

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 20-0250

WHEREAS, The Pier 70 Mixed-Use Project Special Use District is a 28-acre project site within the Pier 70 area consisting of horizontal and vertical development consistent with the Waterfront Plan ("Pier 70 Project"); and

WHEREAS, The Pier 70 Project will benefit the City and the public by providing construction and other jobs, adding to the gross regional product, adding new residential and commercial spaces, increasing property values in the vicinity, and adding new recreational spaces in the area for the general public; and

WHEREAS, On November 14, 2017, the Board of Supervisors adopted the General Plan - Pier 70 Mixed-Use District Project through Ordinance 227-17; and

WHEREAS, The Pier 70 Project wishes to procure reliable, economic, and clean electric service from the City; and

WHEREAS, Pursuant to City Charter Section 16.101 and Administrative Code Article 99, the City's policy to supply electricity to all new City developments through SFPUC where feasible; and

WHEREAS, Pursuant to the proposed Electric Service Agreement with FC Pier 70, LLC, a copy of which is on file with the Commission Secretary and incorporated herein by reference, the City, through SFPUC, shall be the primary provider of electric power service to the Pier 70 Project and provide reliable, 100% greenhouse gas (GHG) free electricity, and capital and operational costs savings; and

WHEREAS, Construction of SFPUC's facilities necessary for the provision of electric service to the Pier 70 Project is expected to begin in March 2021 and end in December 2022. Permanent electric services are anticipated to begin in September 2021; and

WHEREAS, The estimated cost of services for the Electric Service Agreement in the amount of \$8,274,000 are available from Project No. 10034724 - Red. Pier 70; and

WHEREAS, The SFPUC has determined that contracting directly with the Pier 70 Master Developer FC Pier 70, LLC to install certain electric facilities on the Pier 70 Project to provide electric service to the Pier 70 Project and temporary electric service to other customers that the SFPUC would otherwise be required to install, is the most expeditious and cost-effective way to complete this required work; and

WHEREAS, The SFPUC must obtain approval from the Board of Supervisors to waive competitive bidding requirements and directly contract with FC Pier 70, LLC for installation of such electrical facilities; and

WHEREAS, On August 24, 2017, the Planning Commission reviewed and considered the Final Environmental Impact Report (“FEIR”) for the Project in Planning Department File No. 2014-001272ENV, consisting of the Draft Environmental Impact Report (“DEIR”) and the Comments and Responses document, and found that the contents of said report and the procedures through which the FEIR 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, and found further that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and certified the completion of said FEIR in compliance with CEQA and the CEQA Guidelines in its Motion No. 19981; and

WHEREAS, This Commission has reviewed and considered the information contained in the FEIR, the Mitigation Monitoring and Reporting Program (MMRP), and CEQA Findings; and

WHEREAS, The Final EIR, MMRP, and CEQA Findings have been made available for review by the SFPUC and the public, and those files are part of the record before this Commission; and

WHEREAS, The SFPUC is acting as a responsible agency under California Public Resources Code Section 21069 for purposes of this action and incorporates by reference herein the environmental determinations; now, therefore, be it

RESOLVED, That this Commission, as a responsible agency under CEQA, has reviewed and considered the FEIR, finds that the FEIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution and incorporated herein as part of this Resolution by this reference thereto; and be it

FURTHER RESOLVED, The Commission further finds that since the FEIR was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FEIR 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 the FEIR; and be it

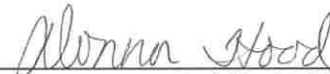
FURTHER RESOLVED, That this Commission finds that this approval of the Electric Service Agreement, and a separate agreement to pay FC Pier 70, LLC to install certain SFPUC electrical facilities at the Pier 70 Project, is within the scope of the Project and activities evaluated in the EIR and Addenda, and with regard to the actions contemplated in these agreements, the SFPUC has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the Project would have on the environment; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager of the San Francisco Public Utilities Commission to execute an Electric Service Agreement with FC Pier 70, LLC in substantially the form of the agreement attached to this resolution; and be it,

FURTHER RESOLVED, That this Commission authorizes the General Manager to approve necessary changes to the Electric Service Agreement that he determines, in consultation with the City Attorney, do not materially alter the balance of benefits and burdens to the City from the Agreement and to direct PUC staff to take actions necessary to implement the Agreement; and, be it,

FURTHER RESOLVED, That this Commission authorizes the General Manager to seek Board of Supervisors approval by ordinance to waive competitive bidding requirements and enter into a separate agreement with FC Pier 70, LLC with SFPUC to pay up to \$1,700,000 for FC Pier 70, LLC to install certain electrical facilities at the Pier 70 Project that the SFPUC is otherwise required to install, and that SFPUC will use to provide electric service at the Pier 70 Project, and may use to provide temporary electric service to other customers, and if approved by the Board of Supervisors, to execute such agreement without further action by this Commission.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of December 22, 2020



Secretary, Public Utilities Commission