

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 05-2021

Adopted February 2, 2021

DETERMINING THAT THE CONCEPT DESIGN OF UCSF'S PROPOSED DEVELOPMENT ON BLOCK 34 OF THE MISSION BAY SOUTH PROJECT AREA SUBSTANTIALLY CONFORMS TO THE REQUIRED DESIGN STANDARDS OF THE MEMORANDUM OF UNDERSTANDING FOR THE MISSION BAY REDEVELOPMENT PROJECT AREA BLOCKS 33-34, PROVIDING NOTICE THAT THIS APPROVAL IS WITHIN THE SCOPE OF THE MISSION BAY REDEVELOPMENT PROJECT APPROVED UNDER THE MISSION BAY FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT ("FSEIR"), A PROGRAM EIR, AND IS ADEQUATELY DESCRIBED IN THE FSEIR FOR THE PURPOSES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND, ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly referred to as the Office of Community Investment and Infrastructure ("OCII") is implementing the Redevelopment Plan for the Mission Bay South Redevelopment Project (the "Redevelopment Plan"). The San Francisco Board of Supervisors approved, by Ordinance No. 335-98, the Redevelopment Plan, which provides for the redevelopment, rehabilitation and revitalization of the Mission Bay South Project Area generally bounded by the South embankment of China Basin Channel and Seventh Street, Interstate 280, Mariposa Street, Terry Francois Boulevard, and Third Street, as more particularly described in the Redevelopment Plan (the "Project Area"); and,

WHEREAS, Under the California Constitution, The Regents is exempt from local land use regulations where The Regents uses property in furtherance of its educational purposes; and,

WHEREAS, The Regents of the University of California ("The Regents") acquired certain real property identified as Blocks 33 and 34 in the Commercial/Industrial District of the Project Area with the intent of expanding the facilities of the University of California San Francisco ("UCSF") within the Project Area; and,

WHEREAS, The Regents certified a final certified a Final Environmental Impact Report for its 2014 Long Range Development Plan (hereinafter "LRDP FEIR", Clearinghouse No. 2013092047). The Regents adopted findings under CEQA, including a statement of overriding considerations for the 2014 LRDP's significant and unavoidable impacts, rejected project alternatives, and adopted a mitigation monitoring and reporting program (the "LRDP MMRP"). The LRDP FEIR analyzed proposed development on Blocks 33 and 34; and,

WHEREAS, In 2014, the Successor Agency Commission, commonly known as the Commission on Community Investment and Infrastructure, (the “Commission”) conditionally approved, by Resolution No. 30-2014 (April 29, 2014), and subsequently the Oversight Board approved, by Resolution No. 4-2014 (May 21, 2014), the Fifth Amendment to the Mission Bay South Owner Participation Agreement (the “Fifth Amendment”). The Fifth Amendment suspended certain requirements under the Owner Participation Agreement to allow The Regents to develop, on Blocks 33 and 34 of the Project Area, 500,000 gross square feet of Floor Rentable Area in furtherance of The Regents’ educational purposes authorized under the California Constitution. The approval of the Fifth Amendment was conditioned upon, among other things, The Regents’ payments of affordable housing and infrastructure fees and a memorandum of understanding providing OCII with certain design review of the development on Blocks 33 and 34 consistent with design standards described below; and,

WHEREAS, On April 29, 2014, the Commission approved a Memorandum of Understanding for the Mission Bay Redevelopment Project Area Blocks 33-34 (“MOU”) between OCII and the Regents pursuant to which OCII acknowledged and agreed to the suspension of the Redevelopment Plan over Blocks 33 and 34 so long as the Regents used Blocks 33 and 34 in furtherance of UCSF’s educational mission under the California Constitution; provided, however that Regents agreed not to construct any secondary uses, such as clinics for outpatient care, as defined in the Redevelopment Plan for the Commercial Industrial land use district without Executive Director approval in accordance with Section 302 of the Redevelopment Plan; and provided further that the Regents agreed to design and develop Blocks 33 and 34 to conform substantially in all material respects with certain design standards to preserve and enhance elements of the Redevelopment Plan; and,

WHEREAS, The MOU’s design standards that the Regents agreed to follow are: (1) The Design for Development for the Project Area, approved by Former Agency's Commission by Resolution No. 191-98, dated September 17, 1998, as amended by amendments approved by the Former Agency's Commission by Resolution No. 24-2004, dated February 17, 2004, and Resolution No. 34-2004, dated March 16, 2004 (the "Mission Bay South Design for Development"); (2) The layout of public streets set forth in the Redevelopment Plan (including Third, Sixteenth, Illinois and Mariposa Streets); (3) The Mission Bay South Streetscape Plan as approved by the Agency Commission on October 3, 2006 under Agency Commission Resolution No. 137-2006, or as reasonably amended by the Agency Commission to accommodate technical considerations; and (4) The Mission Bay South Signage Master Plan, adopted on June 27, 2000 by the Former Agency, Agency Resolution No. 101-2000 (collectively, the "Required Design Standards"); and,

WHEREAS, The MOU also includes “Additional Design Standards” stating that The Regents shall endeavor to design and develop the East Campus with careful consideration of incorporating non-neutral color tones on the building exteriors of Blocks 33 and 34 and otherwise provide design differentiation from the remainder of the UCSF Mission Bay campus, and shall endeavor to avoid the loss of on-street parking spaces on Illinois Street by providing on-site loading and unloading for visitors and delivery trucks; and,

WHEREAS, Pursuant to the MOU, the Regents agreed to provide OCII and members of the local community the opportunity to review the design of the exterior of the improvements and the overall site plan for Blocks 33 and 34, and The Regents further agreed that this review and related design development consultations take place before decisions by the Regents, acting as the lead agency, on the design matters under review; and,

WHEREAS, Pursuant to the MOU, The Regents agreed to provide OCII, prior to a Commission hearing on the design, a design concept package, which includes (1) overall site plans, including the street grid and circulation, showing relationships of buildings, open space, walks, streets, parking areas, landscaping and points of pedestrian and vehicular access; (2) building plans, including elevations, sections and renderings sufficient to indicate architectural character and proposed materials for the exterior and public areas; (3) perspective sketches at eye level showing architectural character and relationships to streets and adjacent buildings; (4) diagrams showing height relationships to surrounding buildings; (5) narrative statements or illustrative materials explaining building sizes, numbers of interior and exterior parking spaces, proposed uses at street level, and descriptions of any community spaces and publicly-accessible areas; (6) wind studies or analyses if buildings with a parapet height greater than 100 feet in height are proposed; and (7) any other appropriate design documents reasonably required to illustrate the architectural character together with the project's relationship to the surrounding environment (“Design Concept Package”); and,

WHEREAS, On December 20, 2016, the Commission reviewed, by Resolution No. 56-2016, the Design Review Package of UCSF’s Mission Bay East Campus Phase 1 Building on Block 33 and determined that it substantially conformed with the Required Design Standards. Block 33 consists of a 343,000 square foot building with clinical and administrative/academic space, now known as the Wayne and Gladys Valley Center for Vision. Block 33 is comprised of a 12-story academic administrative office tower with an attached three-story conference center and a five-story clinical space (the “Block 33 Project”); and,

WHEREAS, In connection with OCII’s review of the Block 33 Project, The Regents submitted a request that the OCII Executive Director find that the clinical uses on both Block 33 and Block 34 are secondary uses within the Commercial Industrial/Retail land use district under Section 302.4.B of the Redevelopment Plan. The Executive Director determined that the clinical uses qualified as secondary uses (the “Secondary Use Determination,” attached as Exhibit A to this Resolution); and,

WHEREAS, The Block 33 Project is 327,518 square feet of Floor Rentable Area in total. 35,703 square feet of Floor Rentable Area of the total is clinical space. The Block 33 Project started construction in 2017 and was completed in March 2020; and,

WHEREAS, On October 13, 2020, The Regents submitted to OCII a Phase 2 Design Concept Package for development on Block 34 that included an 83-foot clinical building with 20-foot mechanical penthouse programmed with an ambulatory surgery center and multispecialty clinics. This building is comprised of 172,148 square feet of Floor Rentable Area, of which 168,283 square feet of Floor Rentable Area is clinical space. The proposed design also consists of a nine-story, 500-car parking structure (together, the “Project”); and,

WHEREAS, OCII staff has met with UCSF and its design review staff on six occasions to review and comment on the designs for the Project and has determined the Design Concept Package substantially conforms with the Required Design Standards; and,

WHEREAS, OCII staff has reviewed the Phase 2 Design Concept Package for the development on Block 34 and has determined that it complies with the Required Design Standards and the Additional Design Standards of the MOU, including all applicable standards of the Mission Bay South Design for Development, and, that it complies with the conditions of approval and mitigation measures provided in the Secondary Use Determination; and,

WHEREAS, On November 12, 2020, The Regents presented the Design Concept Package for the Project to the Mission Bay Citizens Advisory Committee (“CAC”) and returned to the CAC on January 14, 2021 for a design update focused on the exterior of the parking structure and landscaping; and,

WHEREAS, On February 2, 2021, The Regents presented the Design Concept Package for the Project to the Commission; and,

WHEREAS, On September 17, 1998, the Redevelopment Agency Commission adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report (“FSEIR”) for Mission Bay North and South pursuant to CEQA and State CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). On the same date, the Redevelopment Agency Commission also adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), in connection with the approval of the Redevelopment Plan and other Mission Bay project approvals (the “Mission Bay Project”). The San Francisco Planning Commission (“Planning Commission”) certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Former Agency, and Resolution No. 854-98 adopting environmental findings and a statement of overriding considerations for the Mission Bay Project; and,

WHEREAS, Subsequent to certification of the FSEIR, the Redevelopment Agency and the Successor Agency issued several addenda to the FSEIR (the “Addenda”). The Addenda do not identify any substantial new information or new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the FSEIR; and,

WHEREAS, The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Determining that the Phase 2 Design Concept Package substantially conforms to the Required Design Standards of the MOU is consistent with the project analyzed in the FSEIR, is in furtherance of the Redevelopment Plan, the MOU, and applicable redevelopment documents; and,

WHEREAS, OCII is making the necessary findings for the determination of conformity of the Phase 2 Design Concept Package to the Required Design Standards of the MOU contemplated herein, has considered and reviewed the FSEIR, and has made documents related to the Phase 2 Design Concept Package and the FSEIR files available for review by the Commission and the public, and these files are part of the record before the Commission; and,

WHEREAS, The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Redevelopment Agency Commission by Resolution No. 183-98 dated September 17, 1998, reflected the independent judgment and analysis of the Redevelopment Agency, were and remain adequate, accurate and objective and were prepared and adopted following the procedures required by CEQA, and the findings in said resolutions are incorporated herein by reference as applicable to the determination of conformity of the Phase 2 Design Concept Package to the Required Design Standards of the MOU; and,

WHEREAS, On November 3, 2015, the Commission certified the Event Center FSEIR, a project EIR pursuant to CEQA and CEQA Guidelines Section 15161, and on the same date, adopted environmental findings, including a statement of overriding considerations for the significant and unavoidable impacts of the Event Center project, rejected project alternatives, and adopted a mitigation and monitoring program; and,

WHEREAS, The Event Center FSEIR provided project-specific environmental analysis for a multi-purpose event center and related office, retail, parking and open space uses within the Project Area. The Event Center FSEIR also considered the development program for Blocks 33 and 34 in its analysis of cumulative construction and operational impacts of the Event Center; and,

WHEREAS, Subsequent to certification of the Event Center FSEIR, the Successor Agency issued an addendum to the Event Center FSEIR; and,

WHEREAS, Copies of the FSEIR and its Addenda, the Event Center FSEIR and its addendum, and supporting documentation are on file with the Commission Secretary and are incorporated in this Resolution by this reference; and, now, therefore be it,

RESOLVED, The Commission has reviewed and considered the FSEIR and Addenda, has reviewed and considered the Event Center FSEIR and its addendum, and hereby adopts the CEQA findings set forth in Resolutions No. 182-98 and No. 183-98 and hereby incorporates such findings by reference as though fully set forth in this Resolution; and, be it further

RESOLVED, The Commission finds and determines that its approval of the determination of conformity of the Phase 2 Design Concept Package to the Required Design Standards of the MOU is within the scope of the Mission Bay Project analyzed in the FSEIR and requires no further environmental review beyond the FSEIR or the Event Center FSEIR pursuant to the State CEQA Guidelines Sections 15180, 15162 and 15163 for the following reasons:

- (1) The implementation of the Project on Block 34 does not require major revisions to the FSEIR or the Event Center FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; and,

- (2) no substantial changes have occurred with respect to the circumstances under which the “Mission Bay Project” analyzed in the FSEIR will be undertaken that would require major revisions to the FSEIR or the Event Center FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR and the Event Center FSEIR; and,
- (3) no new information of substantial importance to the project analyzed in the FSEIR will have significant effects not discussed in the FSEIR or in the Event Center FSEIR; such as, (i) the project as modified by the Project on Block 34 will have significant effects not discussed in the FSEIR or in the Event Center FSEIR (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible, which would reduce one or more significant effects, have become feasible; or (iv) mitigation measures or alternatives, which are considerably different from those in the FSEIR or in the Event Center FSEIR, will substantially reduce one or more significant effects on the environment that would change the conclusions set forth in the FSEIR or in the Event Center FSEIR; and, be it further

RESOLVED, That the Commission has reviewed the Design Concept Package for the Project, attached as Attachment B to the Commission memorandum accompanying this Resolution, and determined that it substantially conforms to the Required Design Standards; and, be it further

RESOLVED, That the Commission encourages OCII and The Regents to continue to work cooperatively on the Project design.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of February 2, 2021.



Commission Secretary

Exhibit A: Secondary Use Determination to allow Clinical Outpatient Care Uses on Blocks 33/34



126-0222016-014

Date: December 23, 2016

Applicant: Kevin Beauchamp, AICP
 Director of Physical Planning
 UCSF Campus Planning
 645 Minnesota Street, Second Floor
 San Francisco, CA 94123-0286

Re: Secondary Use Determination to allow Clinical Outpatient Care
 Uses on Blocks 33/34, Mission Bay South Redevelopment Project
 Area.

I. INTRODUCTION

The University of California, San Francisco (“UCSF”) proposes to develop two buildings comprising up to 250,000 gross square feet (“gsf”) of clinical uses for outpatient care and approximately 250,000 gsf of research/office use,¹ together with an approximately 500-space parking structure (collectively, the “East Campus”), on Blocks 33/34 of the Mission Bay South Redevelopment Project Area.

The Regents of the University of California (“Regents”, acting on behalf of UCSF) and the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (“OCII”) have entered into a Memorandum of Understanding, dated April 29, 2014 (the “MOU”), establishing the regulatory framework for UCSF’s development of the East Campus. Pursuant to the MOU, UCSF is required to obtain approval of the OCII Executive Director, in accordance with Section 302 of the Mission Bay South Redevelopment Plan (the “Plan”), for the construction of any secondary uses (including clinics for outpatient care) on the East Campus.

Therefore, UCSF has requested approval from the OCII Executive Director to include outpatient clinical use in the development program for the East Campus.

Edwin M. Lee
MAYOR

Tiffany Bohee
EXECUTIVE DIRECTOR

Mara Rosales
CHAIR

Miguel Bustos
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¹ Square footages set out in this Letter are subject to the limitations and definitions set out in Section 3.4 of the MOU.

This Secondary Use Determination ("Determination") establishes the Executive Director's findings and conditions approving UCSF's proposed outpatient clinical use within the East Campus as a secondary use under the Plan.

II. REGULATORY BACKGROUND

Pursuant to the MOU, OCII recognizes, under Article IX, Section 9 of the State Constitution, that the development of property used by the Regents for educational purposes is exempt from local planning, zoning and redevelopment regulations, and the Regents agreed that UCSF, in designing and developing the East Campus, would comply with the Design Review and Consultation Process and Required Design Standards described in Attachments 2 and 3 of the MOU. The MOU establishes an iterative design review and consultation process between UCSF, OCII, the Mission Bay CAC and the general public. The MOU also establishes that the secondary uses are subject to approval by the Executive Director, in accordance with criteria set forth in the Plan.

Under the MOU, the East Campus is subject to the use restrictions of the Commercial Industrial land use district, as those restrictions are set out in the Plan and as those use restrictions are authorized by OCII. In particular, the MOU provides: "The Regents will not construct any secondary uses, such as clinics for outpatient care, as defined in the Redevelopment Plan for the Commercial Industrial land use district of the Redevelopment Plan without Executive Director approval in accordance with Section 302 of the Redevelopment Plan, following additional CEQA review as necessary, and approval of Primary Developer, to the extent required under Section 3.4.2 and 3.4.3 of this MOU and the South OPA, nor will it develop the site with a use that is not consistent with the Redevelopment Plan." MOU, Section 4.3. Within the Commercial Industrial land use district, research/office uses are a principal permitted use; Institutions, including Clinics for outpatient care, are secondary uses.

Under the Mission Bay South Redevelopment Plan ("Plan"), OCII may authorize a secondary use if the use "generally conforms with redevelopment objectives and planning and design controls established pursuant to this Plan, and is determined by the Executive Director to make a positive contribution to the character of the Plan area, based on a finding of consistency with the following criterion: the secondary use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community."

III. PROJECT BACKGROUND

A. Project Description: *the East Campus*

The East Campus site is located directly across Third Street from UCSF's Mission Bay South Campus, including the UCSF Medical Center at Mission Bay, which contains inpatient and outpatient clinical uses (among others). The East Campus is proposed to be developed in two phases. "Phase I" includes the development of an approximately 343,000 gsf building of a predominant height up to 90 feet, with a tower rising to 160 feet. The building will house approximately 250,000 gsf of academic and administrative workspace, 56,000 gsf of outpatient clinical space, 7,000 gsf of teaching lab and support space and 30,000 gsf of conference center, building support and retail space use on Block 33, and a surface parking lot on Block 34, providing approximately 200 parking spaces. "Phase II" consists of the construction of an approximately 500-space parking structure that will replace the surface parking lot on Block 34 and an approximately 160,000 gsf building. Both structures constructed as part of Phase II will be within the 90-foot height limit. Finished grades at all buildings in Phases I and II will be developed to approximately 102' Mission Bay Datum.

The clinical uses are intended to supplement clinical uses on the South Campus, as well as support the research/office uses developed within the East Campus and elsewhere in UCSF's Mission Bay Campus, and may include Ophthalmology and Imaging (among other clinical uses). Locating clinical uses in close proximity to research uses is an important component of UCSF's *translational medicine* model, which seeks to improve health care outcomes by integrating and co-locating research and patient care. UCSF anticipates that these clinical uses would provide health care to residents and workers in Mission Bay and the surrounding neighborhoods, and beyond.

B. Design Review

The Regents has not yet approved the Basic Concept Design or the Schematic Design for the East Campus buildings, but according to the submitted project information, UCSF will incorporate the following concepts into the design of the East Campus:

- Patient wayfinding will be considered in the siting of the two buildings within the East Campus, including integration of off-street patient drop-off.
- Design of the East Campus buildings will place emphasis on ground floor activation along Third Street, and "non-institutional" architectural character.
- Through different landscape treatments, the pedestrian realm spaces within the East Campus will be designed to be inviting and walkable.

- The building design will comply with UC policy to achieve, at a minimum, LEED Silver certification.

Furthermore, as required under the MOU, the design of the buildings (including height, bulk and massing) must conform to the Required Design Standards, being those established in the Mission Bay South Design for Development (“D4D”), the public street layout set forth in the Plan, the Mission Bay South Streetscape Plan in effect at the time of Schematic Design submission, and the Mission Bay South Signage Master Plan. See MOU Attachment 3. In addition, the MOU includes “Additional Design Standards” stating that the Regents shall endeavor to design and develop the East Campus with careful consideration of incorporating non-neutral color tones on East Campus building exteriors and otherwise provide design differentiation from the remainder of the UCSF Mission Bay campus, and to avoid the loss of on-street parking spaces on Illinois Street by providing on-site loading and unloading for visitors and delivery trucks. *Ibid.*

IV. ANALYSIS AND FINDINGS

The Executive Director, in consultation with OCII staff and after reviewing: (1) the MOU, (2) the Mission Bay Final Subsequent Environmental Impact Report (“FSEIR”, Clearinghouse No. 1997092068) adopted by OCII’s predecessor (the Redevelopment Agency of the City and County of San Francisco) to address the environmental impacts of development within the Mission Bay South Redevelopment Project Area (including commercial development of Blocks 33/34); (3) the Mission Bay Blocks 29-32 Event Center and Mixed-Use Development Final Subsequent Environmental Impact Report (the “Event Center FSEIR”, Clearinghouse No. 2014112045) adopted by OCII to address the environmental impacts of development of an Event Center within the Plan area (and including potential clinical and office development on Blocks 33/34 in the cumulative analysis) and (4) all other materials in the administrative file for this request, finds that an Institutions use in the form of up to 250,000 gsf of a UCSF Clinic for outpatient care on the East Campus, as further described in Section III(A) & (B) above, qualifies as a secondary use under Section 302.3.B of the Plan because: (1) the East Campus is located in the Commercial Industrial land use district, (2) the use on the East Campus that is not one of the principally permitted uses constitute a secondary use authorized in the Commercial Industrial land use district, (3) the secondary use generally conforms with redevelopment objectives and planning and design controls established pursuant to the Plan, and (4) the secondary use on the East Campus makes a positive contribution to the character of the Plan area because, at the size and intensity contemplated and at the proposed location, it will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

Said finding is based on the determination that a clinical use within the East Campus is appropriate as a secondary use and will fulfill the following objectives and requirements of the Plan as well as the specific criterion for secondary uses, as described further below.

1. Clinical use within the East Campus is appropriate as a secondary use and will fulfill the following redevelopment objectives described in Section 103 of the Plan as follows:

A. Eliminating blighting influences and correcting environmental deficiencies in the Plan area.

Permitting clinical uses at the East Campus would facilitate the development of Blocks 33/34, which are currently vacant, unimproved lands, incompatible with surrounding commercial, institutional and residential development in Mission Bay.

B. Assembling land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Plan area.

The design of the East Campus as described above and further implemented pursuant to the design standards and the design review and consultation process established under the MOU, would contribute to improved pedestrian and vehicular circulation within the development and on adjacent streets and sidewalks. UCSF has committed to locate development on the site in a manner that promotes efficient pedestrian wayfinding, to focus on ground floor activation, and to a landscape design that creates an inviting and walkable pedestrian realm. Furthermore, UCSF has indicated that it will locate its onsite primary vehicular ingress and egress for visitors and deliveries on the Illinois Street (east) side of the site. This would ensure that ingress and egress trips would be directed away from Third and Sixteenth Streets, which is necessary to improve pedestrian and vehicular circulation in the vicinity of the East Campus, and the Plan area in general. Approving the secondary clinical use as UCSF has indicated and described would result in integrated development with improved circulation at and to/from the site.

C. Replanning, redesigning and developing undeveloped and under-developed areas which are improperly utilized.

As stated, Blocks 33/34 are currently undeveloped land within the rapidly developing Plan area. The clinical use proposed for the East Campus

on Blocks 33/34 would allow UCSF to develop an undeveloped site in conformity with the design policies and guidelines of the D4D and Streetscape Plan.

D. Providing flexibility in the Plan area to respond readily and appropriately to market conditions.

Allowing clinical uses as a secondary use within the East Campus at Blocks 33/34 is responsive to UCSF's translational medicine model for increasing positive health care outcomes. According to that model, the physical integration and co-location of research and patient care/clinical uses are critical to promote efficiencies in both areas of health care. Allowing the proposed secondary use is consistent with flexible planning objectives that respond to new and evolving market conditions.

H. Strengthening the economic base of the Plan area and community by strengthening... commercial functions in the Plan area.

UCSF is one of the largest employers in San Francisco, with a paid workforce of approximately 22,000 staff and nearly 2,800 faculty. Allowing secondary clinical uses to co-locate with research and development space within the East Campus at Blocks 33/34 would add to this job base and strengthen commercial functions by contributing to the demand for the development and leasing of space within the community for mixed office, research and development and light manufacturing uses in the health care sector.

I. Facilitating emerging commercial-industrial sectors including those expected to emerge or expand due to their proximity to the UCSF new site...

The physical integration and co-location of research and patient care/clinical uses are a key strategy for the economic development of the Plan area, as the resulting synergies, within and in proximity to the UCSF site, strengthen and facilitate multiple commercial functions in the health care sector.

2. The secondary clinical use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

Mission Bay is currently home to many biomedical research and development uses as well as the UCSF Benioff Children's Hospital, the Betty Irene Moore Women's Hospital, and the Baker Cancer Hospital.

As discussed, Blocks 33/34 are currently vacant, unimproved land that is inconsistent with surrounding development. Locating clinical uses within the East Campus at Blocks 33/34 will assist UCSF in providing positive health care outcomes for residents and workers within the community who are treated at the clinics. Furthermore, it places clinical uses in close proximity to existing research uses within Mission Bay, which is intended to facilitate cooperative interaction between the two sets of uses. As a result, locating clinical uses at Blocks 33/34 is necessary and desirable for, and is compatible with the Mission Bay neighborhood.

Schematic designs for the East Campus buildings have not been adopted by the Regents, but UCSF has identified design tenets for the East Campus (listed in Section III.B, above), and committed in the MOU to Required Design Standards for the East Campus, including design conformity with the D4D, the public street layout set forth in the Plan, the Mission Bay South Streetscape Plan in effect at the time of design submission, and the Mission Bay South Signage Master Plan. In addition, the MOU contains Additional Design Standards stating that the Regents shall endeavor to incorporate non-neutral color tones on the East Campus building exteriors and otherwise provide design differentiation from the remainder of the UCSF Mission Bay campus. Given its compliance with its identified design tenets for the East Campus, the Required Design Standards, including the Plan and related documents, the size and intensity of the East Campus buildings, including the clinical uses therein, will be necessary and desirable for, and compatible with, the Mission Bay neighborhood.

In addition, the East Campus on Blocks 33/34 is an appropriate location for the clinical uses proposed by UCSF. The Plan and underlying documents provide for size and density at this location that can accommodate 250,000 gsf of clinical uses. UCSF's design proposals for the East Campus, with an emphasis on ground floor activation and "non-institutional" architectural character, will be appropriate for this location along the Third Street corridor and east of the main UCSF campus. UCSF has proposed to create a vehicle routing plan that provides on-site loading and unloading for visitors and delivery trucks with a primary ingress and egress from Illinois Street, which is appropriate for this location, because the design is intended to reduce potential vehicle conflicts on Third and Sixteenth Streets adjacent to the East Campus. UCSF has proposed to locate the East Campus buildings, and the uses within the buildings, in a manner that promotes efficient pedestrian wayfinding within and to and from the Campus. Landscape treatments will also be designed to create an inviting and walkable

pedestrian realm. Thus, at the size and intensity proposed, secondary clinical uses at Blocks 33/34 would be necessary, desirable and compatible with the neighborhood and community.

Based on these factors, the clinical use at the East Campus, as proposed and conditioned above, will be consistent with Plan objectives, will make a positive contribution to the character of the Plan area, and at the size and intensity contemplated and at the proposed location, will provide a development that is necessary and desirable for and compatible with the neighborhood and community. As such, and as so conditioned, the proposed outpatient clinical use meets the standards under the Plan for approval of a secondary use.

V. ENVIRONMENTAL FINDINGS UNDER CEQA

In conjunction with its Secondary Use Determination, OCII is acting as a lead agency under the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA"), and hereby makes the following findings of fact and law under CEQA and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, "CEQA Guidelines"):

- A. On September 17, 1998, OCII's predecessor (the Redevelopment Agency Commission) certified the FSEIR as a program EIR pursuant to CEQA and CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR), and on the same date adopted environmental findings, including a statement of overriding considerations for the significant and unavoidable impacts of the Plan, and a Mission Bay mitigation monitoring and reporting program ("Mission Bay MMRP").
- B. The FSEIR analyzed development of Blocks 33/34 in the context of the overall development program reflected in the Plan and underlying documents², which allows for a building on Block 33 with base height of up to 90 feet and a tower of up to 160 feet comprising no more than 10% of the total developable area, and a building on Block 34 of up to 90 feet in height, together comprising up to 500,000 gross square feet of commercial/industrial development, and up to 500 parking spaces.
- C. Subsequent to the certification of the FSEIR, the Regents purchased Blocks 33/34 and proposed its East Campus development program for that site as part of its 2014 Long Range Development Plan (the "2014 LRDP"). On November 20, 2014, acting as lead agency under CEQA, the Regents

² Including The Design for Development for the Mission Bay South Redevelopment Project, adopted together with the Plan.

certified a Final Environmental Impact Report for the 2014 LRDP (hereinafter "LRDP FEIR", Clearinghouse No. 2013092047). In so doing, the Regents adopted findings under CEQA, including a statement of overriding considerations for the 2014 LRDP's significant and unavoidable impacts, rejected project alternatives, and adopted a mitigation monitoring and reporting program (the "LRDP MMRP").³

- D. The LRDP FEIR analyzed the proposed East Campus development program (i.e., retaining the height and overall size of the two buildings as analyzed under the FSEIR, but assuming that up to 250,000 gsf of clinical uses would replace the same amount of commercial (research/office) uses in one or both of the buildings, with the remaining 250,000 gsf continuing to be research/office use).⁴ In the LRDP MMRP, the Regents identified one mitigation measure applicable to the East Campus development program, Mitigation Measure TRAF-MB-C-4, which requires UCSF to monitor traffic conditions in the vicinity of the East Campus and to investigate and implement additional Transportation Demand Management strategies to reduce single-occupancy vehicle trips if traffic conditions approach unacceptable levels (LOS E or F) at impacted intersections. UCSF is required to implement this mitigation measure, which reduces a potentially significant cumulative impact of the East Campus to less than significant, pursuant to the Regents' adoption of the MMRP.
- E. On November 3, 2015, the Commission on Community Investment and Infrastructure ("Commission") certified the Event Center FSEIR, a project EIR pursuant to CEQA and CEQA Guidelines Section 15161, and on the same date, adopted environmental findings, including a statement of overriding considerations for the significant and unavoidable impacts of the Event Center project, rejected project alternatives, and adopted a mitigation and monitoring program ("Event Center MMRP").
- F. The Event Center FSEIR provided project-specific environmental analysis of a multi-purpose event center and related office, retail, parking and open space uses within the Plan area. The Event Center FSEIR also considered other reasonably foreseeable actions in the Plan area, including the development program for East Campus, in its analysis of cumulative

³ The LRDP FEIR, together with the FSEIR and Event Center FSEIR, are available for review by the public, as part of the administrative file for this Determination, at OCII, One South Van Ness Avenue, Fifth Floor, San Francisco, CA, which is the custodian of records.

⁴ See LRDP FEIR p. 3-28.

construction and operational impacts of the Event Center.⁵

- G. The Event Center FSEIR identified the following potentially significant cumulative impacts determined to be relevant to the East Campus:

Impact C-NO-1: Cumulative construction noise in the project area could cause a substantial temporary or periodic increase in ambient noise levels in the vicinity during construction.

The Event Center FSEIR determined this impact to be less than significant with mitigation, and identified the following generally applicable mitigation measures that would lessen the severity of the significant impact.

Mitigation Measure M-C-NO-1: Construction Noise Control Measures. Contractors shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the OCII or its designated representative to ensure that construction noise is reduced to the degree feasible. Measures specified in the Noise Control Plan and implemented during project construction shall include, at a minimum, the following noise control strategies:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
- Construction equipment with lower noise emission ratings shall be used whenever possible, particularly for air compressors.
- Sound-control devices no less effective than those provided by the manufacturer shall be provided on all construction equipment.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used where feasible.
- Stationary noise sources such as material stockpiles and vehicle

⁵ See generally, Event Center FSEIR, p. 5.1-8.

staging areas shall be located as far from adjacent receptors as possible.

- Enclosures and mufflers for stationary equipment shall be provided, impact tools shall be shrouded or shielded, and barriers shall be installed 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 to the extent feasible.
- Unnecessary idling of internal combustion engines shall be prohibited.
- Construction-related vehicles and equipment shall be required to use designated truck routes to travel to and from the project sites as determined with consultation with the SFMTA as part of the permit process prior to construction.
- The project sponsor shall designate a point of contact to respond to noise complaints. The point of contact must have the authority to modify construction noise-generating activities to ensure compliance with the measures above.

Impact C-UT-2: The proposed project, in combination with past, present, and foreseeable future development in the Mission Bay South area, would require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

The Event Center FSEIR determined that no feasible mitigation measures exist for this cumulative impact because specific plans and design for permanent pump station improvements have not been finalized and CEQA environmental review has not been completed, it is not possible at this time to conclude whether impacts resulting from these improvements could be mitigated to a less than significant level. Furthermore, implementation of any improvements to the City's pump stations and force mains is outside of OCII's or UCSF's control and there is uncertainty in timing as to when the SFPUC will be able to complete the necessary capacity improvements.

- H. Based on the information contained in this Determination and documents on file with OCII Staff, OCII finds that this approval is within the scope of the activities evaluated under FSEIR and Event Center FSEIR, which in the first instance identified and analyzed the potential for up to 500,000 gsf of commercial development on Block 33/34, and in the second instance, analyzed the replacement of 250,000 gsf of proposed commercial use with the same amount of clinical use on Block 33/34.
- I. OCII further finds that since the FSEIR and Event Center FSEIR were finalized, no further environmental review beyond the FSEIR and Event

Center FSEIR has become necessary pursuant to the State CEQA Guidelines Section 15180, 15162 and 15163, because there have been no substantial changes to the East Campus development program analyzed under both the FSEIR and Event Center FSEIR, and no substantial changes in circumstances under which the East Campus development program was analyzed in the FSEIR and Event Center FSEIR that would require major revisions to either the FSEIR or the Event Center FSEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in either the FSEIR or Event Center FSEIR.

- J. OCII has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the East Campus development program would have on the environment.

VI. CONCLUSION

For the reasons set forth above, the Executive Director, pursuant to Sections 302 and 302.3.B of the Plan, approves, with the following conditions, the development of up to a total of 250,000 gross square feet of Institutional clinic uses providing outpatient care as a secondary use within one or both of the two buildings comprising the East Campus (Blocks 33/34, Mission Bay South):

1. East Campus design will comply with the Mission Bay Streetscape Plan as updated as of the date of submission to OCII of Schematic Designs for the East Campus.
2. Primary vehicular ingress and egress to the East Campus shall be from Illinois Street.
3. In addition to the design concepts set out in Section III(B) above, UCSF will comply with the requirements under the MOU, including providing a building design pursuant to the Design Review and Consultation Process and consistent with the Design Standards described in the MOU and its Attachments 2 and 3, respectively.
4. The Regents has adopted the LRDP MMRP as part of its certification of the 2014 LRDP FEIR, pursuant to the requirements of CEQA. The LRDP MMRP includes mitigation measures applicable to the development of the East Campus proposed for approval under this Determination. Prior to the LRDP FEIR, OCII's predecessor (the Redevelopment Agency of the City and County of San Francisco) adopted the FSEIR, and subsequent to the

certification of the LRDP FEIR, OCII adopted the Event Center FSEIR, both of which address the environmental impacts of development within the Plan area, including commercial development of Blocks 33/34.

Given the foregoing, the MOU (Section 3.3.3) provides UCSF with the right to request that the Executive Director review MMRPs adopted in association with the three EIRs, and, if a reasonable basis exists for doing so, adopt findings that the mitigation measures applicable to the East Campus under the LRDP MMRP constitute an equivalent or more effective mitigation program to that adopted under FSEIR and Event Center FSEIR.

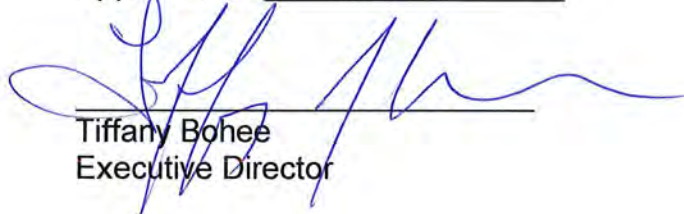
OCII staff and the Executive Director have reviewed and compared the mitigation requirements established in FSEIR MMRP, Event Center MMRP and the LRDP MMRP. Pursuant to this review, the Executive Director finds that the mitigation measures and corresponding implementation program established in the LRDP MMRP generally constitutes an equivalent or more effective mitigation program for the environmental impacts of the East Campus, with a few exceptions. Therefore, UCSF shall implement the LRDP MMRP and the following measures from the Mission Bay MMRP and Event Center MMRP (and their respective implementation programs), and together this shall be the mitigation program applicable to the development and operation of the East Campus:

- *Mitigation Measure D.01: Lighting and Glare (FSEIR).* Parking Structures developed on the East Campus shall incorporate 45-degree fixture angle cutoff and 0.25 foot-candles of spill-lighting at 5 feet from property line into design standards for Block 34.
- *Mitigation Measures D.03 & D.04: Archeological Resources (FSEIR).* Comply with foundation excavation pre-testing program requirement.
- *Mitigation Measure M-C-NO-1: Construction Noise Control Measures (Event C FSEIR).* Contractors shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the OCII or its designated representative to ensure that construction noise is reduced to the degree feasible. Measures specified in the Noise Control Plan and implemented during project construction shall include, at a minimum, the following noise control strategies:
 - Construction equipment with lower noise emission ratings shall be used whenever possible, particularly for air

- compressors.
- Sound-control devices no less effective than those provided by the manufacturer shall be provided on all construction equipment.
 - Barriers shall be installed 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 to the extent feasible.
 - Unnecessary idling of internal combustion engines shall be prohibited.
 - Construction-related vehicles and equipment shall be required to use designated truck routes to travel to and from the project sites as determined with consultation with OCII as part of the permit process prior to construction.
 - UCSF shall designate a point of contact to respond to noise complaints. The point of contact must have the authority to modify construction noise-generating activities to ensure compliance with the measures above.

The foregoing represents OCII Executive Director's Secondary Use Determination of conditional approval.

Approved on _____



Tiffany Bohee
Executive Director