

1 [Accept-Expend State Grant]  
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3 **Resolution authorizing the San Francisco Port Commission to accept and expend a**  
4 **grant in the amount of \$1,500,000.00 from the California Trade and Commerce Agency**  
5 **for design and construction of fish processing facilities at Pier 45.**  
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7 WHEREAS, On November 9, 2000 (by Resolution No. 00-87), the Port  
8 Commission (1) established the Pier 45 Shed C Project ("Project") as a top priority for  
9 funding in the Port's 2001-02 FY Capital Plan, (2) authorized and directed Port staff to  
10 immediately commence the planning, design and engineering of improvements for  
11 fishing industry uses in Pier 45 Shed C, and (3) directed Port staff to pursue grant  
12 funding for the Project; and  
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14 WHEREAS, On February 27, 2001 (by Resolution No. 01-10), the Port  
15 Commission approved the Port's 2001-02 FY Capital Plan, which included \$4,450,000  
16 of total funding for the Project; and

17 WHEREAS, The Port received input and guidance from the Fisherman's Wharf  
18 Waterfront Advisory Group, and other stakeholders during the planning process; and that  
19 group unanimously recommended that the Port proceed with a design scheme for the Project  
20 that is reflected in the San Francisco Port Commission transmittal memorandum to this Board  
21 of Supervisors containing the Commission's Resolution No. 01-95 approving the Schematic  
22 Design Plan shown in Exhibit A attached thereto; and

23 WHEREAS, Based upon current cost projections, the total cost of the Project,  
24 including related improvements, is projected to exceed \$4,450,000; and  
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1 WHEREAS, Port staff is working with the California Trade and Commerce  
2 Agency to encumber \$1..5 Million of funds that are included in the 2001/02 FY  
3 California State Budget, and the California Trade and Commerce Agency requires that  
4 the Port Commission indicate its approval for the Port to apply for, accept and expend  
5 these funds, and to enter into the necessary documents with this agency to encumber  
6 these funds, including an agreement to hold the agency harmless from any liability  
7 arising out of the project: and

8 WHEREAS, The City and County of San Francisco, acting through the  
9 Department of City Planning prepared a Final Environmental Impact Report for the  
10 Hyde Street Fishing Harbor / Pier 45 Sheds A & C, File No. 93.574E, ("Hyde Street  
11 FEIR") consisting of a Draft EIR dated April 25, 1996, any consultations and comments  
12 received during the review process, any additional information that became available,  
13 and a Summary of Comments and Responses dated November 26, 1996; and

14 WHEREAS, The San Francisco Planning Commission certified the Hyde Street  
15 FEIR on December 12, 1996, and found that the preferred project will not have a  
16 significant effect on the environment; and

17 WHEREAS, The Hyde Street FEIR analyzed a preferred project for Sheds A  
18 and C consisting of new uses for Sheds A and C that would comprise a Fisheries  
19 Center, and the proposed Project would not result in new or different significant  
20 adverse environmental impacts from that analyzed in the Final EIR; and

21 WHEREAS, The San Francisco Planning Commission certified the Waterfront  
22 Land Use Plan Final Environmental Impact Report on January 9.1997 ("WLUP FEIR"),  
23 and the WLUP FEIR did not identify new circumstances under which the Project would  
24 be undertaken that would require any revisions to the Hyde Street FEIR or additional  
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1 environmental review for the Project; and

2 WHEREAS, Findings entitled "San Francisco Port Commission Findings Related  
3 to Environmental Review and Project Approval: Pier 45 Shed C" were prepared and  
4 submitted as Exhibit C attached to the Resolution No. 01-95 adopted by the San  
5 Francisco Port Commission at its meeting on December 11, 2001; and

6 WHEREAS, The Port Commission has reviewed and considered the information  
7 in the Hyde Street FEIR and the WLUP FEIR, and the draft Findings contained in  
8 Exhibit C, and based on that information, the Port Commission found that: (1) the  
9 Project is within the scope of the project analyzed in the Hyde Street EIR and the  
10 Project does not raise any important new issues about the significant effects on the  
11 environment not previously considered in the Hyde Street FEIR; (2) no changes are  
12 proposed or have occurred in the Project that would require major revisions to the  
13 Hyde Street FEIR due to the involvement of significant new environmental effects or a  
14 substantial increase in the severity of previously identified significant effects; (3) no  
15 substantial changes have occurred with respect to the circumstances under which the  
16 Project is being undertaken that would require major revisions to the Hyde Street FEIR  
17 due to the involvement of significant new environmental effects or a substantial  
18 increase in the severity of previously identified significant effects; and (4) no new  
19 information of substantial importance has become available since the Hyde Street  
20 FEIR was certified indicating that: (a) the Project will have one or more significant  
21 effects not discussed in the Hyde Street FEIR; (b) significant effects examined in the  
22 Hyde Street FEIR would be substantially more severe; (c) mitigation or alternatives  
23 previously found not to be feasible would in fact be feasible and would substantially  
24 reduce one or more significant effects of the Project; (d) mitigation measures or  
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1 alternatives which are considerably different from those analyzed in the Hyde Street  
2 FEIR would substantially reduce one or more significant effects on the environmental;  
3 and

4 WHEREAS, The San Francisco Port Commission approved the Findings  
5 Related to Environmental Review and Project Approval: Pier 45, Shed C, attached to  
6 Resolution 01-95 as Exhibit C and incorporated therein by reference, and required the  
7 Mitigation Measures identified in the Findings to be included as part of the Project as it  
8 is implemented, and adopted the Mitigation Monitoring program; and

9 WHEREAS, The San Francisco Port Commission approved the Project by  
10 adopting its Resolution 01-95, as described in the transmittal letter to this Board of  
11 Supervisors, and authorized the Executive Director, or his designee, the authority to  
12 apply for, accept, and expend State grant funds, and approve, sign and execute an  
13 agreement and any amendment(s), including an agreement to hold the State of  
14 California harmless from liability arising out of the Project, and to perform all other  
15 activities reasonably necessary to obtain funding from the California Trade and  
16 Commerce Agency to strengthen the fishing industry at San Francisco's Fisherman's  
17 Wharf; and

18 WHEREAS The San Francisco Port Commission now seeks the approval of the  
19 Board of Supervisors to apply for, accept and expend funds from the State of California  
20 for the Project; and

21 WHEREAS, The grant budget includes provision for indirect costs of \$371,187;  
22 now, therefore, be it

23 RESOLVED, That this Board of Supervisors authorizes the San Francisco Port  
24 Commission to apply for, accept and expend \$1.5 million of grant funds from the  
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1 California Trade and Commerce Agency for the design and construction of fish  
2 processing facilities at Pier 45, and be it

3 FURTHER RESOLVED, That the Executive Director of the Port, or his designee,  
4 is authorized to approve, sign and execute an agreement to hold the State of California  
5 harmless from liability arising out of the Project.

7 Recommended Approved: \_\_\_\_\_

8 \_\_\_\_\_ Mayor

9 \_\_\_\_\_ Approved: \_\_\_\_\_

10 \_\_\_\_\_ Controller

11 Department Head

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