

1 [CEQA Findings, Candlestick Point – Hunters Point Shipyard Phase II Project]

2

3 **Resolution adopting findings under the California Environmental Quality Act,**
4 **("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31,**
5 **including the adoption of a mitigation monitoring and reporting program and a**
6 **statement of overriding considerations in connection with the development of the**
7 **Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point**
8 **Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and**
9 **the Conceptual Framework for integrated development of the Hunters Point Shipyard**
10 **and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May**
11 **2007 and approved by the voters in 2008 through passage of Proposition G, the "Jobs,**
12 **Parks and Housing Initiative**

13

14 WHEREAS, The Board of Supervisors makes the following findings in compliance with
15 the California Environmental Quality Act ("CEQA"), California Public Resources Code
16 Sections 21000 et seq., the CEQA Guidelines, 14 Cal. Code Reg. Code Sections 15000 et
17 seq. ("CEQA Guidelines"), and San Francisco Administrative Code Chapter 31 ("Chapter 31");
18 and

19

20 WHEREAS, The proposed area for development as envisioned in proposed
21 amendments to the Hunters Point Shipyard Redevelopment Plan and the Bayview Hunters
22 Point Redevelopment Plan is the existing Hunters Point Shipyard Redevelopment Area,
23 except for the Hunters Point Shipyard Phase I area, and the Candlestick Point activity node of
24 the existing Bayview Hunters Point Redevelopment Plan ("Project Area"); and

25

1 WHEREAS, The Project Area comprises an approximately 702 acre area of property in
2 the southeast portion of the City and County of San Francisco consisting of 281 acres at
3 Candlestick Point and 421 acres at Hunters Point Shipyard; and

4 WHEREAS, The Planning Department ("Department") and the Redevelopment Agency
5 ("Agency") have undertaken a planning and environmental review process for the proposed
6 Project Area and provided for appropriate public hearings before the Planning Commission
7 and the Redevelopment Agency Commission; and

8 WHEREAS, The actions listed in Attachment A, on file with the Clerk of the Board of
9 Supervisors in File No. 100572, which is hereby declared to be a part of this motion as if set
10 forth fully herein, ("Actions") are part of a series of considerations in connection with the
11 adoption of the Redevelopment Plan amendments and various other actions to implement the
12 project development (collectively, the "Project"), as more particularly defined in Attachment A;
13 and,

14 WHEREAS, On November 12, 2009, the Department and Agency released for public
15 review and comment the Draft Environmental Impact Report for the Project, (Department
16 Case No. 2007.0946E); and

17 WHEREAS, The Planning Commission on December 17, 2009, and the
18 Redevelopment Agency Commission on December 15, 2009, and January 5, 2010, held
19 public hearings on the Draft Environmental Impact Report and received written public
20 comments until 5:00 pm on January 12, 2010, for a total of 60 days of public review; and

21 WHEREAS, The Department and Agency prepared a Final Environmental Impact
22 Report ("FEIR") for the Project consisting of the Draft Environmental Impact Report, the
23 comments received during the review period, any additional information that became available
24 after the publication of the Draft Environmental Impact Report, and the Draft Summary of
25

1 Comments and Responses, all as required by law, a copy of which is on file with the Clerk of
2 the Board in File No. 100572, which is incorporated into this resolution by this reference; and

3 WHEREAS, The FEIR files and other Project-related Department and Agency files
4 have been available for review by this Board of Supervisors and the public, and those files are
5 part of the record before this Board of Supervisors; and

6 WHEREAS, On June 3, 2010, the Planning Commission and the Redevelopment
7 Agency Commission reviewed and considered the FEIR and, by Motion No. 18096 and
8 Resolution No. 58-2010, respectively, found that the contents of said report and the
9 procedures through which the FEIR was prepared, publicized and reviewed complied with the
10 provisions of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines
11 and Chapter 31 of the San Francisco Administrative Code; and

12 WHEREAS, By Motion No. 18096 and Resolution No. 58-2010, the Planning
13 Commission and the Redevelopment Agency Commission, respectively, found that the FEIR
14 was adequate, accurate and objective, reflected the independent judgment and analysis of
15 each Commission and that the summary of Comments and Responses contained no
16 significant revisions to the Draft Environmental Impact Report; and

17 WHEREAS, By Motion No. 18096 and Resolution No. 58-2010, the Planning
18 Commission and the Redevelopment Agency Commission, respectively, adopted findings that
19 the Project will have significant and unavoidable project impacts and make a considerable
20 contribution to cumulative impacts in the areas of transportation, noise, air quality and historic
21 resources; and

22 WHEREAS, By Motion No. 18096 and Resolution No. 58-2010, the Planning
23 Commission and the Redevelopment Agency Commission, respectively, certified the
24 completion of the Final Environmental Impact Report for the Project in compliance with CEQA
25 and the CEQA Guidelines; and

1 WHEREAS, The Department and Agency prepared proposed Findings, as required by
2 CEQA, regarding the alternatives and variants, mitigation measures and significant
3 environmental impacts analyzed in the FEIR, overriding considerations for approving the
4 Project including all of the actions listed in Attachment A, and a proposed mitigation
5 monitoring and reporting program, denoted as Attachment B, on file with the Clerk of the
6 Board of Supervisors in File No. 100572, which material was made available to the public and
7 this Board of Supervisors for the Board of Supervisors' review, consideration and actions;
8 now, therefore, be it

9 RESOLVED, That the Board of Supervisors has reviewed and considered Planning
10 Commission Motion No. 18096 certifying the FEIR and finding the FEIR adequate, accurate
11 and objective, and reflecting the independent judgment and analysis of the Planning
12 Commission, and hereby affirms the Planning Commission's certification of the FEIR by Board
13 of Supervisors Motion No. M10-110 and incorporates the same into this resolution by this
14 reference; and be it

15 FURTHER RESOLVED, That the Board of Supervisors finds that (1) modifications
16 incorporated into the Project and reflected in the Actions will not require important revisions to
17 the FEIR due to the involvement of new significant environmental effects or a substantial
18 increase in the severity of previously identified significant effects; (2) no substantial changes
19 have occurred with respect to the circumstances under which the Project or the Actions are
20 undertaken that would require major revisions to the FEIR due to the involvement of new
21 significant environmental effects, or a substantial increase in the severity of effects identified
22 in the FEIR; and (3) no new information of substantial importance to the Project or the Actions
23 has become available that would indicate (a) the Project or the Actions will have significant
24 effects not discussed in the FEIR; (b) significant environmental effects will be substantially
25 more severe; (c) mitigation measures or alternatives found not feasible, which would reduce

1 one or more significant effects, have become feasible; or (d) mitigation measures or
2 alternatives, which are considerably different from those in the FEIR, would substantially
3 reduce one or more significant effects on the environment; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
5 the FEIR and hereby adopts the Project Findings in Attachment A, including the mitigation
6 monitoring and reporting program contained in Attachment B, and the statement of overriding
7 considerations, on file with the Clerk of the Board of Supervisors in File No. 100572, and
8 incorporates the same into this resolution by this reference; and, be it

9 FURTHER RESOLVED, That because the City and County of San Francisco remains
10 deeply concerned about the Navy's final cleanup strategy for Parcel E-2, the Board of
11 Supervisors hereby (i) declares the adoption of these findings shall not in any way imply
12 support of a cap for Parcel E-2, (ii) pursuant to Proposition P, adopted by the voters of San
13 Francisco in 2000, and the legally binding Conveyance Agreement regarding the cleanup and
14 transfer of the Shipyard between the Navy and the City, executed in 2004, implementing
15 Proposition P, the Board of Supervisors hereby declares its intention that the United States
16 Environmental Protection Agency (U.S. EPA), California Environmental Protection Agency
17 (California EPA), and the Navy should pursue the highest practicable level of cleanup for
18 Parcel E-2, and that the San Francisco Redevelopment Agency shall not accept such property
19 unless and until that cleanup standard is satisfied as provided in the Interagency Cooperation
20 Agreement between the City and the Redevelopment Agency, and (iii) the Board of
21 Supervisors shall conduct a hearing regarding potential final cleanup strategies for Parcel E-2
22 before a final remedy is selected, and urges that the Navy, U.S. EPA and California EPA
23 participate in such hearing before the Board of Supervisors regarding potential final cleanup
24 strategies for Parcel E-2 before a final remedy is selected, and the Board of Supervisors shall
25 conduct a separate hearing prior to any transfer of Parcel E-2 to the San Francisco

1 Redevelopment Agency. To the extent final remedies have not already been selected, the
2 Board of Supervisors shall conduct hearings regarding potential final cleanup strategies for
3 each Project parcel at the Shipyard before any final remedies are selected and urges that the
4 Navy, U.S. EPA and the California EPA participate in all such hearings.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25