

# **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO.: 18-0014

WHEREAS, The Mission Rock (Seawall Lot 337 and Pier 48) Project (“Project”) is a mixed-use, multi-phase development that would transform a surface parking lot just south of AT&T Park into a new community; and

WHEREAS, The Project outlines a vision to reintegrate and restore the approximately 28 acre site into the fabric of San Francisco to create an active, sustainable neighborhood; and

WHEREAS, The Project includes affordable housing that exceeds that otherwise required and is anticipated to equal 40% of the total housing for the Project; and

WHEREAS, The Project will create approximately 8 acres of major new and expanded parks, pedestrian plazas and rehabilitated public piers and wharves, and will also provide a dynamic range of space for shops, restaurants, cafés, neighborhood-serving retail uses, such as a grocery store, and community spaces as well as commercial/office and light industrial space; and

WHEREAS, The Project will implement Sustainability Strategy that provides leadership in long-term sustainability planning and design. Resilient design strategies will be implemented to respond to climate change and resulting sea level rise; and

WHEREAS, The Project is supported by extensive investments in infrastructure, including new water distribution, auxiliary water supply facilities, stormwater management improvements, separated storm and sanitary sewer systems, 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 Mission Rock 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's responsibilities for utility related components constructed by the Project are contingent on execution of a Memorandum of Agreement ("MOA") between the Port, SFPUC and other relevant City agencies. The MOA will establish a framework for acceptance, ownership, maintenance and regulation of Horizontal Improvements to land owned or to be owned by the City or the Port, and will address the scope of Developer's maintenance, repair and liability obligations for Horizontal Improvements prior to acceptance; and

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

WHEREAS, on November 3, 2015, the San Francisco voters approved Proposition D (the Mission Rock Affordable Housing, Parks, Jobs, and Historic Preservation Initiative) with over 74% of votes in favor of the Project; and

WHEREAS, An Environmental Impact Report (EIR) was prepared for the Mission Rock Project; and

WHEREAS, at the October 5, 2017 hearing, the Planning Commission certified the Final Environmental Impact Report (FEIR) by Motion No. 20017, 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. 20018; and

WHEREAS, The project files, including the Final EIR (FEIR) and the Mission Rock 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. 20017 and 20018, 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; 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. 20017 and 20018 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

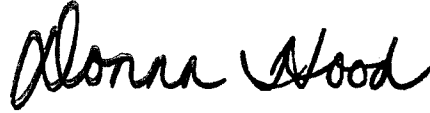
FURTHER RESOLVED, That the SFPUC will provide electric power to the project pursuant to its Rules and Regulations for electric service and the terms of an Electric Service Agreement; and be it

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) 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 January 23, 2018.*

A handwritten signature in black ink, reading "Alonna Hood". The signature is written in a cursive style with a large initial 'A'.

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*Secretary, Public Utilities Commission*