

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 70-2015

ADOPTING ENVIRONMENTAL REVIEW FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) AND THE CEQA GUIDELINES, INCLUDING THE ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM AND A STATEMENT OF OVERRIDING CONSIDERATION IN CONNECTION WITH THE DEVELOPMENT OF THE GOLDEN STATE WARRIORS EVENT CENTER AND MIXED-USE DEVELOPMENT AT MISSION BAY SOUTH BLOCKS 29-32; MISSION BAY SOUTH REDEVELOPMENT AREA

WHEREAS, The Commission on Community Investment and Infrastructure, (“Commission”), the successor agency to the San Francisco Redevelopment Agency (“Successor Agency”), makes the following findings in compliance with the California Environmental Quality Act (“CEQA”), the California Public Resources Code Sections 21000 et seq., and the CEQA Guidelines, 14 Cal. Code Reg. Sections 15000 et seq. (“CEQA Guidelines”) and acting in its capacity as lead agency under CEQA Section 21067; and,

WHEREAS, On September 17, 1998, the Commission of the former Redevelopment Agency of the City and County of San Francisco (“Redevelopment Commission”) by Resolution No. 182-98, and the San Francisco Planning Commission, by Resolution No. 14696, together acting as co-lead agencies for conducting environmental review for the Redevelopment Plans for the Mission Bay North Redevelopment Project Area and the Mission Bay South Redevelopment Project Area (the “Plans”), the Mission Bay North Owner Participation Agreement (“North OPA”) and the Mission Bay South Owner Participation Agreement (“South OPA”), and other permits, approvals and related and collateral actions (the “Mission Bay Project”), certified the Final Subsequent Environmental Impact Report (“Mission Bay FSEIR”) (State Clearinghouse Number 97092068), as a program EIR for Mission Bay North and South pursuant to CEQA and CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). The Mission Bay FSEIR document provided programmatic environmental review of the overall Mission Bay Redevelopment Plan (consisting of the approximately 300-acre Mission Bay North and South Redevelopment Plan Areas); and,

WHEREAS, On the same day, the Redevelopment Commission adopted Resolution No. 183-98, which adopted environmental findings, including a mitigation monitoring and reporting program (“MMRP”) and a statement of overriding considerations, in connection with the approval of the Plans and other Mission Bay Project approvals, and adopted Resolution No. 190-98, approving the Redevelopment Plan for the Mission Bay South Redevelopment Project Area (“Plan”) and Resolution No. 193-98 authorizing execution of the South OPA and related documents between the Redevelopment Agency and the Mission Bay Master

Developer (originally Catellus Development Corporation and now FOCIL-MB, LLC, the successor to Catellus Development Corporation); and,

WHEREAS, On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the Mission Bay FSEIR by the Planning Commission and the Redevelopment Agency, and Resolution No. 854-98 adopting environmental findings, including an MMRP and a statement of overriding considerations, for the Mission Bay Project. On November 2, 1998, the San Francisco Board of Supervisors (“Board of Supervisors”), by Ordinance No. 335-98, adopted the Plans; and,

WHEREAS, On February 1, 2012, state law dissolved the Former Redevelopment Agency and required the transfer of certain of its assets and obligations to the Successor Agency, and on June 27, 2012, state law clarified that successor agencies are separate public entities, Cal. Health & Safety Code §34170 et seq. (“Redevelopment Dissolution Law”); and,

WHEREAS, Redevelopment Dissolution Law required creation of an oversight board to the successor agency and provided that with approval from its oversight board and the State Department of Finance (“DOF”), a successor agency may continue to implement “enforceable obligations” such as existing contracts, bonds and leases, that were executed prior to the suspension of redevelopment agencies’ activities. On January 24, 2014, DOF finally and conclusively determined that the Mission Bay North and South OPAs and Mission Bay Tax Increment Allocation Pledge Agreements are enforceable obligations pursuant to Health and Safety Code Section 34177.5(i); and,

WHEREAS, On October 2, 2012, the Board of Supervisors of the City, acting as the governing body of the Successor Agency, adopted Ordinance No. 215-12 (the “Implementing Ordinance”), which Implementing Ordinance was signed by the Mayor on October 4, 2012, and which, among other matters: (a) acknowledged and confirmed that the Successor Agency is a separate legal entity from the City, and (b) established this Commission and the Office of Community Investment and Infrastructure (“OCII”) and delegated to the Commission the authority to (i) act in place of the Redevelopment Agency Commission to, among other matters, implement, modify, enforce and complete the Redevelopment Agency’s enforceable obligations, (ii) approve all contracts and actions related to the assets transferred to or retained by the Successor Agency, including, without limitation, the authority to exercise land use, development, and design approval, consistent with applicable enforceable obligations, and (iii) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that this Commission deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such obligations; and,

WHEREAS, The Board of Supervisors’ delegation to this Commission includes the authority to act as the lead agency that administers environmental review for projects in Mission Bay North and South Redevelopment Plan Areas in compliance with the

requirements of CEQA and the CEQA Guidelines, including CEQA Section 21067; and,

WHEREAS, The proposed project is the Golden State Warriors Event Center and Mixed-Use Development at Mission Bay South Blocks 29-32, with the MUNI UCSF/Mission Bay Station Variant and the Third Street Plaza variant, and related actions (“Event Center Project” or “Project”), as described in Chapter 3 of the Final Subsequent Environmental Impact Report (“FSEIR”). The Project Sponsor is GSW Arena LLC (“GSW”), an affiliate of the Golden State Warriors, LLC, which owns and operates the Golden State Warriors National Basketball Association team. GSW proposes to construct a multi-purpose event center and a variety of mixed uses, including office, retail, open space, and structured parking on an approximately 11-acre site on Bocks 29-32. The Project site is bounded by South Street on the north, Third Street on the west, 16th Street on the south, and by the future planned realigned Terry A. Francois Boulevard on the east; and

WHEREAS, To implement the project, the Commission must take several actions including the approval of a new Major Phase, Basic Concept Design, and Schematic Design for Blocks 29-32; and amendments to the Mission Bay South Design for Development, Streetscape Plan and Signage Master Plan; and,

WHEREAS, The Executive Director also must take approval actions related to the project, including, without limitation, the approval of secondary use determination, approval of minor infrastructure plan amendments, and finding the subdivision map and irrevocable offer/easement vacations are consistent with the Mission Bay South Plan; and,

WHEREAS, OCII issued a Notice of Preparation, including an Initial Study on November 19, 2014; and,

WHEREAS, On June 5, 2015, OCII released for public review and comment the Draft Subsequent Environmental Impact Report for the Project, (OCII Case No. ER 2014-919-97, Planning Department Case No. 2014.1441E, State Clearinghouse No. 2014112045, the “GSW DSEIR”), which tiers from the Mission Bay FSEIR as provided by CEQA Guidelines Section 15168(c); and

WHEREAS, The Commission held a public hearing on the GSW DSEIR on June 30, 2015, and received written public comments until 5:00 pm on July 27, 2015, for a total of 52 days of public review; and

WHEREAS, On October 23, 2015, OCII published the FSEIR for the Event Center Project consisting of the GSW DSEIR, the comments received during the review period, any additional information that became available after the publication of the GSW DSEIR, and the Draft Summary of Comments and Responses, all as required by law, copies of which are available through the Secretary of the Commission and at www.gsweventcenter.com, and are incorporated herein by reference; and,

WHEREAS, The administrative record that contains the GSW DSEIR, the FSEIR and all documents related to, or relied on in the preparation thereof has been prepared by OCII in accordance with the Jobs and Economic Improvement through Environmental Leadership Act (AB 900). Governor Jerry Brown certified the proposed project as an environmental leadership development project under this Act on April 30, 2015, and on May 27, 2015, the Joint Legislative Budget Committee concurred with this certification. Therefore, this project is eligible for streamlined judicial review. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at OCII at 1 South Van Ness Avenue, 5th Floor, can be found at www.gsweventcenter.com and are part of the record before the Commission, and are incorporated in this resolution by this reference; and

WHEREAS, On November 3, 2015, the Commission reviewed and considered the FSEIR and, by Resolution No. 69-2015, which is incorporated in this resolution by this reference, found that the FSEIR was prepared, publicized and reviewed in compliance with CEQA and the CEQA Guidelines, reflects its independent judgment and analysis, is adequate, accurate and objective, and the Comments and Responses document contains no significant revisions to the DSEIR; and certified the FSEIR in compliance with CEQA; and,

WHEREAS, OCII has prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FSEIR, overriding consideration for approving the Project, denoted as Exhibit A, and a proposed mitigation monitoring and reporting program denoted as Exhibit B, on file with the OCII Secretary and the San Francisco Planning Department under Case No. 2014.1441E, attached and incorporated in this resolution by this reference; now therefore be it

RESOLVED, That the Commission has reviewed and considered the FSEIR in relation to the Project actions associated with the Event Center Project that are before it and hereby adopts the Project CEQA Findings attached hereto as Exhibit A, including a statement of overriding considerations and the rejection of infeasible alternatives, and including as Exhibit B, the Mitigation Monitoring and Reporting Program; and

RESOLVED, That the Executive Director is authorized to take any and all actions necessary to implement the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B, including, but not limited to, entering into agreements with the City and County of San Francisco to provide services assisting OCII with implementation duties.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of November 3, 2015.

Commission Secretary

Exhibit A: Environmental Review Findings

Exhibit B: Mitigation Monitoring and Review Program