

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 29-2020

Adopted November 17, 2020

ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATED TO THE APPROVAL OF AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE MISSION BAY SOUTH REDEVELOPMENT PROJECT, THE MISSION BAY SOUTH OWNER PARTICIPATION AGREEMENT, THE DESIGN FOR DEVELOPMENT FOR THE MISSION BAY SOUTH PROJECT AREA, THE REVISED MISSION BAY BLOCKS 41 - 43 MAJOR PHASE APPLICATION, AND, THE CONDITIONAL APPROVAL OF THE BASIC CONCEPT DESIGN / SCHEMATIC DESIGN FOR MISSION BAY SOUTH BLOCK 43, PARCEL 7 (1450 OWENS STREET); PROVIDING NOTICE THAT THESE APPROVALS ARE WITHIN THE SCOPE OF THE MISSION BAY FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (“FSEIR”), A PROGRAM EIR, AND IS ADEQUATELY DESCRIBED IN THE FSEIR FOR THE PURPOSES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

WHEREAS, In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code, section 33000 et seq. the “Community Redevelopment Law”), the Redevelopment Agency of the City and County of San Francisco (the “Redevelopment Agency”) undertook programs for the reconstruction and construction of blighted areas in the City and County of San Francisco (“City”), including the Mission Bay South Redevelopment Project Area (“South Project Area”) and the Mission Bay North Redevelopment Project Area (“North Project Area”); and,

WHEREAS, The Redevelopment Agency and the San Francisco Planning Commission (“Planning Commission”), together acting as co-lead agencies for conducting environmental review for the Redevelopment Plan for the Mission Bay North Redevelopment Project (the “North Redevelopment Plan”) and the Redevelopment Plan for the Mission Bay South Redevelopment Project (the “South Redevelopment Plan” and together with the North Redevelopment Plan, the “Plans”), the Mission Bay North Owner Participation Agreement (as amended from time to time, the “North OPA”) and the Mission Bay South Owner Participation Agreement (the “South OPA,” and, as amended from time to time), and other permits, approvals and related and collateral action (the “Mission Bay Project”), prepared and certified a Final Subsequent Environmental Impact Report (the “Mission Bay FSEIR,” together with various addenda adopted thereto from time to time); and,

WHEREAS, On September 17, 1998, the Redevelopment Agency Commission of the Redevelopment Agency adopted Resolution No. 182-98 which certified the Mission Bay FSEIR as a program EIR for the Mission Bay North Project Area and South Project Area pursuant to the California Environmental Quality Act (“CEQA”) and State CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). On the same date, the Redevelopment Agency Commission also adopted Resolution No. 183-98, which adopted environmental findings (including without limitation a statement of overriding considerations and mitigation monitoring and reporting program) (“Mission Bay CEQA Findings”), in connection with the approval of the Mission Bay Project. The Planning Commission certified the Mission Bay FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the San Francisco Board of Supervisors (“Board of

Supervisors”) adopted Motion No. 98-132 affirming certification of the Mission Bay FSEIR by the Planning Commission and the Redevelopment Agency Commission, and Resolution No. 854-98 adopting environmental findings (including without limitation a statement of overriding considerations and a mitigation monitoring and reporting program) for the Mission Bay Project; and,

WHEREAS, On September 17, 1998, the Redevelopment Agency approved, by Resolution No. 190-98, the South Redevelopment Plan. The Redevelopment Agency also conditionally authorized, by Resolution No. 193-98, execution of the South OPA and related documents with Catellus Development Corporation, a Delaware corporation (“Catellus”). On November 2, 1998, the Board of Supervisors adopted, by Ordinance No. 335-98, the South Redevelopment Plan; and,

WHEREAS, Catellus, the original master developer of the Mission Bay North and South Project Areas, has sold most of its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC, (“FOCIL-MB”), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. The sale encompassed approximately 71 acres of land in Mission Bay, and the remaining undeveloped residential parcels in the South Project Area. FOCIL-MB assumed all of Catellus’s obligations under the North OPA and South OPA, as well as all responsibilities under the related public improvement agreements and land transfer agreements with the City. FOCIL-MB is bound by all terms of the OPAs and related agreements, including the requirements of the affordable housing program, equal opportunity program, and design review process; 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 to the Redevelopment Agency (“Successor Agency”), commonly known as the Office of Community Investment and Infrastructure (“OCII”) (Cal. Health & Safety Code §§ 34170 et seq., “Redevelopment Dissolution Law”). On June 27, 2012, the Redevelopment Dissolution Law was amended to clarify that successor agencies are separate public entities from the city or county that had originally established a redevelopment agency and they succeed to the organizational status of the former redevelopment agency to complete any work related to an approved enforceable obligation, Cal. Health & Safety Code § 34173 (g); and,

WHEREAS, The Board of Supervisors, acting as the legislative body of the Successor Agency, adopted Ordinance No. 215-12 (Oct. 4, 2012), which, among other matters: (a) acknowledged and confirmed that the Successor Agency is a separate legal entity from the City, and (b) established this Successor Agency Commission (“Commission”) and delegated to it 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, and to approve amendments to redevelopment plans as allowed under the Community Redevelopment Law, as amended by the Redevelopment Dissolution Law, and (iii) take any action Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that this Commission deems appropriate, consistent with Redevelopment Dissolution Law, to comply with such obligations; and,

WHEREAS, On November 3, 2015, the Commission adopted Resolution No. 69-2015 which certified the Final Subsequent Environmental Impact Report (collectively, with an addendum adopted subsequently thereto, the “Event Center FSEIR”) for the Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (the “Event Center Project”), which tiered from the Mission Bay FSEIR, and Resolution No.

70-2015, which adopted environmental findings (including without limitation a statement of overriding considerations and mitigation monitoring and reporting program) (“Event Center CEQA Findings”), in connection with the approval of the Event Center Project; and,

WHEREAS, The Successor Agency now proposes to take actions related to an approximately 170,000 leasable square feet new research and development, office, and retail project proposed for development on Parcel 7 of Block 43 in the South Project Area (the “Parcel 7 Project”). These actions consist of amendments to the South Redevelopment Plan; amendments to the Design for Development for the Mission Bay South Project Area; amendments to the South OPA; amendments to the approved applicable Major Phase Application; and conditional approval of a combined Basic Concept / Schematic Design for the Parcel 7 Project (together the “Proposed Actions”); and,

WHEREAS, The Successor Agency, in consultation with the City’s Planning Department (“Planning Department”), has prepared Addendum No. 10 to the Mission Bay FSEIR and the Event Center FSEIR, dated November 10, 2020. Addendum No. 10 evaluates the potential environmental effects associated with approval of the Proposed Actions; and,

WHEREAS, On October 15, 2019, the Commission adopted, by Resolution No. 25-2019, criteria for determining the significance of transportation impacts based on vehicle-miles-travelled (“VMT”). In preparing Addendum 10, the Successor Agency used this VMT-based approach, which is consistent with Section 21099 of the Public Resources Code, Section 15064.3 of the CEQA Guidelines, the Governor’s Office of Planning and Research publication “Technical Advisory on Evaluating Transportation Impacts Under CEQA” (December 2018), and the Planning Department’s publication “Transportation Impact Analysis Guidelines” (February 2019); and,

WHEREAS, Addendum No. 10 is prepared in compliance with CEQA and reflects the independent judgment and analysis of the Successor Agency, and concludes that the Proposed Actions are within the scope of impacts analyzed in the Mission Bay FSEIR and the Event Center FSEIR and will not result in any new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the Mission Bay FSEIR and the Event Center FSEIR for the reasons stated in Addendum No. 10; and,

WHEREAS, In making the necessary findings for the Proposed Actions, the Successor Agency considered and reviewed the Mission Bay FSEIR and the Event Center FSEIR and prepared necessary documents in support of Addendum No. 10, which documents it has made available for review by the Commission and the public, and these files are part of the record before the Commission. Copies of the Mission Bay FSEIR, the Event Center FSEIR, Addendum No. 10, and the supporting documentation to Addendum No. 10, are on file with the Commission Secretary and incorporated in this Resolution by this reference; and,

WHEREAS, Based on the analysis in Addendum No. 10, the Successor Agency concludes that the analyses conducted and the conclusions reached in the Mission Bay FSEIR and the Event Center FSEIR remain valid and the Proposed Actions will not cause new significant impacts not identified in the Mission Bay FSEIR and the Event Center FSEIR or substantially increase the severity of previously identified significant impacts, and no new mitigation measures will be necessary to reduce significant impacts. Further, as described in the Addendum No. 10, no changes have occurred, with respect to either the development or the circumstances surrounding the development contemplated in the Mission Bay FSEIR and the Event Center Project,

that will require major revisions of the Mission Bay FSEIR or Event Center FSEIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects, and no new information has become available that shows that the Parcel 7 Project will cause new or more severe significant environmental impacts. Therefore, no subsequent or supplemental environmental review is required under CEQA beyond Addendum No. 10 to approve the actions necessary for Parcel 7 Project; now therefore be it,

RESOLVED, That the Commission has reviewed and considered the Mission Bay FSEIR and the Event Center FSEIR and their associated Mission Bay CEQA Findings and Event Center CEQA Findings as modified by Addendum No. 10 and related findings previously adopted by the Redevelopment Agency Commission and the Commission, including the statements of overriding considerations and mitigation monitoring and reporting programs, Addendum No. 10, the findings as set forth in Addendum No. 10, and the supporting documentation in the Successor Agency's files related to Addendum No. 10. The Commission adopts the findings made in Addendum No. 10; and, be it further

RESOLVED, That the Commission finds and determines that Mission Bay Project as modified by the Proposed Actions are within the scope of the Mission Bay Project analyzed in the Mission Bay FSEIR and Event Center FSEIR (as modified by the subsequent Addendum No. 10) and requires no further environmental review pursuant to CEQA and the CEQA Guidelines Sections 15168, 15180, 15162, and 15163 for the following reasons:

- (1) implementation of the Proposed Actions does not require major revisions to the Mission Bay FSEIR or the Event Center FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; and,
- (2) no substantial changes have occurred with respect to the circumstances under which the projects analyzed in the Mission Bay FSEIR and Event Center FSEIR will be undertaken that would require major revisions to the Mission Bay FSEIR or Event Center FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Mission Bay FSEIR and Event Center FSEIR; and,
- (3) no new information of substantial importance to the projects analyzed in the Mission Bay FSEIR and Event Center FSEIR has become available, which would indicate that (i) the Mission Bay FSEIR and Event Center FSEIR as modified by the Proposed Actions will have significant effects not discussed in the Mission Bay FSEIR and Event Center FSEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible, which would reduce one or more significant effects, have become feasible; or (iv) mitigation measures or alternatives, which are considerably different from those in the Mission Bay FSEIR and Event Center FSEIR, will substantially reduce one or more significant effects on the environment that would change the conclusions set forth in the Mission Bay FSEIR and Event Center FSEIR.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of November 17, 2020.



Commission Secretary