

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 10-0092

WHEREAS, Improving the quality of life of the residents of Bayview Hunters Point ("BVHP") is one of the City's highest priorities. Expediting the revitalization of BVHP will provide long overdue improvements to the BVHP community that will also benefit the City as a whole. Both the Hunters Point Shipyard and the Candlestick Activity Node, as defined in the Bayview Hunters Point Redevelopment Plan (the "Candlestick Site," and together with Phase 2 of the Hunters Point Shipyard, the "Project Site"), are part of BVHP and together they make up the largest area of under-used land in the City; and,

WHEREAS, For many years, the City and the Redevelopment Agency of the City and County of San Francisco (the "Agency") have been working together to bring about the revitalization of the Shipyard and the Candlestick Site, and in early 2007, the City's Board of Supervisors and the Agency Commission endorsed a Conceptual Framework for the integrated development of these two areas; and,

WHEREAS, On June 3, 2008, the City's voters passed Proposition G, which: (i) adopted overarching policies for the revitalization of the Project Site; (ii) authorized the conveyance of the real property owned by the City at Candlestick Point under the jurisdiction of the City's Recreation and Park Department and (iii) urged the City, the Agency and all other governmental agencies with jurisdiction to proceed expeditiously with revitalization of the Project Site; and,

WHEREAS, The City's Planning Department and the Agency have undertaken a planning and environmental review process for the Project (as defined below), and there have been more than 230 public meetings, workshops and presentations over the past three years on every aspect of the Project, including meetings before the San Francisco Public Utilities Commission (this "Commission"), the Agency Commission, the Planning Commission, the Board of Supervisors and other City commissions and advisory and community groups; and,

WHEREAS, The Planning Commission and the Agency Commission, respectively, reviewed and considered the Final Environmental Impact Report for the Project (the "EIR") in Planning Department File No. 20007.0946E, consisting of the Draft EIR and the Comments and Responses document, and 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 Commission and the public, and this Commission 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 (MMRP), attached to this Resolution as Attachments A and B, respectively, in furtherance of the actions contemplated by this Resolution; and,

WHEREAS, The Planning Commission determined by Motion that the Project, and the various actions being taken by the City and the Agency 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 (the "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 of the EIR, the Agency entered into a Disposition and Development Agreement (the "DDA") with CP Development Co., a Delaware limited partnership ("Developer"), for the redevelopment of the Project Site (the "Project"). At full build-out, the Project is anticipated to include: over 300 acres of public park and open space improvements; 10,500 homes for sale or rent; 885,000 square feet of retail uses; about 2,650,000 square feet of green office, science and technology, and research and development uses; a 150,000 square foot hotel; a 10,000-seat arena or other public performance site; a 300-slip marina; a site in the Shipyard Site for a new stadium if the 49ers and the City timely determine that the stadium is feasible; and up to 2,500,000 square feet of additional green office, science and technology, research and development, and industrial uses if the stadium is not built. The Project is consistent with the Conceptual Framework and Proposition G; and,

WHEREAS, The Board of Supervisors is considering a series of actions and approvals in furtherance of the Project, including the adoption of amendments to the Hunters Point Shipyard Redevelopment Plan and the Bayview Hunters Point Redevelopment Plan (collectively, the "Redevelopment Plans") and various other actions to implement the Project; and

WHEREAS, Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community Redevelopment Law of California (California Health and Safety Code § 33000 et seq.), and in order to promote development in accordance with objectives and purposes of the Redevelopment Plans (as amended) and documents relating to the Redevelopment Plans, the City intends to undertake and complete proceedings and actions necessary to be carried out by the City under the provisions of the Redevelopment Plans and provide for the expenditure of monies in carrying out the Project and, specifically, the City wishes to enter into an Interagency Cooperation Agreement with the Agency, in the form on file with this Commission (the "Interagency Cooperation Agreement"), to provide for cooperation between the City and the Agency 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; now, therefore, be it

RESOLVED, That in order to effectuate the redevelopment of the Project Site, and consistent with the requirements of Proposition G, this Commission hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached to this Resolution as Attachment A and adopts the Mitigation Monitoring and Reporting Program, attached to this Resolution as Attachment B, both of which are incorporated into this Resolution by this reference, and approves the Interagency Cooperation Agreement substantially in the form on file with this Commission subject to the approval of the City's Board of Supervisors, and recommends approval of the Interagency Cooperation Agreement to the Board of Supervisors; and, be it

RESOLVED, Subject to the approval of the Interagency Cooperation Agreement by the City's Board of Supervisors, this Commission authorizes the SFPUC General Manager to execute the SFPUC Consent to the Interagency Cooperation Agreement on behalf of this Commission, in substantially the form presented to this Commission; and, be it

FURTHER RESOLVED, That by approving the SFPUC Consent to the Interagency Cooperation Agreement, this Commission agrees to the items set forth in the SFPUC Consent, including (i) to accept the SFPUC-Related Infrastructure, as defined in the Interagency Cooperation Agreement, subject to Developer satisfying this Commission's 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 then, subject to appropriation, operating and maintaining SFPUC-Related Infrastructure, and (ii) subject to Developer providing an on-site recycled water distribution system to be charged with low-pressure water unless and until this Commission provides recycled water to the Project Site (the process, location and timing of the development of such recycled water treatment facilities being subject to this Commission's sole discretion), the approach to the Commission's review and acceptance of the recycled water distribution system as described in the ICA and the Infrastructure Plan; and, be it

FURTHER RESOLVED, That this Commission authorizes the Mayor, the City Administrator and the Director of Public Works (or any successor City officer designated by law) to 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 Redevelopment Plans, the Plan Documents (as defined in the Redevelopment Plans) and this Resolution and legislation by the Board of Supervisors, subject to the terms of Section 11.2 of the Interagency Cooperation Agreement with respect to any amendment that affects the SFPUC Infrastructure or the SFPUC-Related Mitigation Measures; and, be it

FURTHER RESOLVED, That this Commission authorizes the SFPUC General Manager, in conjunction with the Mayor, the City Administrator, the Director of Public Works and other officers, agents and employees of the City but subject to appropriation, 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 they or any of them deem 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 the approval under this Resolution shall take effect upon the effective date of the Board of Supervisors' legislation approving the Interagency Cooperation Agreement.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ *June 8, 2010*



Secretary, Public Utilities Commission