

1 [Reversing Certification of Candlestick Point-Hunters Point Shipyard Phase II Final  
2 Environmental Impact Report]

3 **Motion reversing the certification by the Planning Commission of the Final**  
4 **Environmental Impact Report for Candlestick Point-Hunters Point Shipyard Phase II**  
5 **Project.**

6  
7 WHEREAS, The San Francisco Redevelopment Agency ("Agency") together with CP  
8 Development Company LP (the "Project Sponsors") are proposing to assemble and redevelop  
9 approximately 702 acres of property in the southeast portion of the City and County of San  
10 Francisco with (a) 10,500 residential units, approximately 32 percent of which (3,345) will be  
11 offered at below market rates, (b) approximately 327 to 336 acres of new and improved public  
12 parks and open space, (c) 885,000 square feet of regional and neighborhood-serving retail  
13 space, (d) 255,000 square feet of new and renovated studio space for Shipyard artists,  
14 including an arts education center within a new "Arts District" supporting the vibrant artist  
15 community, (e) 2,650,000 square feet of commercial, light industrial, research and  
16 development and office space, including space for the United Nations Global Compact  
17 Center, (f) 100,000 square feet of community uses, (g) new public and community facilities on  
18 the Shipyard and Candlestick Point, (h) improved land and supporting infrastructure for a new  
19 football stadium for the San Francisco 49ers, including necessary parking areas and  
20 transportation improvements, with alternative uses that either shift some residential uses from  
21 Candlestick Point to the Shipyard and expand by up to 500,000 square feet commercial uses  
22 on some of the areas of the Shipyard currently reserved for stadium uses or expand research  
23 and development uses by 2,500,000 square feet on the Shipyard if the 49ers do not avail  
24 themselves of the opportunity to build a new stadium on the Shipyard, (i) a 10,000 seat arena  
25 on Candlestick Point, (j) a hotel, (k) a 300 slip Marina, and (l) a bicycle and pedestrian bridge

1 over Yosemite Slough that can be used for game day automobile travel in the event the  
2 stadium is constructed (the "Project"); and

3 WHEREAS, The private Project Sponsor applied for environmental review on August  
4 27, 2007 (City Planning File No. 2007.0946E); and

5 WHEREAS, The Planning Department for the City and County of San Francisco (the  
6 "Department") and the Agency, as co-lead agencies determined that an Environmental Impact  
7 Report ("EIR") was required and provided public notice of that determination by publication in  
8 a newspaper of general circulation on September 1, 2007; and

9 WHEREAS, On September 17, 2007 and September 25, 2007, the Agency and  
10 Department held public scoping meetings in order to receive public input regarding the  
11 proposed scope of the EIR analysis; and

12 WHEREAS, On November 10, 11, and 12, 2009, the Department and Agency  
13 published notices of the availability of the Draft Environmental Impact Report ("DEIR") for the  
14 Project and filed a Notice of Completion of the DEIR with the State Clearinghouse on  
15 November 12, 2009; and

16 WHEREAS, On December 15, 2009, and January 5, 2010, the Agency Commission  
17 and on December 17, 2009, the Planning Commission held duly noticed public hearings on  
18 the DEIR, at which time opportunity for public comment was received on the DEIR, and  
19 written comments were received through January 12, 2010; and

20 WHEREAS, The Department and Agency prepared responses to comments received  
21 at the public hearings on the DEIR and submitted in writing to the Department or the Agency,  
22 prepared revisions to the text of the DEIR and published a Draft Summary of Comments and  
23 Responses on May 13, 2010; and

24 WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was  
25 prepared by the Department and Agency, consisting of the DEIR, any consultations and

1 comments received during the review process, any additional information that became  
2 available and the Draft Summary of Comments and Responses, all as required by law; and

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

10 WHEREAS, By Resolution No. 58-2010 and Motion No. 18096, the Agency  
11 Commission and Planning Commission, respectively, found the FEIR to be adequate,  
12 accurate and objective, reflected the independent judgment and analysis of the Agency  
13 Commission and Planning Commission and that the Summary of Comments and Responses  
14 contained no significant revisions to the DEIR; the Agency Commission and Planning  
15 Commission adopted findings relating to significant impacts associated with the Project and  
16 certified the completion of the FEIR in compliance with CEQA and the State CEQA  
17 Guidelines; and

18 WHEREAS, On June 3, 2010, the Planning Commission and Agency Commission took  
19 various actions to approve the Project; and

20 WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 21, 2010, the  
21 Sierra Club, San Francisco Bay Chapter; the California Native Plant Society, Yerba Buena  
22 Chapter; the Golden Gate Audubon Society and San Francisco Tomorrow ( "Appellant Sierra  
23 Club"), filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board  
24 of Supervisors received on or around June 21, 2010; and

25

1           WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 21, 2010,  
2 People Organized to Win Employment Rights ("Appellant POWER"), filed an appeal of the  
3 FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or  
4 around June 21, 2010; and

5           WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 22, 2010,  
6 James Birkeland, on behalf of the California State Parks Foundation ("Appellant CSPF") filed  
7 an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of  
8 Supervisors received on or around June 22, 2010; and

9           WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 23, 2010,  
10 Stephan C. Volker, on behalf of CALifornians for Renewable Energy ("Appellant CARE") filed  
11 an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of  
12 Supervisors received on or around June 23, 2010; and

13           WHEREAS, On July 13, 2010, this Board held a duly noticed public hearing to consider  
14 the appeal of the FEIR certification filed by Appellant Sierra Club, Appellant POWER,  
15 Appellant CSPF and Appellant CARE (collectively, "Appellants"); and

16           WHEREAS, This Board has reviewed and considered the FEIR, the appeal letters, the  
17 responses to concerns document that the Planning Department prepared, the other written  
18 records before the Board of Supervisors, and heard testimony and received public comment  
19 regarding the adequacy of the FEIR; and

20           WHEREAS, The FEIR files and all correspondence and other documents have been  
21 made available for review by this Board and the public. These files are available for public  
22 review by appointment at the Planning Department offices at 1650 Mission Street, and are  
23 part of the record before this Board by reference in this motion; now, therefore, be it

24           MOVED, That this Board of Supervisors reverses the certification of the FEIR by the  
25 Planning Commission.