

RESOLUTION NO. 3-2011

As amended at Commission Meeting January 18, 2011

CONDITIONALLY APPROVING THE POCKET PARK SCHEMATIC DESIGN FOR PHASE 1 OF THE HUNTERS POINT SHIPYARD AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On July 14, 1997, by Ordinance Number 285-97, the Board of Supervisors of the City and County of San Francisco adopted the Hunters Point Shipyard Redevelopment Plan (the "Plan"). On December 2, 2003, by Resolution No. 179-2003, the Agency Commission approved the Disposition and Development Agreement Hunters Point Shipyard - Phase I, as the same has been amended from time to time (the "DDA"), between the Redevelopment Agency of the City and County of San Francisco (the "Agency") and HPS Development Co., LP ("Lennar", formerly Lennar-BVHP, LLC).
2. In accordance with the DDA, Lennar must prepare conceptual and schematic plans for the development of the open space and streetscape in the Phase I development at the Hunters Point Shipyard Redevelopment Project Area (the "Shipyard"). Under the Horizontal Design Review and Document Approval Procedure ("H-DRDAP"), the Agency reviews the plans and specifications to ensure that they conform to the DDA, the Plan, and the Design for Development.
3. On January 16, 2007, the Agency Commission passed Resolution No. 6-2007, which conditionally approved the Phase I Master Plan for the Shipyard that had been prepared by Lennar. The Master Plan's open space design contemplated open spaces including Hillpoint Park, Innes Court, the Galvez Steps, Central Park, 16 neighborhood scale parks (the "Pocket Parks"), adjacent bluffs, and a network of pathways that connect these spaces. In adopting Resolution No. 6-2007, the Agency Commission determined that the Phase I Master Plan was an undertaking pursuant to the Plan, in conformance with State CEQA Guidelines Section 15180 (the "Implementing Action"), and (ii) made related environmental findings for the action in furtherance of the implementation of the Plan.
4. On October 2, 2007, the Agency Commission conditionally approved the Open Space Schematic Design for Phase I (the "Open Space Schematic Design"), which further defined the designs for the Phase I regional parks, bluffs, and trails. In furtherance of this Open Space Schematic Design, Lennar has developed the proposed schematic design, which features the Pocket Parks located adjacent to the vertical developments. (This schematic design is herein referred to as the "Pocket Park Schematic Design"). The Pocket Parks will function as outdoor

extensions of the residences and will complement the previously approved regional park designs. The Pocket Park Schematic Design will complete the series of Phase I open space approvals.

5. The Open Space Schematic Design for Phase I has received appropriate environmental review. On February 8, 2000, the Agency Commission and the San Francisco Planning Commission, acting as co-lead agencies for conducting environmental review for the Plan and its implementing actions, adopted Resolution No. 11-2000 and Motion No. 14981, respectively. Resolution No. 11-2000 and Motion No. 14981 each certified a Final Environmental Impact Report (the "Shipyard Final EIR") for the acquisition and reuse of the Shipyard as contemplated in the Plan. Also on February 8, 2000, by Resolution No. 12-2000, the Agency Commission adopted findings pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 *et seq.*) ("CEQA"), a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program to support the adoption of the Plan.
6. Subsequent to the certification of the Shipyard Final EIR, refinements were made to the Shipyard development program resulting in Addendum No. 1 to the Final EIR published on November 19, 2003 and Addendum No. 2 to the Final EIR published on July 13, 2006. The addenda concluded, based on the findings of the Shipyard Final EIR that the proposed refinements would not create any significant environmental impacts not already studied in the Final EIR and that the conclusions reached in Final EIR remained valid.
7. The Shipyard Final EIR is a program EIR under State CEQA Guidelines Section 15168 and a redevelopment plan EIR under State CEQA Guidelines Section 15180. The addenda to the Shipyard Final EIR were prepared pursuant to State CEQA Guidelines Section 15164.
8. On June 3, 2010, the Agency Commission and the San Francisco Planning Commission, acting together as co-lead agencies for conducting environmental review for the Candlestick Point – Hunters Point Shipyard Phase II Development Project ("Candlestick Shipyard Phase II Project"), adopted Resolution No. 58-2010 and Motion No. 18096, respectively; Resolution No. 58-2010 and Motion No. 18096 certified a Final Environmental Impact Report (the "Phase II Final EIR") for development of Phase II of the Shipyard and Candlestick Point. Also on June 3, 2010, by Resolution No. 59-2010, the Agency Commission adopted CEQA findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Candlestick Shipyard Phase II Project. The Phase II Final EIR not only analyzed development of Phase II, but also included the Phase I development as a cumulative project and, thereby, presented an updated cumulative impacts analysis to supplement the cumulative impacts analysis in the Shipyard Final EIR. The cumulative impacts analysis in the Phase II Final EIR found the cumulative significant unavoidable environmental impacts disclosed in Resolution No. 11-2000 to remain significant and unavoidable.

9. The Phase II Final EIR is a project EIR under State CEQA Guidelines Section 15161 and a redevelopment plan EIR under State CEQA Guidelines Section 15180.
10. Agency staff, in reviewing the Pocket Park Schematic Design has determined it to be a subsequent Implementing Action, has considered and reviewed the Shipyard Final EIR and addenda and the Phase II Final EIR, and has determined the current proposed action as furtherance of the implementation of the Plan, consistent with State CEQA Guidelines Sections 15180 and 15168.
11. The Shipyard Final EIR and addenda, the Phase II Final EIR, and related documents are available for review by the Agency Commission and the public and are part of the record before the Agency Commission.
12. No substantial changes have occurred with respect to the Project analyzed in the Shipyard Final EIR (and its addenda) that would require a new EIR or amendment to the Shipyard Final EIR. Although Lennar did propose elimination of a four lane curved roadway bypassing the intersection of Innes Avenue and Donohue Street, (known as the "S-curve") from the street configuration in the Phase 1 area after certification of the Shipyard Final EIR (and its addenda), Agency staff has determined that this is not a substantial change. This issue was analyzed in the Phase II Final EIR, which included an assessment of the elimination of the "S-curve" and inclusion of the intersection of Innes Avenue and Donahue Street on Phase I of the Shipyard as well as a finding that the change in configuration from the S-curve to the Innes/Donahue intersection would have less-than-significant project and cumulative impacts related to this reconfiguration of access through Phase I of the Shipyard.
13. The environmental findings adopted in accordance with CEQA by the Agency Commission in Resolutions No. 6-2007 and 59-2010 were and remain adequate, accurate and objective and are incorporated herein by reference as applicable to the current Implementing Action.
14. In accordance with the Plan and the DDA, including the H-DRDAP, Agency staff has reviewed the Pocket Park Schematic Design, as well as the Shipyard Final EIR and addenda, the Phase II Final EIR, and other information contained in the Agency's files, and finds the Pocket Park Schematic Design to be acceptable and recommends conditional approval of the Pocket Park Schematic Design subject to the resolution of certain design concerns.
15. At the Commission's public hearing, several public speakers and Agency Commissioners expressed an interest in naming the Pocket Parks for community leaders in the Bayview Hunters Point.

FINDINGS

The Agency finds and determines that the Pocket Park Schematic Design(i) is an Implementing Action within the scope of both the January 16, 2007 Master Plan and the Project analyzed in the Shipyard Final EIR and addenda (as supplemented in the Phase II Final EIR) and (ii) requires no additional environmental review pursuant to Sections 15180 and 15168 of State CEQA Guidelines. The Agency makes the above findings based on the following:

- A. The Implementing Action does not incorporate substantial changes into the Project analyzed in the Shipyard Final EIR and addenda, and will not require any further revisions to the Shipyard Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- B. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the Shipyard Final EIR and addenda was or will be undertaken that would require further revisions to the Shipyard Final EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Shipyard Final EIR.
- C. No new information of substantial importance to the Project analyzed in the Shipyard Final EIR and addenda has become available, which would indicate any of the following: (i) the Implementing Action will have significant effects not discussed in the Shipyard Final EIR and addenda; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible that would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives that are considerably different from those in the Shipyard Final EIR will substantially reduce one or more significant effects on the environment.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco (1) that it has reviewed and considered the Shipyard Final EIR and addenda, and the Phase II Final EIR, and any additional environmental documentation in the Agency's files and hereby adopts the CEQA findings set forth in Resolutions No.6-2007 and 59-2010 and those findings set forth above; and (2) that the Pocket Park Schematic Design dated December, 2010 is hereby conditionally approved, subject to resolution of the following design concerns to Agency staff's satisfaction at the next phase of design:

- 1) The need for the Schematic Design to include placing backs on concrete and wood benches in the proposed parks in accordance with the Americans with Disability Act Accessibility Guidelines for Buildings and Facilities (Section 4.37.4 requires that at least 50 percent of benches shall have bench backs with a minimum height of 18 inches above the seat).

- 2) The need for the Schematic Design to provide armrestson wood benches at intervals of every three feet maximum.
- 3) The need for the Schematic Design to provide skateguards for all concrete benches, retaining walls, and similar structures.
- 4) The need for the Schematic Design to install materials and/or coatings that withstand corrosion resulting from dog urine.
- 5) The need for the Schematic Design to optimizelocations of park trees in relationship to street trees (for example, Pocket Park 9).
- 6) The need for the Schematic Design to includeclearly defined size for all planted trees.

AND BE IT FURTHER RESOLVED by the Redevelopment Agency of the City and County of San Francisco that Agency staff will review the options for naming the Pocket Parks for community leaders in the Bayview Hunters Point and will report back to the Agency Commission on the results of that review of those options.

APPROVED AS TO FORM:



James B. Morales
Agency General Counsel