

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO.: 17-0209

WHEREAS, The FC Pier 70 Development Project (the "Project") proposes a long-term, mixed-use development program for a 35-acre site at Pier 70 that would create residential and commercial uses, street and shoreline improvements and public open space; and

WHEREAS, The Project site is bounded by Illinois Street to the west, 20th Street to the north, San Francisco Bay to the east, and 22nd Street to the south ("Project Site"); and

WHEREAS, The majority of the project site is located within the Pier 70 area (Pier 70), which is owned by the City and County of San Francisco through the Port of San Francisco (Port), with a portion of the project site owned by Pacific Gas and Electric (PG&E); and

WHEREAS, Through the development of the Project, the Project Site will be transformed into a mixed-use, transit-oriented development with new public streets and new parks, all as further described in the proposed development agreement; and

WHEREAS, The Project is supported by extensive investments in infrastructure, including new water distribution, auxiliary water supply facilities, stormwater management improvements, wastewater collection facilities, power facilities, and street lighting; and

WHEREAS, The proposed Development Agreement recognizes that, in exchange for defined public benefits, the Project will only be subject to certain defined ordinances, regulations, rules and policies governing the design, construction, fees and exactions, use or other aspects of the Project; and

WHEREAS, The Pier 70 project requires new horizontal infrastructure development to serve the Project; and,

WHEREAS, An Interagency Cooperation Agreement articulates the Project's responsibility to construct horizontal improvements and includes various city agencies', including the SFPUC's, authority to review and approve the horizontal infrastructure plans; and

WHEREAS, The SFPUC Power Enterprise has completed a feasibility study to assess the feasibility of providing electric power to the 28-Acre Site, consistent with Chapter 99 of the San Francisco Administrative Code; and

WHEREAS, as a result of the Project the SFPUC's existing 20th Street Pump Station Facilities will need to be relocated by the Developer; and

WHEREAS, An Environmental Impact Report (EIR) was prepared for the Pier 70 Mixed-Use District Project; and

WHEREAS, at the August 24, 2017 hearing, the Planning Commission certified the Final Environmental Impact Report (FEIR) by Motion No. 19976, and on the same date, the Planning Commission adopted environmental findings in accordance with the California Environmental Quality Act (CEQA Findings) including a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) in Motion No. 19977; and

WHEREAS, The project files, including the Final EIR (FEIR) and the Pier 70 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, This Commission has reviewed and considered the information contained in the FEIR, the findings contained in Planning Commission Motions Nos. 19976 and 19977, and all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project; and

WHEREAS, The SFPUC has reviewed the Utility-Related Mitigation Measures in the MMRP and agrees to consult with the Port regarding the design and construction of the proposed 20th Street Pump Station prior to final approval of the relocated facility ; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the FEIR and record as a whole, finds that the FEIR is adequate for its use as the decision-making body for the action taken herein and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations and adopts the Mitigation Monitoring and Reporting Program and incorporates the CEQA findings contained in Planning Commission Motion Nos. 19976 and 19977 by this reference thereto as though set forth in this Resolution; and be it

FURTHER RESOLVED, This 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 hereby consents to the Development Agreement between the City and the Developer substantially in the form and on the terms as outlined in the Development Agreement with respect to the items under the SFPUC's jurisdiction, and authorizes the General Manager to execute the SFPUC Consent to the Development Agreement on behalf of this Commission; pending approval by the Board of Supervisors, and be it

FURTHER RESOLVED, That subject to approval from the Board of Supervisors, this Commission does hereby consent to the Interagency Cooperation Agreement between the City, the Port Commission, and the Developer, with respect to the items under the SFPUC's jurisdiction, and authorizes the General Manager to execute the SFPUC Consent to Interagency Cooperation Agreement on behalf of this Commission; and be it

FURTHER RESOLVED, That the SFPUC will provide electric power to the project pursuant to its Rules and Regulations for electric service; and be it

FURTHER RESOLVED, That, subject to appropriation of any necessary funds, this Commission authorizes the SFPUC General Manager, 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, including the negotiation and execution of an MOU with the Port regarding the relocation of the 20th Street Pump Station facilities) as he or she deems necessary or appropriate, in consultation with the City Attorney, in order to consummate and perform its obligations under the Development Agreement and 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, by consenting to the Development Agreement between the City and the Developer and the Interagency Cooperation Agreement between the City, the Port Commission, and the Developer, the Commission does not intend to in any way limit, waive or delegate the exclusive authority of the SFPUC as set forth in Article VIII B of the City's Charter; 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 Development Agreement.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of September 26, 2017.



Secretary, Public Utilities Commission