. The Reduced Parking Alternative would otherwise mirror the Proposed Project, with the same land uses, base transit services, utilities and infrastructure and geotechnical stabilization measures.

Environmental Impacts Compared to Proposed Project. The analysis of the Reduced Parking Alternative examined whether reductions in parking might affect trip generation and associated impacts (particularly traffic, air quality, and noise). The City identified data that supported a weak relationship between residential parking supply and peak hour trip generation, and conducted analysis that concluded some auto trip reductions could occur. Under these results, the traffic impacts of the Reduced Parking Alternative were found to be similar to the traffic impacts to the Reduced Development Alternative, i.e. only one traffic impact – level of service at the intersection of Second/Folsom – would be reduced from significant and unavoidable with mitigation to less than significant. The remainder of the significant and unavoidable impacts under the Proposed Project would remain significant and unavoidable under the Reduced Parking Alternative. However, for the reasons outlined in the *Supplemental Transportation Analysis for Reduced Parking Alternative: Treasure Island / Yerba Buena Island Redevelopment Plan EIR* memorandum prepared by Fehr & Peers dated February 14, 2011 (the “*Supplemental Transit Analysis*”), the Agency does not believe it would be appropriate to rely on the data and has very low confidence in its predictions. As a result, the Agency cannot reliably conclude that predicted differences in the severity of traffic impacts as a result of the Reduced Parking Alternative would occur.

Even assuming the estimated reductions in vehicle trip generated under the Reduced Parking Alternative are accurate, the projected 10 percent reduction is not sufficient to significantly alter most environmental impacts of the Proposed Project. Specifically, a 10 percent reduction in vehicle trips would not reduce the significant noise impacts identified in Impact NO-3 to less-than-significant levels, and would not reduce any of the significant air quality impacts identified in Impact AQ-5 or annual CO₂ emissions.

In summary, the Reduced Parking Alternative would have the same significant impacts as those identified for the Proposed Project except for a possible reduction in one significant traffic impact from significant and unavoidable with mitigation to less-than-significant. The reduction in parking would undermine the market acceptance of the alternative, yielding a reduced rate of return that is commercially infeasible and a reduction in funding available to support the numerous benefits

afforded by the Proposed Project, including transit services, new affordable housing units, and new and/or improved infrastructure. (C&R 2.21.46-49.) If the parking supply were reduced, as in a Reduced Parking Alternative, there could also be further demands on transit and additional overcrowding that is likely to result in some riders shifting back to automobile use which would result in greater air quality impacts (DEIR VII.76.) As explained in the EIR, if parking supply and availability is reduced to a certain level, travel behavior may result in increased transit use, which could cause overcrowding on transit. Overcrowding indirectly increases transit travel times, degrades transit reliability and encourages travel behavior that could cause riders to shift to back to automobile use. (DEIR IV.E.140-IV.E.141, VII.76; C&R 2.2142-43.)

The Reduce Parking Alternative would meet most project objectives, however the Agency rejects this alternative as infeasible within the meaning of CEQA for the following reasons:

Market Acceptance; Ability to Finance Project; Project Objectives. TIDA engaged a real estate economic and marketing firm to evaluate the Reduced Parking Alternative. In addition, TICD commissioned three other real estate economic and marketing firms to perform similar evaluations (see *Memorandum from Wilson Meany Sullivan, dated February 10, 2011 entitled Market Studies on Reduced Parking*) All of the studies concluded that the Reduced Parking Alternative would result in both decreased market acceptance and slow absorption of residential units and lower average sales prices. These studies conclude that absorption rates would decline by 30 to 35 percent as compared to absorption rates from the Proposed Project. Additionally, sales prices compared to the Proposed Project would be, on average, 10 percent lower.

With reduced home sales prices combined with slower absorption, in combination, the total revenue would be reduced by approximately 22 to 27 percent and the rate of return would be reduced from approximately 20 percent to approximately 5 percent or less. Slower absorption would also mean less funding available in the early phases of the Proposed Project for the Project Sponsor to use to construct infrastructure. The reduction in total revenue and rate of return would also result in the inability to attract the amount of private equity required to launch the first phase of the development and, without this upfront capital investment, the tax exempt public financing mechanisms that are necessary to fund the \$1.5 billion in project costs would not be accessed.

As a result, implementation of the Reduced Parking Alternative would not be feasible without additional modifications to other cost-generating elements on the Project, including reductions to affordable housing, economic development and job opportunities, parks and open space improvements, and transportation infrastructure. Consequently, under the Reduced Parking Alternative, certain Project objectives would not be met including: (i) to create a development that is financially feasible, that allows for the delivery of infrastructure, public benefits, and affordable

housing subsidies; and that is able to fund the Proposed Project's capital costs and ongoing operation and maintenance costs relating to the development and long-term operation of the project site; and (ii) create a high-quality development project that is able to attract investment capital and construction financing and produce a reasonable return on investment. Moreover, failure to meet these objectives could jeopardize other Project objectives, such as the production of housing for a range of income levels.

The Agency rejects the Reduced Parking Alternative because it has been determined to be infeasible in the EIR and as supplemented in the C&R. Further the Agency rejected this Alternative on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

C. Alternatives Considered but not Analyzed in Detail

The Draft EIR explains that a No Public Trust Exchange Agreement Alternative, a 2,800 Housing Unit Alternative with an Amusement Park and a Off-Site Location Alternative were considered but rejected because they either would not achieve most of the project sponsors' objectives, would not reduce significant environmental project impacts, would result in greater impacts than the Proposed Project, and/or do not represent feasible alternatives for other economic, social or environmental reasons. (DEIR VII.73-77) In addition, a number of comments received during the public scoping process for EIR and in comments on the DEIR suggested that the EIR should analyze additional alternatives with features designed to reduce reliance on private automobiles. Measures proposed included reduced parking, off-peak access fees, and additional incentives and services that could reduce automobile ownership. The EIR explains that the Alternatives proposed by commenters would not achieve most of the project sponsors' objectives, would not reduce significant environmental project impacts, would result in greater impacts than the Proposed Project, and/or do not represent feasible alternatives for other economic, social or environmental reasons. (DEIR VII.77-78; C&R 2.21.1-3; 2.21.65-67.) The Agency finds each of these reasons provide sufficient independent grounds for rejecting these Alternatives.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA section 21081 and CEQA Guideline 15093, the Agency 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, which may include one or more of the variants described in Section I.A.2. 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 Agency will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Agency specially finds that there are significant benefits of the proposed Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. Specifically, notwithstanding the significant and unavoidable impacts to Aesthetics (Impact AE-1), Cultural and Paleontological (Impact CP-9), Transportation (Impacts TR-1, TR-2, TR-3, TR-4, TR-6, TR-7, TR-8, TR-9, TR-10, TR-11, TR-12, TR-14, TR-17, TR-18, TR-19, TR-25, TR-27, TR-29, TR-30, TR-31, TR-39, TR-40, TR-41, TR-42, TR-44, TR-45, TR-46, TR-47, TR-48, TR-49, TR-50, TR-51, TR-52, TR-54, TR-55, TR-58, TR-59, TR-60, TR-61, TR-63), Noise (Impact NO-1, NO-2, NO-3, NO-4, NO-7), Air Quality (Impacts AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-8, AQ-9), Wind and Shadow (Impact WS-3, WS-4, WS-5), and Biological Resources (Impacts BI-4, BI-7), the Project benefits as described below, including benefits such as Transportation, Land Use and Sustainable Development that relate directly to areas of impact, as well as all other benefits described below and elsewhere in this document, outweigh these impacts.

The Agency further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures proposed in the FEIR that are applicable to the Project are adopted as part of this approval action. Furthermore, the Agency has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations. Any alternatives proposed by the public are rejected for the reasons set forth in the DEIR and C&R and the reasons set forth herein.

The Project has the following benefits:

- **Housing.** Adds up to 8,000 housing units to the City's housing stock, including significant numbers of new below-market rate housing units, including the following:
 - Providing housing affordable to a range of household incomes and household types (e.g., families, seniors, singles, and formerly homeless), with approximately 2,000 below-market rate units (approximately 25 percent of all new units).

- Providing at least six percent of all new units at a level affordable to very-low income households
- Providing approximately 435 of the new affordable units for supportive homeless housing units to be developed by TIHDI member organizations
- Providing approximately 5 percent of all new private units as inclusionary housing units to serve moderate-income and low-income households.
- Implementing a transition housing plan that would offer qualified households the opportunity to stay on Island and transition into newly constructed units, or assist in their relocation off-Island. These provisions exceed what is currently required by State law.
- **Parks and Open Space.** Creates approximately 300 acres of parkland, ecological, recreational, neighborhood and cultural areas, including: a shoreline park for pedestrians and bicycles; an approximately 100-acre Northern Shoreline and Wilds naturalistic open space with stormwater wetlands, passive open space, the existing sailboat launch and space for an environmental educational center; seven neighborhood parks and playgrounds; a linear park; off-leash dog areas; space for art installations; an urban agriculture park; 40 acres of athletic fields; improvements to the existing sailing center; a new 5 to 6-acre Hilltop Park on Yerba Buena Island, in addition to existing parks and open space; plazas and active public spaces; and a 3-acre Cultural Park adjacent to Building 1. These new park facilities will include bicycle and pedestrian trails connecting both islands and connect to the new pedestrian and bicycle path on the new east span of the Bay Bridge.
- **Infrastructure.**
 - Provides a comprehensive program for geotechnical stabilization and improvement, including soil densification, raising site grades in developed areas above the expected flood level, including an allowance for potential future sea level rise into account and densifying the perimeter and causeway between Treasure Island and Yerba Buena Island to provide protection against wave overtopping under extreme combinations of tide and storm activity.
 - Implements a comprehensive strategy to address potential future sea level rise (“SLR”), including (i) setting back the large portions of the development 200 to 350 feet from the shoreline to mitigate against storm events, (ii) elevating all development and vital infrastructure by 42 inches, which would accommodate

potential SLR and (iii) enhancing the Treasure Island's perimeter to protect from wave overtopping in large storm events. In addition, the Project will adopt an adaptive management strategy that enables a variety of responses to actual future SLR conditions and a project-generated funding mechanism to pay for those improvements.

- Rebuilds a new backbone utility and street network for Treasure and Yerba Buena Island, including:
 - A new street network which includes the causeway between Treasure Island and Yerba Buena Island, rebuilt to current standards and on a stable platform achieved by seismically reinforcing the development areas as described above.
 - A new wet utility system, including new water tanks on Yerba Buena Island, new trunk lines throughout both islands, connections to a new secondary/emergency back-up water supply line on the new Eastern Span of the Bay Bridge linked to the East Bay Municipal Utility District water system, construction by the SFPUC of an upgraded or entirely new wastewater treatment facility and recycled water plant that would tie into a new waste water distribution system and recycled water distribution system being constructed by the Project., and construction of a new storm water drainage and treatment system, including a storm water treatment wetland.
 - A new dry utility network, including new electrical, gas and telecommunications lines.
- Completes certain environmental remediation to support the proposed land uses, above and beyond the levels the Navy is legally required to clean to under Federal law.
- **Transportation.** The project's design and development will incorporate innovative and sustainable transit-first and congestion pricing policies which will provide significant benefits to residents of and visitors to the project site. These benefits include:
 - Delivering a comprehensive transportation program that includes multiple alternatives to use of the private automobile, including extensive bicycle and pedestrian path networks (including connections to the East Bay via the new Eastern

Span of the Bay Bridge), bus service to downtown San Francisco and the East Bay, ferry service to downtown San Francisco, and intra-island shuttle services.

- Administering a congestion pricing program which will charge a fee for residents to access the Bay Bridge and the islands during peak congestion hours in order to discourage residents from taking auto trips during these peak travel hours and encouraging them to use alternative modes of transportation.
 - Creating a Treasure Island Transportation Management Agency (“TITMA”) that would implement the congestion pricing program, oversee the collection of revenues and the disbursement of funds. The TITMA will have authority to manage and implement the Project’s transportation program (other than SFMTA-provided services), which is unique to the nature of the project and the island.
 - Encouraging a reduction in vehicle miles traveled through an innovative system managed by TITMA. TITMA will administer a range of programs designed to discourage automobile usage and support transit, including administering a variable congestion pricing fee and parking charges, revenues of which will subsidize transit programs, facilitating a diversity of alternative modes of transportation, and implementing.
 - Providing additional transportation demand management features (TDM) such as a car-share program, prepaid transit vouchers, carpool and vanpools and a bicycle rental system.
- **Land Use and Sustainable Development.** Implements a comprehensive sustainability strategy that includes principles, goals, targets and strategies for key elements including site design and land use, landscape and biodiversity, transportation, energy, water and wastewater, materials, solid waste, health, safety and security, community and society and economic development, all of which integrate the best principals of smart growth and quality urban design. Key elements of the Sustainability Plan include the following:
 - Committing to achieving Gold certification under the United States Green Building Council’s LEED (Leadership in Energy & Environmental Design) for Neighborhood Development (ND) rating system (July 2010 version), while making a good faith effort to achieve the higher Platinum certification.
 - Creating a dense, compact land use plan located in close walking proximity to a multi-modal transit node, residents, employees and visitors are encouraged to choose

walking, bicycling and transit over the automobile, also enabling the majority of the Islands to be preserved or established as natural habitat.

- Creating an island gateway and heart with the most intense residential density and the majority of commercial uses focused on the western shore to capitalize on the spectacular views to San Francisco as a public resource
- Organizing buildings, streets and open spaces to respond to Treasure Island's unique microclimate of wind, sun and fog, accomplished, in part, by shifting the conventional street grid to orient certain streets due south.
- Establishing Treasure Island and Yerba Buena Island as a vibrant commercial and visitor destination, including encouraging arts, cultural, entertainment and educational uses, that serve as both an amenity for San Francisco residents and a destination for nonresidents
- Including enough residential density to create a viable community that supports neighborhood serving retail, community facilities, and transit infrastructure and service
- Rehabilitation and reuse of Buildings 1, 2 and 3 on Treasure Island, and of the historic Nimitz House, the eight other Senior Officers' Quarters, Quarters 10 and Building 267, and the Torpedo Assembly Building on Yerba Buena Island, in compliance with the Secretary of the Interior's Standards for Historic Rehabilitation.
- Locating neighborhood-serving uses and transit within walking and bicycling distance of all residences, making substantial improvements to the pedestrian and bicycle network, and making each of these modes of transit a viable alternative to automobiles for non-commute trips. Development would be concentrated around public transportation facilities, with approximately 60 percent of residences within a 10-minute walk and all residences within a 15 to 20-minute walk of the Ferry Terminal and intermodal Transit Hub.
- Achieving an at least 15% compliance margin over Title 24 Part 6 2008 California Energy Standards by implementing best practices to conserve energy and reducing demand by requiring developers to utilize Green Building Specifications incorporated into the Design for Development that go above and beyond the City's adopted Green Building Ordinance, and by constructing renewable energy

infrastructure that will provide a minimum 5% of peak demand delivered from on-site renewable energy.

- Reducing potable water consumption by 30% over the average San Francisco household by incorporating features in individual buildings to minimize consumption of potable water, generating recycled water, which can be used for irrigating landscaped areas and help establish plantings within restored habitat areas, and capturing and filtering stormwater runoff through LID treatment systems such as bioswales and rain gardens and a constructed stormwater treatment wetland.
- Diverting at least 75% of construction debris from landfills and incinerates back to the manufacturing process or reuse at appropriate sites, and providing an on-site area for separation, storage and loading of trash, recyclables and compostable waste.
- **Economic Development, Jobs and Community Facilities.** Provides a comprehensive package of educational, social, cultural, environmental and public safety facilities and programs, including a joint police/fire station on Treasure Island, child-care facilities, a school, community meeting rooms and other facilities, a Treasure Island Sailing Center, and the Delancey Street Life Learning Center. The construction of the project will provide opportunities to generate thousands of annual construction jobs and thousands of permanent jobs at project completion, encouraging participation by small and local business enterprises through a comprehensive employment and contracting policy.
- Invests more than \$1.3 billion in infrastructure to serve the site including \$68.3 million in transportation improvements and \$137 million in geotechnical stabilization.
- Creates approximately 9,900 construction job opportunities onsite over the build-out of the Project. Total annual payroll during peak periods is estimated to be \$54 million. Construction spending will indirectly generate an additional 2,838 jobs total in San Francisco over a 20-year build out.
- Creates approximately 2,600 net new permanent jobs in the Development Plan Area. Permanent jobs are estimated to generate an annual payroll of \$195 million. In addition, economic activity from the Project is projected to generate multiplier effects on other businesses and employment, creating a projected additional 2,100 jobs from indirect and induced expenditures in the San Francisco economy.
- Will generate over \$220 million annually in business revenue from economic activity by businesses on Treasure Island. This business activity, in turn, will produce additional

indirect spending by vendors to the Treasure Island businesses, estimated to be over \$100 million annually. Induced spending by employee households as a result of direct and indirect activity will result in over \$77 million in spending.

- At full build-out provides more than \$4.9 billion in net new property value (in constant dollars or \$9.2 billion in nominal dollars).
- Integrating public and private art and art programming opportunities throughout the Project

The successful conversion of the former Naval Station Treasure Island to a vibrant, thriving community is one of the City's highest priorities. Having considered these benefits, the Agency finds that the benefits of the Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable. The Agency further finds that each of the above considerations is sufficient to approve the project. For each of the reasons stated above, and all of them, the project should be implemented notwithstanding the significant unavoidable adverse impacts identified in the EIR.

Exhibit A
List of Acronyms

<u>Acronym</u>	<u>Meaning</u>
BAAQMD	Bay Area Air Quality Management District
C&R	Comments and Responses
CAB	Citizens Advisory Board
CDFG	California Department of Fish & Game
CEQA	California Environmental Quality Act
CRHR	California Register of Historic Resources
CTMP	Construction Traffic Management Plan
DBI	San Francisco Department of Building Inspection
DDA	Disposition and Development Agreement
DPM	diesel particulate matter
Draft EIR or DEIR	Draft Environmental Impact Report
DRDAP	Document Review and Design Approval Procedure
DTSC	California Department of Toxic Substance Control
Final EIR or FEIR	Final Environmental Impact Report for the Project
LTMS	long term management strategy
mgd	million gallons per day
MMRP	Mitigation Monitoring and Reporting Program
NI	no impact
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
RWQCB	Regional Water Quality Control Board
SAV	submerged aquatic vegetation
SFDPW	San Francisco Department of Public Works
SFMTA	San Francisco Municipal Transportation Agency
SFPUC	San Francisco Public Utilities Commission
SGMP	Soil and Groundwater Management Plan

<u>Acronym</u>	<u>Meaning</u>
SLR	Sea Level Rise
TICD	Treasure Island Community Development, LLC
TIDA	Treasure Island Development Authority
TIHDI	Treasure Island Homeless Development Initiative
WETA	Water Emergency Transit Authority

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE TREASURE ISLAND / YERBA BUENA ISLAND PROJECT
(Includes Text for Adopted Mitigation and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
MITIGATION MEASURES FOR THE TREASURE ISLAND/YERBA BUENA ISLAND PROJECT				
<i>Cultural and Paleontological Resources (Archeological Resources) Mitigation Measures</i>				
Mitigation Measure M-CP-1: Archaeological Testing, Monitoring, Data Recovery and Reporting. Based on a reasonable presumption that archaeological resources may be present within the Redevelopment Plan Project Area, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsors shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, a professionally qualified geo-archaeologist shall undertake a geoarchaeological assessment of the project area. The archaeological consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure and the requirements of the ARDTP (Archeo-Tec, Archaeological Research Design and Treatment Plan, Treasure Island Redevelopment Plan Project, City and	Project sponsors* to retain qualified professional consultants (archaeologist and geo-archaeologist) from the pool of consultants maintained by the Planning Department	Prior to commencement of soil-disturbing activities, submittal of reports for approval by Planning Department	(See below regarding archaeologist's reports.) Geo-archeological consultant to submit geoarchaeological assessment of the project area to Planning Department with a copy to TIDA	

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<p>County of San Francisco, CA, October 2009) at the direction of the Environmental Review Officer (“ERO”).</p> <p>In instances of inconsistency between the requirements of the project ARDTP and the requirements of this mitigation measure, the requirements of this archaeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than significant level of potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> Section 15064.5 (a)(c).</p>				

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<p>Archaeological Testing Program The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (“ATP”). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine, to the extent possible, the presence or absence of previously undiscovered archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p>	<p>Archaeological consultant to undertake archaeological testing program</p>	<p>Archaeological Testing Plan to be submitted to and approved by ERO prior to testing, which is to be prior to any excavation for each phase of site preparation or construction</p>	<p>Consultant to prepare ATP in consultation with the ERO.</p>	
<p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO, in consultation with the archaeological consultant, shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed</p>	<p>Archaeological consultant to submit results of testing, and in consultation with ERO, determine whether redesign or a data recovery program is warranted</p>	<p>At the completion of the archaeological testing program</p>	<p>Consultant to submit report of findings from testing program to Planning Department with a copy to TIDA</p>	

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<p>project, at the discretion of the project sponsors, either:</p> <p>(A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>(B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible, in which case interpretive reuse shall be required.</p>				
<p>Archaeological Monitoring Program (AMP) If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p>				

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<ul style="list-style-type: none"> The archaeological consultant, project sponsors, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; 	<p>Project sponsors and their archaeologist(s), in consultation with ERO</p> <p>and</p>	<p>Prior to any demolition or removal activities, and during construction at any location</p>	<p>Consultant to prepare Archaeological Monitoring Program (AMP) in co consultation with the ERO.</p>	
<ul style="list-style-type: none"> The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; 	<p>Archeological monitor and project sponsors' and their construction contractors</p>	<p>As construction contractors are retained, prior to any soils-disturbing activities</p>	<p>Archaeological consultant to advise all construction contractors</p>	
<ul style="list-style-type: none"> The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; 		<p>Schedules for monitoring to be established in the AMP, in consultation with ERO</p>	<p>Archaeological monitor(s) to observe construction according to the schedules established in the AMP for each site</p>	

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<ul style="list-style-type: none"> The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; 			Archaeological monitor(s) shall temporarily redirect construction activities as necessary and consult with ERO	
<ul style="list-style-type: none"> If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile-driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. 				

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Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.	Archaeological consultant	Upon completion of soil-disturbing activities on each site	Written report of findings of each monitoring program to be submitted to ERO with a copy to TIDA	
Archaeological Data Recovery Program The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (“ADRP”). The archaeological consultant, project sponsors, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO.	Project sponsors and their archaeologist, in consultation with ERO			
The ERO shall review the draft ARDP to ensure adherence to this mitigation measure and the standards and requirements set forth in the ARDTP. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the resource that could be adversely affected by the proposed project. Destructive			Consultant to prepare	

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data recovery methods shall not be applied to portions of the archaeological resources if non-destructive methods are practical.				
<p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. • Discard and De-accession Policy. Description of and rationale for field and post-field discard and de-accession policies. • Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • Security Measures. Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report. Description of proposed report format and distribution of results. • Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 		<p>Prior to any demolition or removal activities, approval of interpretative materials to occur.</p> <p>Considered complete once verification of donation of occurs.</p>	<p>Archaeological Data Recovery Program in consultation with ERO. Final ADRP to be submitted to ERO with a copy to TIDA</p>	

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<p>Human Remains and Associated or Unassociated Funerary Objects</p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State NAHC who shall appoint a MLD (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsors, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	Project sponsors and their archaeologist(s), in consultation with ERO	Ongoing throughout soils-disturbing activities	If applicable, upon discovery of human remains and/or associated or unassociated funerary objects, the consultant shall notify the Coroner of the City and County of San Francisco, and in the event of the Coroner's determination that the human remains, notification of the California State Native American Heritage Commission who shall appoint a Most Likely Descendant (MLD) who shall make reasonable efforts to develop an agreement for the treatment of human remains and/or associated or unassociated funerary objects.	
Final Archaeological Resources Report	Project sponsors and their	Upon completion of	Consultant to prepare draft and final Archeological	

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The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.	archaeologist, in consultation with ERO	construction at a given site	Resources Report reports. The ERO to review and approve the Final Archeological Resources Report	
Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive two copies (bound and unbound) of the FARR, and one unlocked, searchable PDF copy on a compact disk. MEA shall receive a copy of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.		Upon approval of Final Archaeological Resources Report by ERO	Consultant to transmit final, approved documentation to NWIC, the Planning Department., and TIDA	

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<p>Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program. The project sponsor shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement a Paleontological Resources Monitoring and Mitigation Program. The PRMMP shall include a description of when and where construction monitoring would be required; emergency discovery procedures; sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.</p> <p>The PRMMP shall be consistent with the Society for Vertebrate Paleontology Standard Guidelines for the mitigation of construction-related adverse impacts to paleontological resources and the requirements of the designated repository for any fossils collected. During construction, earth-moving activities shall be monitored by a qualified paleontological consultant having expertise in California paleontology in the areas where these activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Monitoring need not be conducted in areas where the ground has been previously disturbed, in areas of artificial fill, in areas underlain by nonsedimentary rocks, or in areas where exposed sediment would be buried, but</p>	<p>Project sponsors to retain appropriately qualified consultant to prepare PRMMP, carry out monitoring, and reporting for each excavation site on Yerba Buena Island</p>	<p>Prior to and during construction on each site involving excavation on Yerba Buena Island.</p> <p>The project paleontological consultant to consult with the ERO as indicated; completed when ERO accepts final report</p>	<p>ERO to approve final PRMMP.</p> <p>Consultant shall provide brief monthly reports to ERO during monitoring or as identified in the PRMMP, with copies to TIDA, and notify the ERO immediately if work should stop for data recovery during monitoring.</p> <p>The ERO to review and approve the final documentation as established in the PRMMP</p>	

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<p>otherwise undisturbed. This, by definition, would exclude all of Treasure Island; accordingly, this mitigation measure would apply only to work on Yerba Buena Island.</p> <p>The consultant’s work shall be conducted in accordance with this measure and at the direction of the City’s ERO. Plans and reports prepared by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Paleontological monitoring and/or data recovery programs required by this measure could suspend construction of the Proposed Project for as short a duration as reasonably possible and in no event for more than a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce potential effects on a significant paleontological resource as previously defined to a less-than-significant level.</p>				
<i>Cultural and Paleontological Resources (Historical Resources) Mitigation Measures</i>				
<p>Mitigation Measure M-CP-6: Review of Alterations to the Contributing Landscape of Building 1. During the design review process, TIDA is required, according to draft <i>Design for Development</i> Standard T5.10.1, to find that Building 1’s rehabilitation is consistent with the Secretary’s Standards. In making that finding, TIDA shall also consider any proposed alterations to and within</p>	<p>TIDA in consultation with qualified professional preservation architect, architectural</p>	<p>During the design review process, prior to TIDA's approval of design for Building 1</p>	<p>TIDA</p>	

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the contributing landscape areas identified by the HRE as contributing to the CRHR eligibility of Building 1. TIDA shall not approve a design proposal for Building 1 unless it makes a finding that any such alterations, when taken together with the alterations and additions to Building 1 itself, comply with the Secretary's Standards.	historian, and/or planner experienced with applying Secretary's Standards to adaptive reuse projects			
Mitigation Measure M-CP-7: Review of New Construction within the Contributing Landscape West of Building 1. During the design review process, TIDA is required, according to the draft <i>Design for Development</i> (Standard T5.10.1), to find that Building 1's rehabilitation is consistent with the Secretary's Standards. In making that finding, TIDA shall also consider proposed new construction west of Building 1 within its associated contributing landscape areas. TIDA shall not approve a design proposal for Building 1 unless it makes a finding that any such new construction, when taken together with the alterations and additions to Building 1 itself, comply with the Secretary's Standards.	TIDA in consultation with qualified preservation specialist	During the design review process, prior to TIDA's approval of design for Building 1	TIDA	
Mitigation Measure M-CP-9: Documentation and Interpretation <u>Documentation</u> The project sponsors shall retain a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to	Project sponsors to retain qualified professional consultant. Consultant to prepare	Prior to any action to demolish or remove the Damage Control Trainer,	Consultant to submit draft and final documentation prepared pursuant to HABS/HAER/HALS Guidelines to TIDA for review and approval.	

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prepare written and photographic documentation of the historical resource.	documentation	Consultant to submit HABS/HAER/ HALS Guidelines documentation for review by TIDA.		
<p>The documentation for the property shall be prepared based on the National Park Service’s Historic American Building Survey (“HABS”) / Historic American Engineering Record (“HAER”) Historical Report Guidelines. This type of documentation is based on a combination of both HABS/HAER standards (Levels II and III) and the National Park Service’s policy for photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks (“NHL”) Survey Photo Policy Expansion.</p> <p>The written historical data for this documentation shall follow HABS/HAER Level I standards. The written data shall be accompanied by a sketch plan of the property. Efforts should also be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed, reproduced, and included in the dataset. If construction drawings or plans cannot be located, as-built drawings shall be produced.</p>	TIDA shall review, request revisions if appropriate, and ultimately approve documentation		Following approval of documentation, consultant to transmit documentation to the SF History Center in SF Library, TIDA, Planning Department, and NWIC.	

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<p>Either HABS/HAER standard large format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must be in compliance with NRHP-NHL Photo Policy Expansion and have a permanency rating of approximately 115 years. Digital photographs will be taken as uncompressed, TIF file format. The size of each image will be 1600x1200 pixels at 330 pixels per inch or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph label.</p> <p>Photograph views for the dataset shall include (1) contextual views; (2) views of each side of each building and interior views, where possible; (3) oblique views of buildings; and (4) detail views of character-defining features, including features of the interiors of some buildings. All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the dataset.</p> <p>All written and photographic documentation of the historical resource shall be approved by TIDA prior to any demolition and removal activities. The project sponsors shall transmit such documentation to the San</p>				

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Francisco History Center of the San Francisco Public Library, and to the Northwest Information Center of the California Historical Information Resource System.				
<u>Interpretation</u> The project sponsors shall provide a permanent display of interpretive materials concerning the history and architectural features of the historical resource within public spaces of Treasure Island. The specific location, media, and other characteristics of such interpretive display shall be approved by TIDA prior to any demolition or removal activities.	TIDA to establish location(s), media, and characteristics of the display. Project sponsors and their architectural historian to prepare the display	Prior to demolition or removal activities	TIDA	
Transportation Mitigation Measures				
Mitigation Measure M-TR-1: Construction Traffic Management Program. The project sponsors shall develop and implement a Construction Traffic Management Plan (“CTMP”), consistent with the standards and objectives stated below and approved by TIDA, designed to anticipate and minimize transportation impacts of various construction activities associated with the Proposed Project.	Project sponsors for each subphase, and their construction contractor(s) to prepare CTMP	Prepare CTMP and submit for approval prior to construction of the first Sub-Phase of the first Major Phase, to be updated for each subsequent Sub-Phase	Construction contractors to report to TIDA, San Francisco Metropolitan Transportation Authority, and Department of Public Works, with copies to Planning Department, and TITMA	

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<p>The Plan shall disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation on the Islands is maintained to the extent possible, with particular focus on ensuring pedestrian, transit, and bicycle connectivity and access to the Bay and to recreational uses to the extent feasible. The CTMP shall supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by SFMTA, Department of Public Works (“DPW”), or other City departments and agencies.</p>	<p>TIDA to coordinate with other City agencies and approve CTMP for each sub-development phase</p> <p>Construction contractors to disseminate appropriate information from the CTMP to employees and subcontractors.</p>			
<p>Specifically, the CTMP shall:</p> <ul style="list-style-type: none"> Identify construction traffic management best practices in San Francisco, as well as other jurisdictions that, although not being implemented in the City, could provide valuable information for a project of the size and characteristics of Treasure Island and Yerba Buena Island. As applicable, describe procedures required by different departments and/or agencies in the City for implementation of a Construction Traffic Management Plan, such as reviewing agencies, approval processes, and estimated timelines. For 	<p>Project sponsors for each Sub-Phase and their construction contractor to implement approved CTMP, including each of the bulleted items</p>			

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<p>example:</p> <ul style="list-style-type: none"> - The construction contractor will need to coordinate temporary and permanent changes to the transportation network on Treasure Island and Yerba Buena Island with TIDA. Once Treasure Island streets are accepted as City streets, temporary traffic and transportation changes must be coordinated through the SFMTA's Interdepartmental Staff Committee on Traffic and Transportation ("ISCOTT") and will require a public meeting. As part of this process, the CTMP may be reviewed by SFMTA's Transportation Advisory Committee ("TASC") to resolve internal differences between different transportation modes. 				
<ul style="list-style-type: none"> - For construction activities conducted within Caltrans right-of-way, Caltrans Deputy Directive 60 (DD-60) requires a separate Transportation Management Plan and contingency plans. These plans shall be part of the normal project development process and must be considered during the planning stage to allow for the proper cost, scope and scheduling of the TMP activities on Caltrans right-of-way. These plans should adhere to Caltrans standards and guidelines for stage construction, construction signage, traffic handling, lane and ramp closures and TMP documentation for all work within Caltrans right- 		In advance of construction activities in Caltrans right-of-way	Construction contractors and permit applicants to coordinate with Caltrans and submit Certification Checklist forms to Caltrans when appropriate	

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of-way.				
<ul style="list-style-type: none"> Changes to transit lines would be coordinated and approved, as appropriate, by SFMTA, AC Transit, and TITMA. The CTMP would set forth the process by which transit route changes would be requested and approved. Require consultation with other Island users, including the Job Corps and Coast Guard, to assist coordination of construction traffic management strategies. The project sponsors shall proactively coordinate with these groups prior to developing their CTMP to ensure the needs of the other users on the Islands are addressed within the Construction Traffic Management Plan. 	Project sponsors and construction contractor(s)	Prior to completion of CTMP and during construction	Project sponsors to report to SFMTA, AC-Transit, and TITMA	
<ul style="list-style-type: none"> Identify construction traffic management strategies and other elements for the Proposed Project, and present a cohesive program of operational and demand management strategies designed to maintain acceptable levels of traffic flow during periods of construction activities. These include, but are not limited to, construction strategies, demand management activities, alternative route strategies, and public information strategies. For example, the project sponsors may develop a circulation plan for the Island during construction to ensure that existing users can clearly navigate through the construction zones without substantial disruption. 	Project sponsors and construction contractor(s)	Prior to completion of CTMP and during construction		

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<ul style="list-style-type: none"> Require contractors to notify vendors that STAA trucks larger than 65 feet exiting from the eastbound direction of the Bay Bridge may only use the off-ramp on the east side of Yerba Buena Island. 	Construction contractor(s)	When contracting with vendors	Construction contractor(s) to report vendor notifications to TIDA	
<p>Mitigation Measure M-TR-24: Provide Transit Only Lane between First Street on Treasure Island and the transit and emergency vehicle-only westbound Bay Bridge on-ramp. Implementation of Mitigation Measure M-TR-24 would only be triggered if the extent of actual vehicle queuing impacts the proposed Muni line 108Treasure Island on Treasure Island Road and creates delays for Muni buses accessing the westbound transit-only on-ramp. As such, throughout the life of the project, the TITMA, in consultation with SFMTA and using SFMTA’s methodology, shall monitor the length and duration of potential queues on Treasure Island Road and the associated delays to Muni service. If the queues between First Street and the westbound on-ramp on the west side of Yerba Buena Island result in an operational delay to Muni service equal to or greater than the prevailing headway during the AM, PM or Saturday peak periods, SFMTA, in consultation with TITMA, shall implement a southbound transit-only lane between First Street on Treasure Island and the transit and emergency vehicle-only westbound Bay Bridge on-ramp. The implementation of a transit-only lane would be triggered if impacts are observed over the course of six months at least 50 percent of the time during the AM, PM, or</p>	<p>TITMA to carry out monitoring</p> <p>Project sponsors and sponsors’ construction contractor to carry out restriping pursuant to SFMTA requirements and standards if/when determined necessary</p>	<p>TITMA, in consultation with SFMTA shall monitor the length and duration of potential queues on Treasure Island Road and the associated delays to Muni service on a quarterly (every 3 months) basis on a Saturday and three consecutive weekdays (Tuesday, Wednesday, and Thursday). Monitoring shall be increased to a</p>	TITMA to report to SFMTA	

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<p>Saturday peak periods.</p> <p>Implementation of this mitigation measure would entail the following:</p> <ul style="list-style-type: none"> • Elimination or reduction of the proposed median on Treasure Island Road between First Street and just south of Macalla Road; and • Elimination of the proposed southbound Class II bicycle lane on Treasure Island Road and a small portion of Hillcrest Road south of the intersection with Macalla Road. The Class I facility on Treasure Island Road connecting Treasure Island and the proposed new lookout point, just south of the Macalla Road intersection, would remain. Bicyclists who use the Class I path to the lookout point and continue on Treasure Island Road toward Hillcrest Road would have to share the lane with traffic, similar to other roadways where bicycle lanes are not provided. Bicyclists would still be able to use Class I bicycle paths and Class II bicycle lanes proposed on Macalla Road to connect between the Islands and the bicycle path on the new east span of the Bay Bridge. 		<p>monthly basis once delay to Muni is equal to or greater than the prevailing headway during the AM, PM, or Saturday peak periods.</p> <p>The monitoring shall begin upon installation of the metering light on the westbound on-ramp on the east side of YBI, or upon completion of 1,000 dwelling units, whichever occurs first.</p> <p>The measure shall be implemented</p>		

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		when the queues between First Street and the westbound on-ramp on the west side of Yerba Buena Island result in an operational delay to Muni service equal to or greater than the prevailing headway during the AM, PM or Saturday peak periods over the course of six months at least 50 percent of the time during the AM, PM, or Saturday peak periods.		
<i>Noise Mitigation Measures</i>				

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<p>Mitigation Measure M-NO-1a: Reduce Noise Levels During Construction. The following practices shall be incorporated into the construction contract agreement documents to be implemented by the construction contractor:</p> <ul style="list-style-type: none"> • Provide enclosures and mufflers for stationary equipment, shroud or shield impact tools, and install barriers around particularly noisy activities at the construction sites so that the line of sight between the construction activities and nearby sensitive receptor locations is blocked; • Use construction equipment with lower noise emission ratings whenever feasible, particularly for air compressors; • Provide sound-control devices on equipment no less effective than those provided by the manufacturer; • Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptor locations; • Prohibit unnecessary idling of internal combustion engines; • Require applicable construction-related vehicles and equipment to use designated truck routes to access the project sites; 	Project sponsors and their construction contractor(s)	For each construction permit. Construction contractors to report on noise measures implemented on a monthly basis.	Construction contractors to report on implementation on a monthly basis to DPW if construction is permitted under a street permit, or DBI if construction is under a site or building permit, or SFPUC if construction is for a SFPUC-owned facility.	

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<ul style="list-style-type: none"> Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets. The placement of such attenuation measures shall be reviewed and approved by the Director of Public Works prior to issuance of development permits for construction activities; and Designate a Noise Disturbance Coordinator who shall be responsible for responding to complaints about noise during construction. The telephone number of the Noise Disturbance Coordinator shall be conspicuously posted at the construction site and shall be provided to the City. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas. 	TIDA to designate Noise Disturbance Coordinator; all construction contractors shall work with Coordinator and post construction schedule	Noise Disturbance Coordinator to be available throughout all construction phases until buildout is complete.		
Mitigation Measure M-NO-1b: Pile Driving Noise-Reducing Techniques and Muffling Devices. The project sponsors and developers of each structure (project applicant) shall require the construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration. These techniques shall include pre-drilling pile holes (if feasible, based on soils; see Mitigation Measure M-NO-2) to the maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible.	Project sponsors and developers of each structure to require construction contractor(s) to identify the selected noise-reducing pile driving techniques and noise shielding and muffling devices	<p>During construction of each phase, if pile driving is required.</p> <p>Notification of building owners and occupants within 500 feet of the project site of the dates, hours, and</p>	<p>Project sponsors shall report technique proposed to be used to DPW if construction is permitted under a street permit, or DBI if construction is under a site or building permit.</p> <p>Project sponsors shall report notifications to TIDA and Planning Department</p>	

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Construction contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices. In addition, at least 48 hours prior to pile-driving activities, the Project Applicant shall notify building owners and occupants within 500 feet of the project site of the dates, hours, and expected duration of such activities.		expected duration of such activities shall occur at least 48 hours prior to pile driving activities,.		
Mitigation Measure M-NO-2: Pre-Construction Assessment to Minimize Impact Activity and Vibro-compaction Vibration Levels. The project sponsors shall engage a qualified geotechnical engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to impact or vibrocompaction activity impacts before a building permit is issued. If recommended by the geotechnical engineer, for structures or facilities within 50 feet of impact or vibro-compaction activities, the Project Applicant shall require ground-borne vibration monitoring of nearby structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected structures and underpinning of foundations of potentially affected structures, as necessary.	Project sponsors and qualified geotechnical engineer(s) engaged by project sponsors	Pre-construction assessment shall occur prior to commencement of construction of each phase of site preparation or grading and prior to construction of each building, where use of impact or vibro-compaction methods are proposed.	Geotechnical engineer to submit pre-construction assessments to the Department of Building Inspection.	

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<p>The pre-construction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of impact or vibro-compaction activities. Monitoring results shall be submitted to the Department of Building Inspection. In the event of unacceptable ground movement, as determined by the Department of Building Inspection, all impact and/or vibro-compaction work shall cease and corrective measures shall be implemented. The impact and vibro-compaction program and ground stabilization measures shall be reevaluated and approved by the Department of Building Inspection.</p>		<p>Monitoring shall occur, if recommended, during impact activities and vibro-compaction and during other ground stabilization measures as recommended by geotechnical engineer</p>	<p>Geotechnical engineer shall provide reports of results of monitoring programs to Department of Building Inspection for review and approval</p>	
<p>Mitigation Measure M-NO-5: Residential, School, and Transient Lodging Land Use Plan Review by Qualified Acoustical Consultant. To ensure that automobile and ferry traffic induced interior Lmax noise levels at nearby uses do not exceed an interior noise level standard of 45 dBA (Ldn), the developer of each new residential, scholastic, or hotel land uses planned for the Development Plan Area shall be required to engage a qualified acoustical consultant to prepare plans for the applicable development project, and to follow their recommendations to provide acoustical insulation or other equivalent measures to ensure that interior peak noise events would not exceed 45 dBA (Ldn). Similar to requirements of Title 24, this Plan shall include post-</p>	<p>Project sponsor(s) for each new residential, educational or hotel building to retain qualified acoustical consultants to prepare plans for acoustical insulation, and following construction and occupancy to</p>	<p>Prior to completion of design and issuance of the first building permit allowing commencement of construction of each new residential or hotel building, or new or upgraded educational</p>	<p>Consultant(s) to submit reports to Department of Building Inspection.</p> <p>Building designers to follow the recommendations of the acoustical consultant. DBI to review plans to ensure recommendations are included in plans.</p> <p>Monitoring report to be filed with DBI by acoustical consultant</p>	

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construction monitoring to verify adequacy of noise attenuation measures.	monitor for adequacy of measures	facility Monitoring to be carried out at least one time within one year following completion and occupancy of each residential, hotel, or educational building		
Mitigation Measure M-NO-6: Stationary Operational Noise Sources. All utility and industrial stationary noise sources (e.g., pump stations, electric substation equipment, etc.) shall be located away from noise sensitive receptors, be enclosed within structures with adequate setback and screening, be installed adjacent to noise reducing shields or constructed with some other adequate noise attenuating features to achieve acceptable regulatory noise standards for industrial uses as well as to achieve acceptable levels at the property lines of nearby residences or other sensitive uses, as determined by the San Francisco Land Use Compatibility Guidelines for Community Noise standards. Once the stationary noise sources have been installed, noise levels shall be monitored to ensure compliance with local noise standards. If project stationary noise sources exceed the	TIDA, in consultation with SFPUC if appropriate, to establish appropriate locations for utility and industrial facilities that could produce noise and project sponsors to require appropriate noise attenuating features in design Project sponsors to	Site and noise attenuation features to be established during design of each utility or industrial stationary noise source Monitoring to be carried out within three months of installation of stationary noise	Reports of monitoring results to be submitted to TIDA with copies to Planning Department	

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applicable noise standards, an acoustical engineer shall be retained by the applicant to install additional noise attenuation measures in order to meet the applicable noise standards.	retain qualified expert to monitor sound from each stationary noise source, and retain qualified acoustical engineer if noise standards are exceeded.	sources, at each structure with stationary noise sources		
Air Quality Mitigation Measures				
Mitigation Measure M-AQ-1: Implementation of BAAQMD-Identified Basic Construction Mitigation Measures. The following eight BAAQMD-identified construction mitigation measures shall be incorporated into the required Construction Dust Control Plan for the Proposed Project: 1. All exposed surfaces shall be watered two times daily. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet-power vacuum street sweepers at least once per day. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	Project sponsors to prepare Construction Dust Control Plan, and project sponsors and their construction contractors to implement Construction Dust Control Plan Construction contractors to post contact person and telephone numbers	Department of Building Inspection (DBI) will not issue building permits until Department of Public Health (SFDPH) has approved Construction Dust Control Plan Dust Control Plans to be prepared and implemented during each	SFDPH to review and approve Construction Dust Control Plan and notify DBI of the approval	

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<p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturers specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>		phase of site preparation and building construction		
<p>Mitigation Measure M-AQ-2: Construction Exhaust Emissions. TIDA shall require project sponsors to implement combustion emission reduction measures, during construction activities, including the following measures:</p> <ul style="list-style-type: none"> The contractor shall keep all off-road equipment well-tuned and regularly serviced to minimize exhaust emissions, and shall establish a regular and frequent check-up and service/maintenance program for equipment. Off-road diesel equipment operators shall be required to shut down their engines rather than idle for more 	TIDA shall require, and project sponsors and their construction contractors, shall implement	Project sponsors, with assistance from construction contractors, shall submit quarterly reports regarding compliance with measures and	TIDA and DBI in Tidelands Trust Overlay Zone Planning Department and DBI outside of Trust Overlay Zones	

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<p>than five minutes, unless such idling is necessary for proper operation of the equipment. Clear signage shall be provided for construction workers at all access points.</p> <p>TIDA shall require that project sponsors also engage in early implementation of the following combustion emission reduction measures, during construction activities:</p> <ul style="list-style-type: none"> • The project applicant shall utilize EPA Tier 3 engine standards or better at the start of construction for all off-road equipment, or utilize Retrofit Emission Control Devices which consist of diesel oxidation catalysts, diesel particulate filters or similar retrofit equipment control technology verified by the California Air Resources Board (“CARB”) (http://www.arb.ca.gov/diesel/verdev/verdev.htm). • The project applicant shall utilize EPA Tier 4 engine standards or better for 50 percent of the fleet at construction initiation, increasing to 75 percent by 2015, and 100 percent by 2018, to the extent that EPA Tier 4 equipment is commercially available. • The project applicant shall utilize 2010 or newer model year haul trucks, to the extent that they are commercially available. • Diesel-powered generators for construction activity shall be prohibited as a condition of construction contracts for each Major Phase, unless TIDA has made a finding in writing in connection with the Major Phase that there are no other commercially 		<p>implementation of emission reduction strategies and use of Tier 3 or Tier 4 or equivalent equipment during construction through 2018 and annually thereafter until buildout.</p>		

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available alternatives to providing localized power.				
Mitigation Measure M-AQ-3: At the submission of any Major Phase application, TIDA shall require that an Air Quality consultant review the proposed development in that Major Phase along with existing uses and uses approved in prior Major Phases to determine whether the actual project phasing deviates materially from the representative phasing plan. If the Air Quality consultant determines the possible impact of the actual phasing could result in a significant impact on any group of receptors, then TIDA shall require that the applicant implement in connection with that Major Phase best management practices to the extent that TIDA determines feasible to reduce construction emissions in accordance with Mitigation Measures M-AQ-1, MAQ-2, and M-AQ-4. TIDA shall also determine whether Tier 3 or Tier 4 engines, non-diesel powered generators, or year 2010 or newer haul trucks are commercially available for that phase, and, if so, require the use of such engines or haul trucks.	TIDA for horizontal construction or Planning Department for vertical construction outside Tidelands Trust Overlay Zone, and an air quality consultant	Review of phasing by air quality consultant to occur prior to approval of each Major Phase Application. If required, BMPs to be included prior to commencement of construction for each Sub-Phase within each Major Phase	TIDA and DBI or Planning Department and DBI as applicable	

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<p>Mitigation Measure M-AQ-4: Implement Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above Thresholds. TIDA shall require the project sponsors to implement all of the following mitigation measures identified by BAAQMD, to the extent feasible, for projects that exceed construction thresholds that would be applicable to reducing PM2.5 emissions. Although there may be some overlap, these mitigation measures are identified by BAAQMD as additional to those identified in Mitigation Measure AQ-1 which BAAQMD identifies as recommended for all projects regardless of whether thresholds are exceeded:</p> <ol style="list-style-type: none"> 1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. 4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 5. The simultaneous occurrence of excavation, grading, 	<p>TIDA shall require, and project sponsors and their construction contractors, shall implement</p>	<p>Project sponsors, with assistance from construction contractors, shall submit quarterly reports regarding implementation</p>	<p>TIDA, Planning Department, and DBI</p>	

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<p>and ground-disturbing construction activities on the same area at any one time shall be limited.</p> <p>6. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</p> <p>7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</p> <p>8. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>9. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</p> <p>10. Minimizing the idling time of diesel-powered construction equipment to two minutes.</p> <p>11. Same as Mitigation Measure AQ-2.</p> <p>12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.</p>				
Wind and Shadow Mitigation Measures				

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<p>Mitigation Measure M-WS-3: Identification of Interim Hazardous Wind Impacts</p> <p>1. To identify nearby locations where potentially hazardous winds might occur as a result of the new construction during the phased buildout of the Development Program, the project sponsors shall contract with a qualified wind consultant. At least once a year, throughout construction of the Proposed Project, the wind consultant shall visit the project site, shall carefully review and consider the designs of all buildings that are approved or under construction using plans that shall be provided by the project sponsors and TIDA, shall carefully review the status of site development and building construction to date, and shall identify locations where potentially hazardous winds are likely to occur in pedestrian areas (including temporary and permanent sidewalks, streets and construction roads, and public open spaces) as a result of the new construction that would occur as part of the Proposed Project. The qualified wind consultant shall work with the project sponsors to identify structural measures and precautions to be taken to reduce exposure of persons to potentially hazardous winds in publicly accessible areas. The structural measures and precautions identified by the wind consultant could include, but not be limited to, measures such as: warning pedestrians and bicyclists of hazardous winds by placing weighted warning signs; identifying alternative pedestrian and bicycle</p>	TIDA to retain (a) qualified wind consultant(s)	At least once a year throughout all phases of construction	TIDA and DBI with copy to Planning Department	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
routes that avoid areas likely to be exposed to hazardous winds; installing semi-permanent windscreens or temporary landscaping features (such as shrubs in large planters) that provide some wind sheltering and also direct pedestrian and bicycle traffic around hazardous areas.				
For the active construction areas, the wind consultant may identify those construction sites that would be especially exposed to strong winds and may recommend construction site safety precautions for those times when very strong winds occur on-site or when they may be expected, such as when high-wind watches or warnings are announced by the National Weather Service of the National Oceanic and Atmospheric Administration. The objective of construction site safety precautions shall be to minimize risks and prevent injuries to workers and to members of the public from stacked materials, such as shingles and sheets of plywood, that can be picked up and carried by very strong winds, as well as from temporary signage, siding or roofing, or light structures that could be detached and carried by wind.	TIDA's wind consultant	At least once a year throughout all phases of construction	TIDA to report to DBI, with a copy to Planning Department.	
As part of construction site safety planning, the project sponsors shall require, as a condition of the contract that contractors shall consider all such wind-related risks to the public that could result from their construction activities and shall develop a safety plan to address and control all such risks related to their work.	Project sponsors and their construction contractors	Prior to issuance of a building permit for each structure	TIDA and Department of Building Inspection	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
3. TIDA shall ensure, by conditions of approval for horizontal work activity, and the Planning Department shall ensure by conditions of approval for building permits and site permits, that the project sponsors and the subsequent building developer(s) cooperate to implement and maintain all structural measures and precautions identified by the wind consultant.	TIDA and Planning Department	Prior to issuance of building permit for each structure and each site permit	TIDA	
4. TIDA shall document undertaking the actions described in this mitigation measure, including copies of all reports furnished for vertical development by the Planning Department. TIDA shall maintain records that include, among others: the technical memorandum from the EIR; all written recommendations and memoranda, including any reports of wind testing results, prepared by the wind consultant(s) in the conduct of the reviews and evaluations described in this mitigation measure; and memoranda or other written proof that all constructed buildings incorporate the requisite design mitigations that were specified by the wind consultant(s).	TIDA	Throughout all phases of construction	Planning Department shall provide to TIDA all reports prepared for vertical development. TIDA shall document undertaking the action and maintain records for horizontal improvements and maintain records for vertical development.	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p><u>Mitigation Measure M-WS-4: Ongoing Review and Mitigation of Hazardous Wind Impacts</u></p> <p>1. Prior to schematic design approval of the building(s) on any parcel within the Project, the Planning Department shall require that a qualified wind consultant shall review and compare the exposure, massing, and orientation of the proposed building(s) on the subject parcel to the building(s) on the same parcel in the representative massing model of the Proposed Project tested in the wind tunnel as part of this EIR and in any subsequent wind testing. The wind consultant shall identify and compare the potential impacts of the proposed building(s) relative to those described in this EIR.</p> <p>The wind consultant's analysis and evaluation shall consider the proposed building(s) in the context of the "Current Project," which, at any given time during construction of the Project, shall be defined as the building masses used in the representative massing model of the Proposed Project, as described in this EIR, except as modified to replace appropriate building massing models with the corresponding as-built designs of all previously-completed structures and the then-current designs of approved but yet unbuilt structures. Finally, the proposed building(s) shall be compared to its equivalent current setting (the Current Project scenario).</p> <p><i>*Note:</i> For purposes of this MMRP, unless otherwise indicated the term "project sponsors" shall mean the project sponsor or other persons assuming responsibility for implementation of the mitigation measure under the DDA, Vertical DDAs, or other transfer documents.</p>	<p>Planning Department, project sponsors' wind consultant(s), and project sponsors' architects and engineers</p>	<p>Prior to schematic design approval of the building(s) on any parcel within the Project Development Area</p>	<p>Planning Department and DBI to review</p>	

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>Shall be compared to its equivalent current setting (the Current Project scenario)</p> <p>a. If the qualified wind consultant concludes that the building design(s) would not create a new wind hazard and would not contribute to a wind hazard identified by prior wind testing, no further review would be required.</p> <p>b. If the qualified wind consultant concludes that the building design(s) could create a new wind hazard or could contribute to a wind hazard identified by prior wind testing, but in the consultant’s professional judgment can be modified to prevent it from doing so, the consultant shall propose changes or supplements to the design of the proposed building(s) to achieve this result. The consultant may consider measures that include, but are not limited to, changes in design, building orientation, and/or the addition of street furniture, as well as consideration of the proposed landscaping.</p>				

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>The wind consultant shall work with the project sponsors and/or architect to identify specific feasible changes to be incorporated into the Project. To the extent the consultant’s findings depend on particular building or landscaping features, the consultant shall specifically identify those essential features. The project sponsors shall incorporate those features into the building’s/buildings’ design and landscaping plans. If the wind consultant can then conclude that the modified building’s/buildings’ design and landscaping would not create a new wind hazard or contribute to a wind hazard identified in prior wind testing, no further review would be required.</p> <p>Although a goal of this effort is to limit the wind effects of the building(s) to (1) cause the same or fewer number of hours of wind hazard in the immediate vicinity compared to the building(s) on that parcel as identified by prior wind testing, and (2) subject no more area to hazardous winds than was identified by prior wind testing, it should not be expected that all of the wind hazard(s) identified in prior wind testing would be eliminated by this measure.</p>				

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<p>c. If, at this point in the analysis, the consultant concludes that the building(s) would cause a new wind hazard or increase a wind hazard identified in prior wind testing, and if the consultant concludes that the new or additional wind hazard is not likely to be eliminated by measures such as those described above, the consultant may determine that additional wind tunnel testing would be required. Wind tunnel testing would also be required if the consultant, due to complexity of the design or the building context, is unable to determine whether likely wind hazards would be greater or lesser than those identified in prior wind testing.</p> <p>In the event the building's design would appear to increase the hours of wind hazard or extent of area subject to hazard winds, the wind consultant shall identify design alterations that could reduce the hours or extent of hazard. The wind consultant shall work with the developer and/or architect to identify specific alterations to be incorporated into the project. It is not expected that in all cases that the wind hazard(s) identified in this EIR would be completely eliminated.</p> <p><i>*Note:</i> For purposes of this MMRP, unless otherwise indicated the term “project sponsors” shall mean the project sponsor or other persons assuming responsibility for implementation of the mitigation measure under the DDA, Vertical DDAs, or other transfer documents.</p>				

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<p>To the extent the wind consultant’s findings depend on particular building design features or landscaping features in order to meet this standard, the consultant shall identify such features, and such features shall be incorporated into the design and landscaping.</p> <p>2. If wind testing of an individual or group of buildings is required, the building(s) shall be wind tested in the context of a model (subject to the neighborhood group geographic extent described below) that represents the Current Project, as described in Item 1, above. Wind testing shall be performed for the building’s/buildings’ “Neighborhood” group, i.e. the surrounding blocks (at least three blocks wide and several blocks deep) within which the wind consultant determines wind hazards caused by or affected by the building(s) could occur.</p> <p>The testing shall include all the test points in the vicinity of a proposed building or group of buildings that were tested in this EIR, as well as all additional points deemed appropriate by the consultant to determine the building’s/buildings’ wind performance. The wind testing shall test the proposed building design in the Current Project scenario, as well as test the existing Current Project scenario, in order to clearly identify those differences that would be due to the proposed new building.</p> <p><i>*Note:</i> For purposes of this MMRP, unless otherwise indicated the term “project sponsors” shall mean the project sponsor or other persons assuming responsibility for implementation of the mitigation measure under the DDA, Vertical DDAs, or other transfer documents.</p>				

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<p>Scenario, in order to clearly identify those differences that would be due to the proposed new building.</p> <p>In the event that wind testing shows that the building's design would cause an increase in the hours of or extent of area subject to hazard winds in excess of that identified in prior wind testing, the wind consultant shall work with the project sponsors, architect and/or landscape architect to identify specific feasible alterations to be incorporated into the building(s). To the extent that avoiding an increase in wind hazard relies on particular building design or landscaping features, these building design or landscaping features shall be incorporated into the design by the project sponsors. The ability of the design alterations to reduce the wind hazard shall be demonstrated by wind tunnel testing of the modified design.</p> <p>Although a goal of this effort should be to limit the building's/buildings' wind effect to (1) cause the same or fewer number of hours of wind hazard in the immediate vicinity compared to the building(s) on that parcel as identified by prior wind testing, and (2) subject no more area to hazardous winds than was identified by prior wind testing, it should not be expected that all of the wind hazard(s) identified in the prior wind testing or in the current wind testing under this mitigation measure would be eliminated.</p>				
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Expected that all of the wind hazard(s) identified in the prior wind testing or in the current wind testing under this mitigation measure would be eliminated.				
3. TIDA shall document undertaking the actions described in this mitigation measure, including copies of all reports furnished for vertical development by the Planning Department. TIDA shall maintain records that include, among others: the technical memorandum from the EIR; all written recommendations and memoranda, including any reports of wind testing results, prepared by the wind consultant(s) in the conduct of the reviews and evaluations described in this mitigation measure; and memoranda or other written proofs that all constructed buildings incorporate the requisite design mitigations that were specified by the wind consultant(s).	TIDA to maintain documentation	Ongoing until full buildout	Planning Department to provide copies of documentation for vertical development to TIDA as they are prepared.	
Biological Resources Mitigation Measures				
Mitigation Measure M-BI-1a: Surveys for Special-Status Plants. On Yerba Buena Island, presence/absence surveys for special-status plants shall be conducted by a qualified botanist prior to any ground disturbance. In the event that special-status plant populations are found during the surveys, the lead agency will avoid disturbance to the species by establishing a visible avoidance buffer zone of not less than 25 feet. If it is not feasible to avoid disturbance or mortality, then	Project sponsors to retain qualified professional consultant to carry out and report on surveys TIDA to maintain copies of all	Prior to construction for each phase on YBI, a preconstruction survey shall be conducted within the construction	TIDA to provide copies of all survey reports to Planning Department	

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special-status plant populations will be restored on-site at a 1:1 ratio in areas that are to remain as post-development open space.	reports	area in the spring (May and June) by a qualified botanist.		
Mitigation Measure M-BI-1b: Pre-project Surveys for Nesting Birds. Pre-project surveys shall be conducted by a qualified biologist for nesting birds between February 1st and August 15th if ground disturbance or tree removal is scheduled to take place during that period. If bird species protected under the Migratory Bird Treaty Act (“MBTA”) or the California Fish and Game Code are found to be nesting in or near any work area, an appropriate no-work buffer zone (e.g., 100 feet for songbirds) shall be designated by the biologist. Depending on the species involved, input from the California Department of Fish and Game (“CDFG”) and/or the U.S. Fish and Wildlife Service (“USFWS”) Division of Migratory Bird Management may be warranted. As recommended by the biologist, no activities shall be conducted within the no-work buffer zone that could disrupt bird breeding. Outside of the breeding season (August 16 – January 31), or after young birds have fledged, as determined by the biologist, work activities may proceed.	Project sponsors to retain qualified professional consultant to carry out preconstruction surveys in consultation with CDFG and/or USFWS, as appropriate. TIDA to maintain copies of all reports	Preconstruction surveys shall be conducted for work scheduled during the breeding season (February through August). The preconstruction survey shall be conducted within 15 days prior to the start of work from February through May, and within 30 days prior to the start of work	Copies of all reports to be provided to TIDA and Planning Department	

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		<p>from June through August.</p> <p>If active nests of protected birds are found in the work area, no work will be allowed within the buffer(s), until the young have successfully fledged.</p>		
<p>Mitigation Measure M-BI-1c: Minimizing Disturbance to Bats. Removal of trees or demolition of buildings showing evidence of bat activity shall occur during the period least likely to impact the bats as determined by a qualified bat biologist (generally between February 15 and October 15 for winter hibernacula and between August 15 and April 15 for maternity roosts). If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer of 100 feet shall be created around active bat roosts being used for maternity or hibernation purposes. A reduced buffer could be provided for on a case-by-case basis by the bat biologist, in consultation with CDFG and based on site-</p>	<p>Project sponsors to retain qualified bat biologist to carry out surveys, in consultation with CDFG if buffer is proposed to be Reduced.</p> <p>TIDA to maintain copies of all reports</p>	<p>Throughout the construction phases, with particular attention prior to construction at each site and/or structure</p>	<p>Copies of all reports to be provided to TIDA and Planning Department</p>	

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specific conditions. Bat roosts initiated during construction are presumed to be unaffected, and no buffer would necessary.				
Mitigation Measure M-BI-1d: Control of Domestic and Feral Animals. To avoid conflicts with wildlife on Yerba Buena Island and the remaining natural habitats on Yerba Buena Island, the Islands' Covenants, Conditions and Restrictions, TIDA Rules and Regulations, and/or other similar enforceable instruments or regulations, shall prohibit off-leash dogs outside of designated, enclosed, off-leash dog parks on Yerba Buena Island and the feeding of feral cats on both islands. Building tenants shall be provided with educational materials regarding these restrictions, rules, and/or regulations. Non-resident pet owners and the public using the Islands shall be alerted to these restrictions, rules, and/or regulations through appropriate signage in public areas.	Project sponsors to include in CCRs and/or TIDA to include in rules and regulations and post appropriate signage Project sponsors and individual site developers to provide information to building tenants	Preparation of rules, regulations, and covenants prior to each Major Phase; Communication s to tenants and visitors, prior to occupation of new structures, and ongoing	TIDA	
Mitigation Measure M-BI-1e: Monitoring During Off-Shore Pile Driving. Site-specific conditions during all offshore pile driving shall be monitored by a qualified marine biologist to ensure that aquatic species within the project area would not be impacted, that harbor seals at nearby Yerba Buena Island, at occasional Treasure Island haul-outs, and while in transit along the western shoreline of Treasure Island during work on the Ferry Terminal and in Clipper Cove during work on the Sailing	Project sponsors and project sponsors' qualified marine biologist(s) and acoustical consultant(s)	During off-shore pile driving for each phase of in-water construction for Ferry Terminal and Sailing Center	TIDA and Dept. of Building Inspection	

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<p>Center, are not disturbed, and that sound pressures outside the immediate project area do not exceed 160 dB at 500 meters from the source. If this threshold is exceeded or avoidance behavior by marine mammals or fish is observed by the on-site marine biologist, bubble curtains will be used to reduce sound/vibration to acceptable levels.</p> <p>In addition the following measures shall be employed to further reduce noise from pile-driving activities:</p> <ul style="list-style-type: none"> • Use as few piles as necessary in the final terminal design; • Use vibratory hammers for all steel piles; • Use cushion blocks between the hammer and the pile; • Restrict pile driving to June 1 to November 30 work window as recommended by NOAA Fisheries to protect herring and salmonids; <p>If marine mammals are observed within 1,000 feet of pile driving activities, allow them to completely exit the vicinity of the pile driving activities before pile driving resumes.</p>				
<p>Mitigation Measure M-BI-2a: Restriction of Construction Activities. Geotechnical stabilization, shoreline heightening and repair work, stormwater outfall improvements, and other Project activities conducted in and around the Islands' rocky shoreline shall be generally restricted to the terrestrial and upper intertidal zones.</p>	<p>Project sponsors and project sponsors' qualified marine biologist(s), in consultation with</p>	<p>During any construction conducted in and around the Islands' rocky shoreline</p>	<p>Biologists to provide quarterly reports to TIDA</p>	

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Activities in the lower intertidal and near subtidal zone shall be minimized to the maximum extent practicable, using the smallest area and footprint for disturbance as possible. Outside of planned dredging areas (Ferry Terminal and the Sailing Center) movement and disturbance of existing rocks in the lower intertidal zone shall be prohibited.	CDFG as necessary, to establish limitations on construction activities			
Mitigation Measure M-BI-2b: Seasonal Limitations on Construction Work. Construction work on the Islands' shoreline shall be conducted between March 1 and November 30 to avoid any disturbance to herring spawning occurring in SAV surrounding Treasure Island.	Project sponsors and their qualified marine biologist(s)	During construction activities conducted on and around the Islands' shoreline, limited to March 1 to November 30	Project sponsors to report to TIDA re construction schedules for work on and near shoreline	
Mitigation Measure M-BI-2c: Eelgrass Bed Survey and Avoidance. Within three to six months of the initiation of construction activities that might affect SAV beds, and not less frequently than biennially (every two years) thereafter, all eelgrass beds shall be surveyed or otherwise identified, including their proximity to and potential impact from ongoing or pending onshore or offshore activities. All TIDA staff in charge of overseeing construction for the Proposed Project, and all construction contractors and subcontractors involved in Project construction activities in Bay waters that are	Project sponsors and project sponsors' qualified marine biologist(s) and project sponsors and their construction contractors (including boat operators and	First survey to occur 3 to 6 months prior to initiation of construction on eastern or southern shorelines or prior to initial delivery of construction	Marine biologist(s) to report to TIDA on survey schedules and results of surveys. Marine biologist(s) to report to TIDA on each training session with copies to Planning Department	

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<p>within a quarter mile of Treasure Island and Yerba Buena Island, along Treasure Island's shoreline, or involved in transporting materials and supplies by water to either Island shall be required to undergo thorough environmental training. This training shall present information on the locations of all eelgrass beds, the kinds of construction and vessel transit activities that can impact eelgrass beds, all mitigation measures that contractors must adhere to so that any disturbance or damage to eelgrass beds may be avoided and the beds protected, and who to notify in the event of any disturbance. Any work barges or vessels engaged in construction activities shall avoid transiting through and anchoring in any eelgrass beds located around Treasure Island. TIDA personnel responsible for overseeing Project contractors, as well as all Project contractor and subcontractor management personnel, shall ensure that all boat operators and work crews are aware of eelgrass bed locations and the requirement to avoid disturbing them.</p>	<p>crew)</p>	<p>materials by water. Regular surveys to occur every 2 years thereafter until construction and materials deliveries by water are completed.</p> <p>Training to occur prior to initiation of work by each construction contractor</p>		
<p>Mitigation Measure M-BI-4a: Minimizing Bird Strikes. Prior to the issuance of the first building permit for each building in the Proposed Project, project applicants shall have a qualified biologist experienced with bird strikes review the design of the building to ensure that it sufficiently minimizes the potential for bird strikes and report to the Planning Department. The Planning Department may consult with resource agencies</p>	<p>Project sponsors to retain qualified biologist(s) experienced with bird strikes and Project sponsors and their architects and</p>	<p>Prior to the issuance of the first building or site permit for each building in the Proposed Project and ongoing as</p>	<p>TIDA and Planning Department to maintain copies of biological reports for each building.</p> <p>Project sponsors to report to the Planning Department on implementation of building</p>	

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<p>such as the California Department of Fish and Game or others, as it deems appropriate.</p> <p>The building developer shall provide to the Planning Department a written description of the measures and features of the building design that are intended to address potential impacts on birds, with a copy to TIDA of the final measures approved by the Planning Department or Commission. Building developers are encouraged to coordinate with the Planning Department early in the design process regarding design features intended to minimize bird strikes. The design shall include some of the following measures or measures that are equivalent to, but not necessarily identical to, those listed below, as new, more effective technology for addressing bird strikes may become available in the future:</p> <ul style="list-style-type: none"> • Employ design techniques that create “visual noise” via cladding or other design features that make it easy for birds to identify buildings as such and not mistake buildings for open sky or trees; • Decrease continuity of reflective surfaces using “visual marker” design techniques, which techniques may include: <ul style="list-style-type: none"> – Patterned or fritted glass, with patterns at most 28 centimeters apart, – One-way films installed on glass, with any picture or pattern or arrangement that can be seen from the outside by birds but appear transparent from 	<p>during operation, building managers to implement the building design features and measures.</p>	<p>buildings are occupied</p>	<p>design measures for buildings on non-Trust property, and to TIDA for buildings on Trust property.</p> <p>Building managers to provide annual reports to TIDA on implementation of measures related to building operations, including lighting, education activities, and landscape maintenance.</p>	

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<p>the inside,</p> <ul style="list-style-type: none"> – Geometric fenestration patterns that effectively divide a window into smaller panes of at most 28 centimeters, and/or – Decals with patterned or abstract designs, with the maximum clear spaces at most 28 centimeters square. <ul style="list-style-type: none"> • Up to 40 feet high on building facades facing the shoreline, decrease reflectivity of glass, using design techniques such as plastic or metal screens, light-colored blinds or curtains, frosting of glass, angling glass towards the ground, UV-A glass, or awnings and overhangs; • Eliminate the use of clear glass on opposing or immediately adjacent faces of the building without intervening interior obstacles such that a bird could perceive its flight path through the glass to be unobstructed; • Mute reflections in glass using strategies such as angled glass, shades, internal screens, and overhangs; and • Place new landscapes sufficiently away from glazed building facades so that no reflection occurs. Alternatively, if planting of landscapes near a glazed building façade is desirable, situate trees and shrubs immediately adjacent to the exterior glass walls, at a distance of less than 3 feet from the glass. Such close proximity will obscure habitat reflections and will minimize fatal collisions by reducing birds’ flight 				

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<p>momentum.</p> <p><u>Lighting</u></p> <p>The Planning Department shall similarly ensure that the design and specifications for buildings on non-Trust property, and TIDA shall ensure that the design and specifications for sports facilities/playing fields and buildings on Trust property, implement design elements to reduce lighting usage, change light direction, and contain light. These include, but are not limited to, the following considerations:</p> <ul style="list-style-type: none"> • Avoid installation of lighting in areas where not required for public safety; • Examine and adopt alternatives to bright, all-night, floor-wide lighting when interior lights would be visible from the exterior or exterior lights must be left on at night, including: <ul style="list-style-type: none"> – Installing motion-sensitive lighting, – Installing task lighting, – Installing programmable timers, and – Installing fixtures that use lower-wattage, sodium, and blue-green lighting. • Install strobe or flashing lights in place of continuously burning lights for obstruction lighting. • Use rotating beams instead of continuous light; and • Where exterior lights are to be left on at night, install fully shielded lights to contain and direct light away from the sky, as illustrated in the City of Toronto's Bird Friendly Building Guidelines. 				

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<u>Antennae, Monopole Structures, and Rooftop Elements</u> The Planning Department shall ensure, as a condition of approval for every building permit, that buildings minimize the number of and co-locate rooftop-antennas and other rooftop equipment, and that monopole structures or antennas on buildings, in open areas, and at sports and playing fields and facilities do not include guy wires.				
<u>Educating Residents and Occupants</u> The Planning Department shall ensure, as a condition of approval for every building permit issued for non-Trust property, and TIDA shall ensure, as a condition of approval for every building permit for Trust property, that the permit applicant agrees to provide educational materials to building tenants and occupants, hotel guests, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing window coverings at night. TIDA shall review and approve the educational materials prior to building occupancy.	TIDA and Planning Department	ongoing	TIDA and Planning Department	
<u>Documentation</u> TIDA shall document undertaking the activities described in this mitigation measure and maintain records that include, among others, the written descriptions provided by the building developer of the measures and features of the design for each building that are intended				

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to address potential impacts on birds, and the recommendations and memoranda prepared by the qualified biologist experienced with bird strikes who reviews and approves the design of the building or sports facilities / playing fields to ensure that it sufficiently minimizes the potential for bird strikes.				
<p>Mitigation Measure M-BI-8 (Variant B3): Minimize Disturbance to Newly Established Sensitive Species During Construction of Southern Breakwater.</p> <p>If Variant B3 is selected as the preferred ferry terminal breakwater approach, prior to initiation of any construction activities for the southern breakwater, a survey of the construction area shall be conducted by a qualified marine biologist to assess the presence of eelgrass (<i>Zostera spp.</i>) beds, green sturgeon or other protected fish species, and utilization by marine mammals, primarily harbor seals (<i>Phoca vitulina</i>) and California sea lions (<i>Zalophus californianus</i>). Survey results will be submitted to TIDA, and by TIDA to the ACOE, BCDC, NMFS, and CDFG.</p>	<p>Project sponsors and project sponsors' qualified marine biologist(s) to carry out surveys</p> <p>in consultation with ACOE, BCDC, NMFS, and CDFG, where necessary</p>	Prior to construction of the ferry terminal southern breakwater	Marine biologists to supply reports of survey results and approaches to avoid or restore eelgrass beds, if found, and approaches to avoiding disturbing marine mammals or protected fish species to TIDA	

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In the event the survey shows that eelgrass (<i>Zostera spp.</i>) has established beds within the proposed construction area of the southern breakwater or within close proximity, such that planned construction activities could have an impact on the beds, then the restoration of offsite eelgrass beds or the transplantation and establishment of offsite or onsite eelgrass beds at a replacement ratio of 3:1 will be made.	Project sponsors & construction contractors, in consultation w/ marine biologist(s)	If eelgrass beds found, construction of the ferry terminal southern breakwater to be restricted to March 1 through November 30; restoration or offsite eelgrass beds to occur immediately following construction of breakwater		
In the event the survey shows that the planned establishment or construction of the southern breakwater would affect utilization of the area by protected fish species or by marine mammals as a haul-out area, construction and establishment of the southern breakwater will be done, under consultation with National Marine Fisheries, in a manner that does not adversely affect the protected fish species or prevent the continued utilization of the area by harbor seals or sea lions.	Project sponsors & construction contractors in consultation w/ marine biologist(s) and NMFS	During construction of the ferry terminal breakwater		

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Mitigation Measure M-BI-9 (Variant C2): Impingement and/or Entrainment of Protected Fish and Invertebrates, if implemented. For Variant C2, the Bay water intake pipe for the supplemental firefighting water supply shall be designed and constructed in a manner that prevents impingement of fish and macroinvertebrates. This could include, but not be limited to, installing the intake pipe inside a screened subsea vault large enough to reduce water suction to acceptable levels wherein impingement of marine fauna would not occur. TIDA will submit the final design of the Bay water intake pipe to the National Marine Fisheries; CDFG; California Water Board, San Francisco Region; and BCDC for approval.	TIDA and project sponsors' qualified marine biologist(s) and engineering consultants in consultation with NMFS, CDFG, RWQCB and BCDC, where necessary	Prior to issuance of permits to construct the Bay water intake pipe, if Variant C2 is selected	Marine biologist(s) and engineering consultants to report to TIDA TIDA to maintain records of consultation with state and federal agencies	
<i>Geology and Soils Mitigation Measures</i>				
Mitigation Measure M-GE-5: Slope Stability. New improvements proposed for Yerba Buena Island shall be located at a minimum of 100 feet from the top of the existing slope along Macalla Road unless a site-specific geotechnical evaluation of slope stability indicates a static factor of safety of 1.5 and a seismic factor of safety of 1.1 are present or established geotechnical stabilization measures are implemented to provide that level of safety. Any geotechnical recommendations regarding slope stability made in site specific geotechnical investigations for the site shall be incorporated into the specifications for building on that site.	Project sponsors and their geotechnical consultant(s)	Prior to issuance of building permit for improvements or structures along Macalla Road	TIDA and Department of Building Inspection	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
Hazards and Hazardous Materials Mitigation Measures				
<p>Mitigation Measure M-HZ-1: Soil and Groundwater Management Plan Prior to issuance of a building or grading permit for any one or more parcels, the applicant shall demonstrate that its construction specifications include implementation of a Soil and Groundwater Management Plan (“SGMP”) prepared by a qualified environmental consulting firm and reviewed and agreed to by DTSC and RWQCB. For parcels transferred from the Navy under a Lease in Furtherance of Conveyance (LIFO), or Early Transfer (FOSET) or parcels transferred under a FOST which specifies that additional remediation of petroleum contamination is necessary or additional remediation is necessary to meet the proposed land use, all additional or remaining remediation on those parcels shall be completed as directed by the responsible agency, DTSC or RWQCB, prior to commencement of construction activities unless (i) those construction activities are conducted in accordance with the requirements of any applicable land use covenant, lease restriction or deed restriction and in accordance with the Site Health and Safety requirements of the SGMP, or (ii) those construction activities are otherwise given written approval by either DTSC or RWQCB. The SGMP shall be present on site at all times and readily available to site workers.</p> <p>The SGMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for</p>	<p>Project sponsors for first Sub-Phase of the first Major Phase to prepare and obtain DTSC/RWQCB approval of project-wide SGMP</p> <p>All subsequent project sponsors to follow SGMP and prepare/follow parcel-specific or sub-parcel-specific health and safety plan.</p> <p>Project sponsors and their remediation contractor(s)</p>	<p>Prior to the first Sub-Phase Application Approval</p> <p>Prior to issuance of a building or grading permit for any parcel or parcels</p>	<p>TIDA and DBI. TIDA shall ensure that Project sponsors obtain state agency approval of project-wide SGMP; DBI to confirm project applicants have site-specific health and safety plan prior to issuance of a permit. In the event of LIFO or FOSET, TIDA to ensure completion of remediation, or other approval from DTSC/RWQCB, prior to construction activities.</p>	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>disturbance of groundwater as well as a contingency plan to respond to the discovery of previously unknown areas of contamination (e.g., an underground storage tank unearthed during normal construction activities). Specifically, the SGMP shall include at least the following components:</p> <ol style="list-style-type: none"> 1. <u>Soil management requirements.</u> Protocols for stockpiling, sampling, and transporting soil generated from on-site activities, and requirements for soil imported to the site for placement. The soil management requirements must include: <ul style="list-style-type: none"> • Soil stockpiling requirements such as placement of cover, application of moisture, erection of containment structures, and implementation of security measures. The soil stockpiling requirements must, at a minimum, meet the requirements of the San Francisco Dust Control Ordinance. • Protocols for assessing suitability of soil for on-site reuse through representative laboratory analysis of soils as approved by DTSC or RWQCB, taking into account the Treasure Island specific health-based remediation goals, other applicable health-based standards, and the proposed location, circumstances, and conditions for the intended soil reuse. • Requirements for offsite transportation and disposal of soil not determined to be suitable for on-site reuse. Any soil identified for off-site 				

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<p>disposal must be packaged, handled, and transported in compliance with all applicable state, federal, and the disposal facility's requirements for waste handling, transportation and disposal.</p> <ul style="list-style-type: none"> • Soil importation requirements for soil brought from offsite locations. <p>2. <u>Groundwater management requirements.</u> Protocols for conducting dewatering activities and sampling and analysis requirements for groundwater extracted during dewatering activities. The sampling and analysis requirements shall specify which groundwater contaminants must be analyzed or how they will be determined. The results of the groundwater sampling and analysis shall be used to determine which of the following reuse or disposal options is appropriate for such groundwater:</p> <ul style="list-style-type: none"> • On-site reuse (e.g., as dust control); • Discharge under the general permit for stormwater discharge for construction sites; • Treatment (as necessary) before discharge to the sanitary sewer system under applicable San Francisco PUC waste discharge criteria; • Treatment (as necessary) before discharge under a site-specific NPDES permit; • Off-site transport to an approved offsite facility. <p>For each of the options listed, the SGMP shall specify the particular criteria or protocol that would be considered</p>				

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>appropriate for reuse or disposal option. The thresholds used must, at a minimum, be consistent with the applicable requirements of the RWQCB and the San Francisco Public Utilities Commission.</p> <p>3. <u>Unknown contaminant/hazard contingency plan.</u> Procedures for implementing a contingency plan, including appropriate notification, site worker protections, and site control procedures, in the event unanticipated subsurface hazards or hazardous material releases are discovered during construction. Control procedures shall include:</p> <ul style="list-style-type: none"> • Protocols for identifying potential contamination through visual or olfactory observation; • Protocols on what to do in the event an underground storage tank is encountered; • Emergency contact procedures; • Procedures for notifying regulatory agencies and other appropriate parties; • Site control and security procedures; • Sampling and analysis protocols; and • Interim removal work plan preparation and implementation procedures. • Protocols on what to do in the event an underground storage tank is encountered; • Emergency contact procedures; • Procedures for notifying regulatory agencies and other appropriate parties; • Site control and security procedures; 				

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<ul style="list-style-type: none"> Sampling and analysis protocols; and Interim removal work plan preparation and implementation procedures. 				
<p>Mitigation Measure M-HZ-8: Construction Best Management Practices The use of construction best management practices (BMPs) shall be incorporated into the construction specifications and implemented as part of project construction. The BMPs would minimize potential negative effects to groundwater and soils and shall include the following:</p> <ul style="list-style-type: none"> Follow manufacturer’s recommendations on use, storage and disposal of chemical products used in construction; All refueling and maintenance activities shall occur at a dedicated area that is equipped with containment improvements and readily available spill control equipment and products. Overtopping construction equipment fuel gas tanks shall be avoided; During routine maintenance of construction equipment, properly contain and remove grease and oils; and Properly dispose of discarded containers of fuels and other chemicals. 	Project sponsors and their construction contractors	<p>BMPs for each construction site or area to be prepared prior to initiation of construction activities.</p> <p>Relevant BMPs to be implemented during all construction phases</p>	DBI to ensure that proposed BMPs for each construction site are submitted to San Francisco Dept. of Public Health for review and that they are incorporated into construction specifications for implementation	

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<p>Mitigation Measure M-HZ-10: Soil Vapor Barriers. Prior to obtaining a building permit for an enclosed structure within IR Sites 21 or 24 or within any area where the FOST or site closure documentation specifies that vapor barriers are necessary or that additional sampling must be conducted to determine if vapor barriers are necessary due to the presence of residual contamination that has volatile components (such as chlorinated solvents PCE and TCE or certain petroleum hydrocarbons), the applicant shall demonstrate either that the building plans include DTSC-approved vapor barriers to be installed beneath the foundation for the prevention of soil vapor intrusion, or that DTSC has determined that installation of vapor barriers is not necessary.</p>	<p>Project sponsors for buildings located within IR sites 21 or 24, and their construction contractor(s), in consultation with and approved by DTSC, if needed.</p>	<p>Prior to issuance of a building permit for construction in the areas specified</p>	<p>TIDA to ensure that sampling occurs where necessary; that the necessary DTSC approvals are obtained prior to construction, and that copies of reports are provided to DTSC, SFDPH and DBI. DBI to ensure appropriate vapor barriers are included in building plans.</p>	
<p>Mitigation Measure M-HZ-13: Human Health Risk Assessment. Prior to reopening the presently closed elementary school for elementary school use, TIDA or the SFUSD shall enter into a Voluntary Clean-Up Agreement (VCA) with DTSC's School Property Evaluation and Cleanup Division for the school site, regardless of whether any physical construction or expansion activities that trigger the requirement to consult with DTSC under the Education Code are proposed. As part of the VCA, a Preliminary Endangerment Assessment (PEA) shall be prepared under the supervision of DTSC's School Property Evaluation and Cleanup Division. If the Preliminary Endangerment Assessment discloses the presence of a hazardous materials release, or threatened release, or the</p>	<p>TIDA or the SFUSD to prepare and negotiate a Voluntary Clean-Up Agreement with DTSC</p>	<p>Prior to reopening the presently closed elementary school for elementary school use</p>	<p>DTSC's School Property Evaluation and Cleanup Division or SFDPH (if DTSC declines)</p>	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
presence of naturally occurring hazardous materials, at or near the school site at concentrations that could pose a significant risk to children attending the school or adults working at the school, or discloses that ongoing or planned remediation activities to address such a release near the school could pose a significant risk to children attending the school or adults working at the school, then the school shall not reopen until all actions required by DTSC to reduce the increased cancer risk from exposure to such releases to less than one in a million (1×10^{-6}) and reduce the increased risk of noncancerous toxic effects such that the Hazard Index for chronic and acute hazards is less than one.				
In the event DTSC declines to supervise the process required by this measure in circumstances where it is not required to do so under the California Education Code, the PEA shall be approved by the San Francisco Department of Public Health, applying the risk standards set forth above for cancer and non-cancer risks.			DTSC or San Francisco Department of Public Health	
IMPROVEMENT MEASURES FOR THE TREASURE ISLAND / YERBA BUENA ISLAND PROJECT				
<u>Improvement Measure I-GHG-1</u> While the Proposed Project would not result in a significant impact with regard to GHG emissions, BAAQMD Guidance encourages Lead Agencies to incorporate best management practices for the purposes of reducing construction-related GHG emissions. The following measures should be considered to be	Project sponsors and their construction contractor(s) to incorporate all feasible measures	During all construction phases	Project sponsors to report to TIDA on measures to be included and provide reasons why any not included have not been.	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>implemented by the project applicant and its contractors:</p> <ul style="list-style-type: none"> • Use of alternatively fueled (e.g., biodiesel, electric) construction equipment for at least 15 percent of the fleet; • Use local building materials for at least 10 percent of construction materials; and • Recycling or reusing at least 50 percent of construction and demolition wastes. 				
<p><u>Improvement Measure I-RE-3a</u> Where artificial turf is proposed, the project sponsors are encouraged to work with the City Fields Foundation and City Recreation and Park Department staff to design and build artificial turf fields using the latest SFRPD criteria at the time of implementation, including the City's purchasing criteria.</p>	<p>Project sponsors for any fields proposing artificial turf, in consultation with City Fields Foundation and Recreation and Park Department</p>	<p>Prior to, and during, construction of recreational fields</p>	<p>Project sponsors to report to TIDA on latest SFRPC criteria TIDA to ensure appropriate materials are installed.</p>	
<p><u>Improvement Measure I-RE-3b</u> The project sponsors are encouraged to work with the City Fields Foundation and Department of Public Health staff to develop signage that educates athletes and their families about the importance of washing hands before and after use of synthetic turf fields and the importance of proper wound care for turf-related injuries.</p>	<p>Project sponsors in consultation with City Fields Foundation and SF Department of Public Health</p>	<p>Signage to be installed prior to opening of recreational fields and maintained during operation</p>	<p>Project sponsors to review signage with TIDA and SF DPH TIDA to ensure signage is installed and maintained</p>	

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<p><u>Improvement Measure I-RE-3c</u></p> <p>The project sponsors are encouraged to work with the City Fields Foundation and Department of Public Health staff to develop an air quality monitoring program for the proposed synthetic turf fields that would follow a methodology developed by the Office of Environmental Health Hazard Assessment or the U.S. EPA. The methodology would include, but is not limited to, capturing air quality samples at an outdoor field and upwind of the field; identifying the heights above the field where samples are captured; and recording weather data such as ambient and field temperatures, wind speed/direction, and humidity.</p>	<p>Project sponsors and air quality monitoring consultant, in consultation with City Fields Foundation and SF Department of Public Health</p>	<p>During operation of recreational fields</p>	<p>monitoring reports to be submitted to TIDA and SFDPH</p>	
MITIGATION MEASURES OUTSIDE SAN FRANCISCO'S JURISDICTION FOR THE TREASURE ISLAND / YERBA BUENA ISLAND PROJECT				
<p>Mitigation Measure M-NO-4: Ferry Terminal Noise Reduction Plan. To ensure that the noise levels from the proposed Ferry Terminal and its operations do not exceed the San Francisco Land Use Compatibility Guidelines for Community Noise standards, the developer of the Ferry Terminal shall be required to engage a qualified acoustical consultant to prepare a Ferry Terminal Noise Reduction Plan to be approved by TIDA. The operator would be required to follow the recommendations of the Plan to ensure compliance with the City's community noise guidelines, including but not limited to requiring ferry operators to reduce propulsion engine power to low when approaching and departing the terminal.</p>	<p>Operator of the ferry service to retain acoustical consultant</p>	<p>Prior to Ferry Terminal operation</p>	<p>WETA</p>	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
Mitigation Measure M-AQ-5: Ferry Particulate Emissions. All ferries providing service between Treasure Island and San Francisco shall meet applicable California Air Resources Board regulations. Additionally, all ferries shall be equipped with diesel particulate filters or an alternative equivalent technology to reduce diesel particulate emissions.	WETA and WETA's ferry operator(s)	Prior to vessel selection or award of ferry service contract for Treasure Island Ferry Terminal	TIDA and WETA, in consultation with the Bay Area Air Quality Management District	
Mitigation Measure M-BI-4b: Changes in Ferry Service to Protect Rafting Waterbirds. Waterfowl numbers generally peak in December, with reduced populations during January, and into the spring months. Ferries between San Francisco and Treasure Island shall operate in reduced numbers and slower speeds during December and January; alternatively, during this period ferries, to the extent practicable, shall maintain a buffer zone of 250 meters from areas of high-use by rafting waterbirds.	WETA's ferry operator(s)	During December and January of each year of operation	ferry operators to report to WETA and TIDA monthly during affected period	

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ATTACHMENT F

MITIGATION MEASURES WITHIN THE RESPONSIBILITY OF

THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

TREASURE ISLAND/YERBA BUENA ISLAND PROJECT

The San Francisco Municipal Transportation Agency (“SFMTA”) has primary responsibility or other involvement with the mitigation measures listed in this Attachment C. Pursuant to the California Environmental Quality Findings set forth on Attachment A, the Board of Directors of the SFMTA has acknowledged and agreed that it is responsible for each mitigation measure listed herein. For a description of each mitigation measure and the obligations to be performed by the SFMTA with respect to each mitigation measure, refer to the Mitigation Monitoring and Reporting Program set forth on Attachment B.

- Mitigation Measure M-TR-1: Construction Traffic Management Plan.
- Mitigation Measure M-TR-24: Provide Only Lane between First Street on Treasure Island and the transit and emergency vehicle-only westbound Bay Bridge on-ramp.

Report

Fiscal Analysis of the Treasure Island Redevelopment Project

The Economics of Land Use



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Treasure Island Development Authority

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Appendix A: Fiscal Analysis

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INTRODUCTION

The Treasure Island Development Authority (TIDA) is currently planning for the redevelopment of former Naval Station Treasure Island (TI) with a prospective master developer, Treasure Island Community Development, LLC. One of the primary issues to redevelopment is the provision of public services to residents and visitors to the islands. In addition to assuring adequate services, it will be important to create a safe and well-maintained community and thereby help generate the financial value necessary to fund essential infrastructure and public facilities.

The relative isolation of the islands from the rest of the City generally contributes to above-average service costs. One of the primary objectives for the islands is the ability to fund ongoing public services without adversely affecting the City's fiscal outlook. This fiscal analysis provides a basis for evaluating the potential level, timing and costs of General Fund services necessary to support the future neighborhood compared to the General Fund revenues. The analysis provides a basis for structuring financial mechanisms to mitigate potential annual fiscal impacts and to assure a stable, ongoing source of funding to sustain the quality of life on the islands.

This analysis focuses on ongoing annual revenues and costs. Certain capital funding sources and costs are shown for ongoing equipment costs needed for police, fire, library/community facilities and MUNI (buses and facilities); funding of the police/fire "superstation" and library/community buildings is part of a separate Finance Plan for facilities funded by the development. This analysis does not include costs or revenues associated with the draft transportation program that are not General Fund expenses, with the exception of Muni service, which is a General Fund program. Other transportation costs and revenues are provided in detail as part of a separate Transportation Plan.

The analysis is based on a review of current residential, commercial and public facility development plans for the islands. General Fund services, costs and revenues have been developed through discussions with City departments, evaluation of budget documents, and analyses conducted by the TIDA staff, its consultants and members of the development team. This analysis measures the net increase in revenues accruing to the City from new development and additional expenses associated with providing necessary public and community services as part of the development. The estimates in this analysis are likely to change as a result of programmatic changes, actual service demands, and economic conditions which vary over time.

Findings

- 1. At Project buildout, and during every year of implementation of the redevelopment plan, increased revenues are projected to cover additional annual ongoing operating costs.***

The estimates indicate that increases in net revenues should exceed increases in costs to produce a surplus. This surplus could fund additional public services to the islands, if necessary, or additional Citywide services. **Table 1** summarizes the future development impacts and additional costs and revenues of the Project.

- 2. The Project will generate additional dedicated revenues and contribute towards Citywide programs.***

The Project will generate various additional revenues, estimated at the bottom of **Table 1**, which are not required for direct Project services. For example, a portion of the Transient Occupancy Tax will go towards various City programs. The Project will also generate property tax revenues dedicated to the Children's Fund, Library Fund and Open Space Fund. These revenues are projected to stabilize at approximately \$1.9 million annually at project build-out.

- 3. Over the life of the project, there will be adequate net new revenues to fund MUNI operations as shown in the EIR***

Providing enhanced levels of service plus additional investment required to implement transportation mitigation measures identified in the Draft EIR, which are not required of SFMTA/Muni, may require a small increase in the percentage General Fund allocation as permitted by the City charter. The analysis indicates that the net revenues generated by the Project could fully fund this increase without adversely affecting services to the balance of the City, and without negatively affecting the funding of all General Fund services to TI and YBI.

- 4. The Project will fund operations and maintenance costs required for approximately 300 acres of parks and open space, in addition to related facilities (play structures, picnic tables, paths, signage, etc.) and landscaping along roadways.***

The current program proposes that these costs will be funded by special taxes paid by private development on the islands that will offset the maintenance costs. Funding shortfalls that may occur during development if special taxes are inadequate will be provided by the developer. Therefore, no costs are shown in the General Fund analysis.

TABLE 1: **NET NEW FISCAL IMPACTS (2010\$)**
pg. 1 of 3

Table 1: **Net New Fiscal Impacts (2010\$)**
pg. 2 of 3

Table 1: Net New Fiscal Impacts (2010\$)
p3 of 3

Construction on TI and Yerba Buena Island (YBI) is assumed to begin in 2012 with the first completed units anticipated for occupancy in 2014. **Table 2** is a summary of the amount and phasing of land uses, population and employment. Actual timing will depend on a number of factors, including refinement of the program, construction staging, and economic conditions. It is likely that specific costs and revenues will vary year to year; certain existing services and costs, e.g., fire protection and police protection (which are currently provided), will continue to be required from inception of development while many revenues such as hotel and sales taxes may lag slightly behind development and occupancy as a result of the timing of State collections and distributions.

The land use program includes a maximum of 8,000 residential units in addition to the commercial component of approximately 250 hotel rooms, and 340,000 square feet of new retail/commercial space, including the rehabilitation of Building One, the hangars, and 100,000 square feet of new office space. Revenues generated by the residential and commercial development provide the basis for the fiscal forecasts described in more detail in the following chapters and in the appendix. The fiscal analysis has evaluated the maximum program described in the EIR for the Project; entitlements allow up to 8,000 units, however it is likely due to market factors and development densities that ultimate development will be slightly less. Reduced buildout (e.g., 7,500 units as shown in the Finance Plan) will not significantly change the conclusions of the fiscal analysis.

The Project Description includes 25 percent affordable housing. Inclusionary units provide a portion of these units, TIDA/TIHDI affordable units make up the balance. A total of 1,586 TIDA and TIHDI units are assumed.

Public facilities include approximately 300 acres of parks and open space and 10 miles of roadways. The annual cost estimates are based on operating expenditures for maintenance, as well as for the provision of police and fire protection to residents, employees and visitors, delivery of certain community programs and services and other services.

Project Financing

The total horizontal development cost for the Project is approximately \$1.5 billion, including costs to develop the infrastructure, open space, shoreline improvements, transportation improvements and other community benefits. All Project financing is non-recourse to the City and to TIDA and has been structured to avoid adverse impacts to the General Fund. Project costs will be paid through a combination of tax-increment, community facilities district bonds and private capital from the Developer. It is estimated that the private capital contribution to the Project—in the form of equity and/or private debt—will be approximately \$500 million. Private capital will be invested first so as to create the land values necessary to support the land-secured tax-exempt financing described above. In addition, the Developer will be required to pay TIDA's and the City's costs of administering the Project over the life of the Project.

TABLE 2: TREASURE ISLAND AND YERBA BUENA ISLAND DEVELOPMENT PROGRAM
PG. 1 OF 2

TABLE 2: TREASURE ISLAND AND YERBA BUENA ISLAND DEVELOPMENT PROGRAM
PG. 2 OF 2

The following sections summarize key revenues that will be generated as redevelopment of TI and YBI occur. Additional details regarding assumptions and calculations are included in **Appendix A**. Actual timing and magnitude of future revenues will vary over time as a result of the timing of development, future economic conditions, and fiscal conditions affecting the State of California and the CCSF, as well as policy decisions by the CCSF regarding budget issues. As a result of the continuing fiscal crisis, it is likely that a number of structural changes to both costs and revenues will occur in order to balance the City's budget; these changes, in turn, will influence future fiscal results of new development.

Property Tax

Property tax based on 1 percent of value will be collected from the land and improvements on TI and YBI. In areas that are subject to the Public Trust and therefore continue in public ownership but leased to private interests, a "possessory interest tax" will be collected in an amount equivalent to property tax.

The current fiscal analysis evaluates the fiscal implications of an Infrastructure Financing District (IFD) as a primary tool for funding infrastructure through the use of property tax increment. The IFD is similar to redevelopment financing, but with certain key differences. Within a redevelopment area, the property taxes collected would be distributed to TIDA for redevelopment purposes. A 20 percent portion of the "tax increment" collected is required by California Redevelopment Law to be passed-through to taxing entities (including the CCSF), and 20 percent is required to be allocated to affordable housing purposes. The remainder is available for redevelopment purposes, namely the funding of capital improvements including payment of debt service that extends beyond the initial development period. After buildout of TI and YBI, tax increment not otherwise committed to debt service or other redevelopment purposes would be available for distribution to taxing entities, including the General Fund.

An IFD also collects property tax increment to fund public improvements needed by the Project.

However, the tax increment is limited to the amount available to the City and County of San Francisco (CCSF), and does not include property taxes that accrue to other agencies and to ERAF¹. Currently, approximately 64.7 cents of every \$1.00 in property tax goes to the CCSF. Of this amount, the IFD would allocate 48.76 to the Project, compared to 60 cents in the case of redevelopment.

The IFD would allocate 8 cents to the CCSF (the majority to the General Fund), which is about half of what the CCSF would receive under redevelopment. 7.94 cents would go to affordable housing compared to 20 cents under redevelopment. Other agencies and ERAF would receive their normal shares under an IFD, whereas under redevelopment other agencies receive approximately 20 percent of their normal shares, and ERAF receives nothing.

The Project would result in annual revenue of approximately \$3.3 million to the CCSF at

¹ ERAF is the "Education Revenue Augmentation Fund", which accrues property tax for the State's use in funding education.

buildout assuming the IFD allocations. The estimates are based on the tax increment under and IFD after allocations to the Project infrastructure and affordable housing from the share of tax increment normally going to the CCSF. After the IFD no longer requires tax increment to pay Project costs and/or debt service, CCSF property tax revenues should increase to more than \$30 million annually.

Building values assumed in this analysis are based on the Project's financing plan, and assume a recovery in the real estate market followed by moderate growth. Land transactions and land value, before building construction, will also generate tax increment. A portion of land and building property tax will be received on the "supplemental" tax role for the portion of the year in which it is first assessed; the full value then appears on the tax role for the subsequent full fiscal year.

Property Tax In-Lieu of Vehicle License Fees

Changes in the State budget converted a significant portion of Motor Vehicle License Fee (VLF) subventions, previously distributed by the State based on a per-capita formula, into property tax distributions. These distributions increase over time based on assessed value growth within each entity. To the extent that development of the islands results in an increase in the CCSF assessed value, these revenues are projected to increase proportionately.

Property Transfer Tax

CCSF collects a property transfer tax of \$6.80 per \$1,000 of transferred value on transactions up to \$1 million, \$7.50 per \$1,000 on transactions up to \$5 million, \$20.00 per \$1,000 on transactions from \$5 million to \$10 million, and \$25.00 per \$1,000 on transactions above \$10 million. The City will receive the tax from land transactions, sale of the newly developed units, as well as the re-sale of built space. Ten percent of residential property is assumed to sell every year after the initial sale of new units; this rate will vary year to year depending on economic conditions and average length of ownership by the occupants. The rate assumes that a significant portion of ownership will be tied to households that tend to sell more frequently than housing in older established communities and more suburban areas.

Transfer taxes from the sale of commercial land are included. Commercial building re-sales are difficult to predict; for purposes of this analysis no commercial property re-sales are assumed. To the extent that commercial properties are sold, additional General Fund revenue will be received. As noted above, this rate will vary depending on economic cycles, age of the property, and other economic and investment factors.

Sales Tax

Sales tax will be generated by the Project's retail stores and restaurants patronized by residents and visitors. Expenditures by TI and YBI residents spent elsewhere in San Francisco will also produce sales tax to the City. Although employees associated with commercial uses can produce taxable sales, their expenditures on TI are assumed included in the taxable sales estimates for commercial properties. Taxable sales by other commercial businesses occupying office space is also not estimated; these amounts can vary significantly depending on whether the businesses conduct taxable transactions that are reported at their San Francisco location.

In addition to the 1.0 percent taxable sales revenue to the General Fund, voter-approved local taxes dedicated to transportation purposes are also collected (see **Table A13-a**). The CCSF also receives revenues from the State based on sales tax, for the purpose of funding public safety-related expenditures.

Sales at TI and YBI retail businesses are reduced by 25 percent of household expenditures to account for household sales already accounted for in the estimation of sales at TI retail businesses.

One-time revenues during the construction phases of the Project will be generated by sales and use tax on construction materials and fixtures. Sales tax would be allocated directly to the City and County of San Francisco if a "sub-permit" applies,² or would be aggregated into the "County Pool" which is allocated to the City and County.

Utility Taxes

The utility tax is a 7.5 percent tax on commercial utility billings. In addition, residential cell phone users pay a utility tax.³ The fiscal analysis estimates the revenues based on the citywide per-capita average for Telephone Users Tax and the citywide per employee average for other utilities.

Access Line Tax

The City charges an "access line tax" on telephone service (excluding wireless service) to help pay for emergency communications and 911 service. The tax replaces a prior 911 charge. The revenue is discretionary. The amount is estimated proportionate to the increase in residents and jobs.

² State Board of Equalization (SBE) procedures provide that contractors or subcontractors with contracts greater than \$5 million may obtain a "subpermit" which allocates local sales to the jobsite's jurisdiction.

³ See Article 10 of the CCSF Municipal Code.

Business License/Payroll Tax

CCSF has both a business license and a payroll tax. For estimating purposes, the fiscal analysis uses a “per-employee” approach based on total jobs in San Francisco; the resulting factor is multiplied by the projected jobs on TI and YBI.⁴ The Citywide number reflects some reduction for exemptions currently provided to biotech businesses, which probably will not apply to Treasure Island businesses; the actual tax and exemptions will depend on the number and type of exempt businesses, and future exemptions allowed by the CCSF.

Licenses, Permits, and Franchise Fees and Fines and Forfeitures

Development will result in additional revenue to the City through license, permits, and franchise fees, fines and forfeitures. These include a range of miscellaneous revenues, as well as franchises collected from utility providers. A per-capita approach is used to estimate these revenues.

Hotel Room Tax

Hotel Room Tax (also known as Transient Occupancy Tax) will be generated by the proposed hotels in the Project. The CCSF currently receives 14 percent of room charges. Slightly over half of the Hotel Room Tax proceeds are allocated to the General Fund. The remainder is allocated to the Cultural Equity Endowment Fund, Culture Centers, Public Advertising, and War Memorial; the latter revenues are not shown in the General Fund analysis. The actual allocations may vary depending on future policy decisions by the Board of Supervisors.

Other Revenues

The CCSF also receives various “realignment” revenues from the State intended to compensate for other reductions by the State. These revenues include VLF and sales tax realignment, estimated on a per-capita basis. In addition, the City will receive proceeds from development impact fees, including school fees, childcare fees, and art requirement fees. School fees are described in the next chapter, while childcare fee and art fee estimates are shown in

Appendix A.

⁴ Potential payroll exemptions may apply to new biotech companies, the clean energy technology sector, jobs partially located in other jurisdictions, and jobs with incomes below the threshold for the payroll tax.

This chapter summarizes key public costs for services that will be required as redevelopment occurs. This analysis is based on project-specific estimates for on-site services such as police and fire protection. A “per-capita” approach is used for other services that may be indirectly affected by increases in city population and demand for services. Actual costs will vary by department, and will depend on future service demands, fiscal and economic conditions, and policy decisions to be made by the Board of Supervisors related to staffing and service levels.

Table 1 summarizes service costs affected by new development with additional detail provided in **Appendix A**.

Elections

The community will require equipment and staffing for elections. Costs are based on estimated costs required annually to serve the projected population. The estimates are based on estimates of new residents, the percentage eligible to vote, number of required polling places, and costs including voting materials, signage, and equipment.

Assessor

Assessment services will be required to assure that developing properties are added to the tax rolls in a timely manner. This will also help to assure that property taxes and tax increment financing are available as projected. The estimated costs assume that approximately one Full Time Equivalent (FTE) position will be required. The services may actually include portions of an FTE from an appraiser, principal appraiser, and mapping engineer.

311

The City’s “311” service provides residents with assistance over the phone with non-emergency City and County of San Francisco government matters. The potential impacts on “311” services have been estimated based on average calls per resident, and the staff required to respond to those calls. The costs have been spread over time as population of TI and YBI grows. Actual costs and staff will depend on timing of buildout, demand for “311,” and capacity of the service at future points in time.

Police Services

The current level of staffing will be augmented as service demands increase because of new development and/or the types of calls require a greater level of backup. Based on a San Francisco average of 1.6665 officers per 1,000 residents and employees⁵, approximately 35 officers would be required at buildout. Assuming that TI and YBI require additional officers

5 Final Environmental Impact Report for the Treasure Island and Yerba Buena Island Redevelopment Project July 2010 (IV.L.10)

because of the islands' relative isolation, a nearly 20 percent increase results in about 42 officers (including supervisory staff), which are included in the fiscal analysis. The staffing and related costs are phased as development occurs. Estimated costs include three additional "8202" officers (building and grounds patrol officers), vehicles, training, overhead, etc. The costs do not include overtime for special events. The level and cost of future police protection will vary depending on the type and extent of future calls for service.

The police staff will be accommodated in a new "superstation" in conjunction with the fire station to be built and funded by the Project.

Fire Protection

Fire protection services will be provided to TI and YBI from a new "superstation" planned to be built on TI, which would house both police and fire services. The fiscal analysis assumes an increase in current staffing levels and costs with the addition of one engine company and a fully-staffed ambulance. Total, fully staffed equipment (including existing) on the islands will include two engine companies, one ladder truck company, and one ambulance (and a backup vehicle). A battalion chief position will be added to oversee the operations. Costs for overtime, relief, and equipment maintenance are also included.

The total fire staffing of the "superstation" relative to YBI and TI population and employment is significantly greater than San Francisco averages. This is largely attributable to the minimum level of staffing necessary to provide coverage on TI and YBI because of their geographic isolation.

911

Other Public Protection services may be affected by new development. Costs for the City's "911" service have been estimated based on potential call volume and additional staff required to handle the calls. The costs have been spread over time as population grows. Actual costs and staff will depend on timing of buildout, demand for "911," and capacity of the service at future points in time.

San Francisco SFMTA/Muni

The fiscal analysis includes the costs to MTA for implementing and operating the Muni service in accordance with the Project's Transportation Plan and traffic Mitigation Measures as identified in the Project's Draft EIR. The fiscal analysis also includes potential additional costs associated with other SFMTA programs, including Accessibility Services, Customer Service, and maintenance of signs, signals and bike lanes. Because parking on Treasure Island will be under the jurisdiction of the Treasure Island Transportation Management Agency (TITMA), neither the costs nor the revenues associated with parking enforcement by the SFMTA's Department of Parking & Traffic are included in this analysis. However, it is anticipated that SFMTA will enter into a separate agreement with TITMA to provide these services.

The analysis identifies all revenue sources that will be available to Muni, with the exception of state and federal transfers. Historically, Muni's capital costs have been funded through federal, state and local sources, not through the General Fund. However, this analysis takes a very conservative approach to ensure that the City may implement the service and mitigation measures associated with the Project. At Muni's request, analysis of several revenue sources noted below utilizes FY08 figures (adjusted for inflation) to provide a more conservative estimate.

Funding sources assumed for transportation, in addition to transit pass and fare revenues, include:

- General Fund Appropriations—Currently the City maintains a baseline allocation to SFMTA of 9.15 percent of General Fund revenues (excluding sales taxes dedicated to public safety and health and welfare). The amount shown represents 9.15 percent of GF revenues generated by the Project.
- Advertising Revenue—According to Muni's Fiscal Year 2009-2010 budget, Muni anticipates receiving \$13.8 million in total advertising revenue. The FY08 amount was \$5.7 million from on-vehicle advertising. Based on Muni's current fleet size of 1,200 vehicles, this translates to an average of \$2,400 per vehicle in revenue after assuming that 50 percent of the advertising revenue is a net surplus (i.e., the other 50 percent is used for operating the program, administrative costs, etc.). Since an additional six vehicles will be added to Muni's fleet to operate this future service, the annual revenue expected is approximately \$15,000 which is added as services are phased in.
- Sales Tax (Proposition K)—The City of San Francisco has enacted a ½-cent sales tax for purposes of funding transportation projects, 36.8 percent of which is allocated to transit system maintenance and renovation. Based on the project's Fiscal Analysis Report the project is expected to generate approximately \$1.5 million annually at buildout, of which approximately \$500,000 would be available for transit system maintenance and renovation.
- State Sales Tax (AB1107) – A ½-cent sales tax in Alameda, Contra Costa and San Francisco Counties supports transit operations. Of the revenue collected in these three counties, BART receives 75%, AC Transit 12.5% and SFMTA 12.5%. In Fiscal Year 2010, this fund source generated approximately \$27.8 million for the SFMTA.
- TDA Sales Tax—SFMTA receives an amount equal to ¼-cent sales tax through the state's Transportation Development Act (TDA). The analysis estimates sales tax revenues based on new commercial space at the Project and resident expenditures. In Fiscal Year 2010, this fund source generated approximately \$29.6 million for the SFMTA.

- **Other Revenues**—Other revenues available to SFMTA typically include on-street parking revenues from meters, and parking taxes from public parking. However, because these areas will fall under the jurisdiction of the State Lands Public Trust, these revenues are not directly available to SFMTA. However, it is anticipated that the TITMA will enter into a contract with SFMTA to provide these services. In addition, new residents are likely to generate parking ticket and fine revenue in San Francisco; however, these revenues have not been estimated.

The transportation services provided by the SFMTA are an integral component of the success of the new neighborhood, and, therefore, its ability to generate the additional General Fund revenues. Section 8A.105 of the City's Charter ("Prop E") directs the Controller to adjust the Base Amount of annual General Fund appropriations to the SFMTA for any increases in service not provided in the Base Year. Applying this mechanism, if needed, allows Muni to direct additional surplus General Fund revenue generated by the Project to Muni for operations and maintenance expenses, as well as financing for capital and facilities expenses through mechanisms such as certificates of participation, revenue bonds, or leases.

Over the life of the project, the fiscal analysis indicates that there will be adequate net new revenues to the General Fund to pay for operations, maintenance, facilities and capital costs associated with maintaining the Project's Baseline level of service as required by the Project EIR and providing enhanced Transbay service as described Transportation Plan. The Transportation Plan also contemplates an additional line which provides direct service to the Civic Center area. If implemented, this line may require a small increase in the percentage General Fund allocation as prescribed by Prop E. The analysis indicates that the net revenues generated by the Project could fully fund this increase without adversely affecting services to the balance of the City, and without negatively affecting the funding of all General Fund services to TI and YBI.

Public Health

Public Health expenditures reflect costs related to emergency room visits and hospital stays, which are partially funded by the General Fund due to shortfalls from other sources (e.g., private health insurance). The costs were estimated by the Department of Public Health (DPH) based on the number of affordable units, average number of visits and admissions, and average cost per visit after accounting for reimbursements.

Public Works

Maintenance of roadways will include street sweeping, routine maintenance, sidewalks, striping and signage, as well as resurfacing and reconstruction that will be necessary as roads age. Costs have been estimated for periodic resurfacing and reconstruction to City standards on an optimal schedule to maintain a high level of street condition. The costs have been converted to an

average annual cost equivalent. The costs include a factor for replacement of initial road construction costs over a 40-year life span; this methodology produces a conservative estimate which should also help assure funding for ongoing minor repairs, although these repairs are much less likely if an optimum maintenance schedule is adopted. The costs also include maintenance of sidewalks, although these may be the responsibility of the property owners.

Maintenance costs are phased proportionate to the construction of new roads. Because the roads are new, the full cost of maintenance is phased over the first ten years. The costs are amortized annually, although actual maintenance and reconstruction expenditures are likely to occur periodically. During construction, the developer is assumed to be responsible for maintenance of streets to address wear because of construction activity. Street sweeping will be required, and costs are estimated for these services.

Street maintenance costs are assumed to be partially offset by several sources, including Highway Users Tax (Gas Tax). The City receives a share of gas taxes generated Statewide; the allocations are based on a number of factors, i.e., population, road miles, etc. The fiscal analysis estimates additional gas tax revenues on a “per-capita” basis. The maintenance costs are also assumed to be partially funded by a portion of Prop. K sales tax, which is a one-half of one cent, generated by sales of TI and YBI residents and commercial space.

Parks and Open Space Maintenance

Approximately 300 acres of parks and open space are planned on TI and YBI which will require maintenance, in addition to related facilities (play structures, picnic tables, paths, signage, etc.) and landscaping along roadways. Maintenance costs include landscape and hardscape maintenance, turf care, tree pruning, irrigation, trash and cleanup, repair of furniture, fixtures and equipment, flower bed plantings, janitorial, graffiti abatement, security, and program management and overhead.

The current program proposes that these costs will be funded by special taxes paid by private development on the islands that will offset the maintenance costs. Funding shortfalls that may occur during development if special taxes are inadequate will be provided by the developer. Therefore, no costs are shown in the General Fund analysis.

Community Facilities

Ancillary community facilities will be developed on the islands over time. The community facilities plan includes funding to provide space for facilities. The specific facilities program is to be determined, but is anticipated to include a community center, neighborhood reading room/library, senior services, and a youth center, among others. Library/reading rooms are also assumed. Operating costs, including initial equipment requirements, are assumed to be funded via the City's General Fund; the analysis indicates that sufficient revenues should be generated by the Project to fund operations of these facilities in addition to other required services.

Schools

The San Francisco Unified School District (SFUSD) oversees the public school system in San Francisco (K–12). As described in the Project EIR⁶, enrollment has been declining in the District, and SFUSD has been closing schools. The SFUSD's capital facilities program has focused on replacing older schools and modernizing other facilities.

Development of the Project is projected to generate about 1,695 students⁷. It is anticipated that the planned new school on TI would accommodate the kindergarten, elementary, and middle school students; high school students would most likely continue to attend schools in other parts of San Francisco. Additional capacity would be available at the school for more students from other parts of San Francisco, alleviating anticipated future shortfalls expected by 2030.

School districts and the State's ERAF⁸ will benefit from growth in property taxes generated by the Project. Under an IFD, the districts and ERAF continue to receive their normal share of property tax growth, unlike redevelopment where the districts receive approximately 20 percent of their normal share and ERAF receives no additional revenues.

Funding of School Facilities

Construction of the new school on TI would be funded by Project funding sources, including a combination of private developer equity, special taxes paid by residents, school impact fees, and State funds.

Based on current fee schedules, it is estimated that the Project will generate over \$19 million in total school impact fees during buildout. These fees may be combined with other District resources, including State funds, for school expansion and construction.

The Project is estimated to generate approximately \$200,000 annually in school special taxes, which was extended by the voters in June 2010 for an additional 20 years. The tax is required to

⁶ Final EIR (IV.L.20 et. seq.)

⁷ Final EIR (IV.L.25 et. seq.)

⁸ ERAF is the Education Revenue Augmentation Fund, which receives a share of property taxes.

be used for capital improvements.

SFUSD General Fund

The State of California is responsible for funding public schools up to a certain amount for all students. The State “backfills” funding not otherwise provided by local District property tax, up to a “revenue limit.” The costs and revenues associated with an increase in District students have no direct impact on costs and revenues of the City and County of San Francisco.

The State adopted “revenue limits” as a means of funding K-12 school districts in response to the State Supreme Court ruling in the *Serrano* case. This case held that students were entitled to equal protection under the law and that the quality of their education should not be determined by the property wealth of the district. In turn the state guaranteed districts a certain amount of funding per pupil, regardless of the contribution from the local property tax. For districts whose property tax exceeded this guarantee, (i.e., the revenue limit), the state provided no additional state aid. Those districts that exceed the revenue limit are known as “basic aid” districts.

Two-thirds of a school district’s general fund revenues in an average school district, including the SFUSD, are provided for general (discretionary) purposes through the “revenue limit” allocation. Typically, both local property taxes and state revenues contribute to a district’s revenue limit allocation, but the proportion varies tremendously. The state calculates a per-pupil revenue limit amount for each district based on its unique historical formula. The total funding is the per-pupil revenue limit times the district’s total average daily attendance (ADA). For the SFUSD, the revenue limit was \$5,673 per pupil in FY09.9 After a district’s total revenue limit amount is calculated, the State determines how much of that amount will come from local property taxes; for SFUSD, local property taxes comprised about 86 percent.¹⁰ The balance of the revenue limit amount comes from the State’s budget.

The additional students generated by the Project will increase the District’s “ADA” and therefore increase the amount of total revenue limit funding to the District. The Project will also increase property taxes available to the District by over \$3 million annually at buildout; however, this revenue will reduce the amount of State funding otherwise required to meet the revenue limit, and therefore does not represent a net benefit to the District.

9 California Department of Education, School Fiscal Services Division

10 Ibid.

APPENDIX A:
FISCAL ANALYSIS



