

RESOLUTION NO. 54-2007

Adopted June 5, 2007

AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO A PERSONAL SERVICES CONTRACT WITH EIP / PBSJ ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT FOR THE COMBINED HUNTERS POINT SHIPYARD / CANDLESTICK DEVELOPMENT PROJECT AND REDEVELOPMENT PLAN AMENDMENTS, INCLUDING BAYVIEW HUNTERS POINT AREA C, FOR AN AMOUNT NOT TO EXCEED \$700,000; BAYVIEW HUNTERS POINT AND HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREAS

BASIS FOR RESOLUTION

1. The Board of Supervisors adopted the Bayview Hunters Point Redevelopment Plan on June 1, 2006, adding additional property known as Area B to the existing Hunters Point Redevelopment Project Area, to create the renamed Bayview Hunters Point Redevelopment Project Area. A portion of the Bayview Hunters Point Redevelopment Survey Area known as Area C, along the Hunters Point Shoreline, requires further planning and analysis before being proposed for addition to the Bayview Hunters Point Redevelopment Project Area. During discussions with the Bayview Hunters Point Project Area Committee during the plan adoption process, the Redevelopment Agency of the City and County of San Francisco ("Agency") and the City and County of San Francisco ("City") made commitments to proceed with Area C planning and plan amendment activities without undue delay.
2. On October 17, 2006, the Agency Commission authorized an amendment to the Phase 1 DDA with Lennar-BVHP, LLC (the "Developer" or "Lennar"), which, among other things, removed Parcel B from Phase 1 of Shipyard development. The Commission approved amendments to the Phase 2 ENA on December 5, 2006, adding Parcel B back to the scope of exclusive negotiations and setting forth a schedule of performance for Phase 2 planning activities.
3. On February 13, 2007, the Board of Supervisors passed, and, on February 15, 2007, the Mayor signed, Resolution No. 59-07 (the "Board Resolution"), urging the Agency to amend the Phase 2 ENA with the Developer to provide for the integrated planning and redevelopment of the Phase 2 Property and certain property within the Candlestick Point Activity Node of the Bayview Hunters Point Redevelopment Project Area. This planning effort would include approximately 77 acres at Candlestick Point owned by the City, under the jurisdiction of its Park and Recreation Department, on which Monster Park stadium is located (collectively, the "Integrated Project Site") and would consider a mixed-use project, possibly including a new stadium for the San Francisco 49ers (the "49ers"), subject to certain conditions.
4. On May 1, 2007, the Agency Commission endorsed a Conceptual Framework for Development of the Integrated Project Site (the "Conceptual Framework"). The

Board of Supervisors endorsed the Conceptual Framework on May 15, 2007 (File No. 070544). As provided in the Conceptual Framework, a development plan for the Integrated Project Site will likely require amendments to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans.

5. In order to meet the 49ers' timetable for a new stadium, the Agency will have to entitle and transfer the proposed stadium site on Shipyard Parcel D by summer 2009. Accordingly, environmental review of the proposal, consisting of the completion and certification of the Environmental Impact Report ("EIR") must be completed by summer 2009.
6. Many of the underlying environmental issues and conditions in Area C are shared with the Integrated Project Site, particularly complex transportation issues. Accordingly, Agency and Planning Department staff believes that the environmental review for Area C should be combined with environmental review for the Integrated Project Site. This combined review will fulfill the intent of the Hunters Point Shoreline Controls, which emphasize that the 'land use plan for the Hunters Point Shoreline Area [should be] integrated with the most recent nearby development plans." Board Reso. No. 132-06 at p. 4.
7. A two-year timetable for this project means that time is of the essence, and that the Agency must proceed on an expedited basis to select a consultant team for these services and enter into a personal services contract. The time-sensitive schedule will require an environmental consultant willing and able to assign dedicated, experienced staff to the project. In addition, the transportation issues are extremely complex; are likely to be the most difficult area to analyze; and must be analyzed in the context of and in coordination with planning for many of the following projects, for which environmental review is currently underway: San Francisco PUC sewer and water projects, San Francisco General Hospital, Eastern Neighborhoods rezoning proposals, Executive Park projects, Baylands projects in the City of Brisbane, Visitacion Valley Redevelopment Plan, UC Hospital, California Pacific Medical Center, Bayview Transportation Improvements Project, State high speed rail system, and the Transbay Joint Powers Authority rail addendum on tunneling and new rail alignment.
8. Planning Department staff has indicated that the major public and private projects listed above and other projects in the pipeline for environmental review limit the field of available experts. Agency staff's recent experience soliciting for an environmental consultant for the Visitacion Valley Redevelopment Survey Area is an example of these circumstances. No firm responded by the original deadline and only one firm responded to the extended deadline. Accordingly, staff has concluded that few consultants who provide environmental review services in the San Francisco Bay Area are available for a major project or interested in a contract with the Agency, and that a broad solicitation for services would likely be futile.
9. Staff has identified EIP / PBSJ as the proposed lead environmental consultant for the EIR for the proposed Candlestick – Shipyard mixed-use project. Under the Agency's Interim Purchasing Policy and Procedures, non-competitive negotiations are allowed when "the item is available only from a single source," and

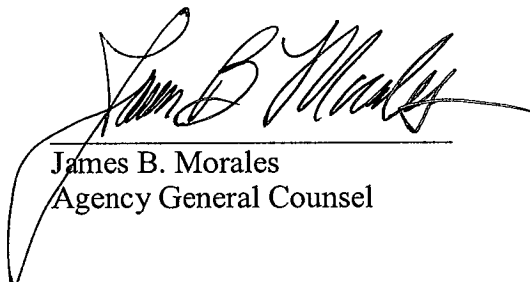
competition is inadequate, because the award of a personal services contract is infeasible under competitive bidding or negotiation procedures. (Policy at Page 6, Section IX.4.a & c.) EIP (now EIP / PBSJ due to a merger) recently completed the EIR for the Bayview Hunters Point Redevelopment Plan and addressed many of the same transportation issues and other conditions that the Agency will have to address in the Candlestick – Shipyard EIR. Given the ambitious schedule for the environmental review process, the Agency should benefit from the expertise and efficiency provided by a consultant already familiar with complex conditions and issues to be addressed.

10. EIP has met with the Agency's Contract Compliance staff and agreed to comply with the Agency's Equal Opportunity Program, which would apply to this Personal Services Contract ("Contract"), in its selection of subconsultants. EIP has also agreed to hire interns, with a preference for interns from the Bayview Hunters Point Redevelopment Project Area.
11. EIP has proposed to use the following subconsultants: LCW Consulting; CHS Consulting; Pittman & Associates; Mundie & Associates; Circa Historic Property; Geotechnical Consultants; Environ; Donald Ballanti; CADP; and Clement Designs. Staff may substitute, add or delete subconsultants as appropriate in finalizing the subconsultant team and scope of services, provided that the Agency's contracting goals are met and the Contract amount does not change.
12. The Contract to provide environmental review of the proposed Candlestick-Shipyard mixed-use project, including amendments to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans, is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15262 of the State CEQA Guidelines (Feasibility and Planning Studies), because the Contract is only for the provision of technical environmental review services.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to negotiate and enter into a personal services contract with EIP / PBSJ Associates, substantially in the form lodged with the Agency General Counsel, to prepare an Environmental Impact Report for the Combined Hunters Point Shipyard / Candlestick development project and redevelopment plan amendments, including Bayview Hunters Point Area C, for an amount not to exceed \$700,000; Bayview Hunters Point and Hunters Point Shipyard Redevelopment Project Areas.

APPROVED AS TO FORM:



James B. Morales
Agency General Counsel