

1 [CEQA Findings in Connection with the Hunters Point Shipyard Redevelopment Plan.]

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3 **Resolution adopting environmental findings pursuant to the California Environmental**
4 **Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with**
5 **the Hunters Point Shipyard Redevelopment Plan and related implementing actions.**

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7 WHEREAS, April 19, 1993, by Resolution No. 306-93, the San Francisco Board of
8 Supervisors designated the Hunters Point Shipyard Area as a Redevelopment Survey Area
9 pursuant to California Health and Safety Code Section 33310; and

10 WHEREAS, The Hunters Point Shipyard (“Shipyard”) consists of 936.37 acres of real
11 property, together with the buildings, improvements and related and other tangible personal
12 property located thereon and all rights, easements and appurtenances thereto that was closed
13 pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law-510), as
14 implemented by the 1993 base closure process; and

15 WHEREAS, In March, 1995, the Navy, the City and the San Francisco Redevelopment
16 Agency (“Agency”) developed the “Land Use Alternative and Proposed Draft Plan, Hunters
17 Point Shipyard,” which, along with amendments made in January, 1997 is the basis for the
18 Redevelopment Plan for acquisition and reuse of the Shipyard (“Redevelopment Plan”); and

19 WHEREAS, By Resolution No. 92-97, the Agency Commission and by Ordinance No.
20 285-97, the Board of Supervisors adopted the Redevelopment Plan in 1997, prior to
21 completion of the requisite environmental review under the California Environmental Quality
22 Act, California Public Resources Code Sections. 21000 et seq. (“CEQA”) as authorized by
23 California Health and Safety Code Sections 33492.18 and 33492.22. These laws authorized
24 adoption of the Redevelopment Plan prior to completion of the CEQA environmental review
25 process provided that the Agency and Planning Commissions certified to CEQA compliance

1 for the Redevelopment Plan within 30 months of the effective date of the ordinance adopting
2 the Redevelopment Plan; and

3 WHEREAS, The City and County of San Francisco ("City") conducted a planning and
4 environmental review process for the Redevelopment Plan and provided public hearings
5 before the Planning and Agency Commissions; and

6 WHEREAS, The project approvals listed in Attachment A (the "Actions") are part of a
7 series of related and collateral actions that constitute a program of redevelopment for the
8 Hunters Point Shipyard Redevelopment Area and these actions in combination with the
9 Redevelopment Plan are the Project, as more particularly defined in Attachment A (the
10 "CEQA Findings"). A copy of said Attachment is attached hereto, incorporated herein by
11 reference, and on file with the Clerk of the Board of Supervisors in File No. _____;
12 and

13 WHEREAS, A joint Draft Environmental Impact Statement/Environmental Impact
14 Report ("DEIS/DEIR") was prepared and issued for distribution to the public on November 14,
15 1997 by the Navy along with the City (through its Planning Department), and the Agency; and

16 WHEREAS, The DEIS/DEIR was prepared and circulated in accordance with the
17 National Environmental Policy Act, 42 U.S.C.A. Sections 4321-4370 d ("NEPA"), CEQA, and
18 the CEQA Guidelines, and four public hearings were held on December 10 and 11, 1997 and
19 January 13 and 15, 1998; and

20 WHEREAS, As a result of public testimony, the Navy, the City, and the Agency jointly
21 decided that a Revised DEIS/DEIR should be prepared and circulated for further public review
22 and comment which Revised DEIS/DEIR was published for such review on November 3, 1998
23 with two further public hearings held on December 9 and 17, 1998, and the public comment
24 period for written comments extended until January 19, 1999; and

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1 WHEREAS, Subsequently, the City and the Agency decided to separate the
2 environmental review under NEPA and CEQA, and the City and the Agency in January, 2000
3 issued the FEIR, a program Environmental Impact Report (“EIR”) pursuant to Sections 15168
4 and 15180 of the Guidelines, which contains the Revised DEIS/DEIR and the City and Agency
5 Response to Comments to the Revised DEIS/DEIR; and

6 WHEREAS, The Planning Department prepared a Final Environmental Impact Report
7 (“FEIR”) for the Redevelopment Plan consisting of the DEIR, the comments received during
8 the review periods, any additional information that became available, and the Summary of
9 Comments and Responses, all as required by law; and,

10 WHEREAS, On February 8, 2000, the Planning Commission and Agency Commission
11 reviewed and considered the FEIR, and by Motion No. 14981 and Resolution No. 11-2000,
12 found that the contents of such report and the procedures through which the FEIR was
13 prepared, publicized and reviewed complied with the provisions of CEQA, and Chapter 31 of
14 the San Francisco Administrative Code. Said Motion and Resolution are incorporated herein
15 by reference and copies of both documents are on file with the Clerk of the Board of
16 Supervisors in File No. _____; and,

17 WHEREAS, By Motion No. 14981 and Resolution No. 11-2000 the Planning
18 Commission and the Agency Commission also found that the FEIR was adequate, accurate
19 and objective, reflected the independent judgment of each Commission and the summary of
20 Comments and Responses contained no significant revisions to the Draft Environmental
21 Impact Report; adopted findings of significant impacts associated with the Redevelopment
22 Plan and certified the completion of the FEIR for the Redevelopment Plan in compliance with
23 CEQA and the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code;
24 and,

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1 WHEREAS, On February 8, 2000, the Agency Commission by Resolution 12-2000
2 reviewed and considered the FEIR and adopted environmental findings with respect to the
3 FEIR, including a statement of overriding consideration and a mitigation monitoring and
4 reporting program, as required by CEQA. Said Resolution is incorporated herein by reference
5 and a copy of the resolution is on file with the Clerk of the Board of Supervisors in File No.
6 _____; and

7 WHEREAS, On November 19, 2003, the Planning Department issued an memorandum
8 pursuant to CEQA Guidelines Section 15164 (“Addendum”) to the FEIR finding that no
9 changes have occurred that would indicate new significant impacts not identified in the FEIR,
10 and no new mitigation measures would be necessary to reduce significant impacts; and

11 WHEREAS, The Addendum prepared by the Planning Department further found that
12 no changes have occurred with respect to circumstances surrounding the Project that would
13 cause significant environmental impacts not analyzed in the FEIR, and no new information
14 has become available that shows that the Project would cause significant environmental
15 impacts and, therefore, no supplemental environmental review is required beyond the
16 Addendum; and

17 WHEREAS, On December 2, 2003, by Resolution 179-2003 the Agency Commission
18 authorized the Agency to execute a disposition and development agreement (“DDA”) between
19 the Agency and Lennar/BVHP LLC (“Developer”) for the development of Phase I of the
20 Project and found, based on its review of the FEIR, the Addendum, the proposed
21 modifications to the Project contemplated by the DDA, the Agency Director’s memorandum
22 and the public comments submitted, that the Project as modified would not require major
23 revisions to the FEIR and that no environmental review was necessary. Said Resolution is
24 incorporated herein by reference and a copy of the resolution is on file with the Clerk of the
25 Board of Supervisors in File No. _____; and

1 WHEREAS, On April 29, 2004, by Resolution 50-2004, the Agency Commission
2 authorized the execution of a conveyance agreement with the United States Department of
3 the Navy (“Navy”) concerning the Project site, the execution of a Security Services
4 Cooperative Agreement with the Navy concerning the Project Site and the execution and
5 approval of ancillary related documents and actions regarding the Project site. The Agency
6 Commission found that based on its review of the FEIR, the Addendum, the proposed
7 modifications to the Project contemplated by the Conveyance Agreement, the Agency
8 Director’s memorandum, the administrative record and the public comments submitted, that
9 the Project as modified would not require major revisions to the FEIR and that no
10 environmental review was necessary. Said Resolution is incorporated herein by reference
11 and a copy of the resolution is on file with the Clerk of the Board of Supervisors in File No.
12 _____; and

13 WHEREAS, a Notice of Determination was issued by the Planning Department for the
14 Project on May 5, 2004; and

15 WHEREAS, since the issuance of the Addendum no changes have occurred with
16 respect to circumstances surrounding the Project that would cause significant environmental
17 impacts not analyzed in the FEIR, and no new information has become available that shows
18 that the Project would cause significant environmental impacts; and

19 WHEREAS, The FEIR files and Addendum and other Redevelopment Plan-related
20 Department files are available for review by this Board of Supervisors and the public. The
21 Planning Department files are available at 1660 Mission Street and the Agency files are
22 available at 770 Golden Gate Avenue. Those files are part of the record before this Board of
23 Supervisors and are incorporated by reference herein; and,

24 Resolved, That this Board of Supervisors finds on the basis of substantial evidence in
25 light of the whole record that: (1) modifications incorporated into the Project and reflected in

1 the Actions before the Board of Supervisors will not require important revisions to the FEIR
2 due to the involvement of new significant environmental effects or substantial increase in the
3 severity of previously identified significant effects; (2) no substantial changes have occurred
4 with respect to the circumstances under which the Project will be undertaken which would
5 require major revisions to the FEIR due to the involvement of new significant environmental
6 effects, or a substantial increase in the severity of effects identified in the FEIR; and (3) no
7 new information of substantial importance to the Project has become available which would
8 indicate (a) the Project will have significant effects not discussed in the FEIR; (b) significant
9 environmental effects will be substantially more severe; (c) mitigation measures or
10 alternatives found not feasible which would reduce one or more significant effects have
11 become feasible; or (d) mitigation measures or alternatives which are considerably different
12 from those in the FEIR would substantially reduce one or more significant effects on the
13 environment; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors reviewed and considered the
15 FEIR and hereby adopts the CEQA Findings attached hereto as Attachment A and its Exhibit
16 1 (Hunters Point FEIR Mitigation Monitoring and Reporting Program).

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