

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 104-2014

Adopted December 16, 2014

CONDITIONALLY APPROVING SCHEMATIC DESIGNS FOR THE ALICE GRIFFITH BLOCK 1 DEVELOPMENT, WHICH IS PART OF PHASE 3 OF THE ALICE GRIFFITH HOUSING DEVELOPMENT PURSUANT TO THE CANDLESTICK POINT AND HUNTERS POINT SHIPYARD PHASE 2 DISPOSITION AND DEVELOPMENT AGREEMENT AND APPROVING A VARIANCE FROM THE CANDLESTICK DESIGN FOR DEVELOPMENT GRADE SEPARATION REQUIREMENT FOR TWO UNITS ADJACENT TO BLOCK 1'S MAIN ENTRANCE; AND ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; BAYVIEW HUNTERS POINT REDEVELOPMENT PROJECT AREA

WHEREAS, Under Chapter 5, Statutes of 2011, Assembly Bill No. 1X26 (Chapter 5, Statutes of 2011-12, First Extraordinary Session), and Assembly Bill No. 1484 (Chapter 26, Statutes of 2011-12, Regular Session) (collectively, the "Dissolution Law"), the San Francisco Redevelopment Agency ("SFRA") was dissolved and the non-housing assets and obligations of SFRA were transferred to the Successor Agency to the Redevelopment Agency of the City and County of San Francisco ("Successor Agency"), now known as the Office of Community Investment and Infrastructure or "OCII," by operation of law; and,

WHEREAS, As required by the Dissolution Law, the oversight board for OCII was established (the "Oversight Board") to oversee certain fiscal matters of OCII. The Oversight Board has been meeting since March 2012 to perform its duties under the Dissolution Law; and,

WHEREAS, On October 2, 2012, the Board of Supervisors in its capacity as the legislative body of the Successor Agency adopted Ordinance No. 215-12, acknowledging that OCII is a separate legal entity as a result of AB 1484, creating the Community Investment and Infrastructure Commission (the "Commission") as the policy body of OCII, and delegating to the Commission the authority to act in place of the SFRA to among other matters, implement, modify, enforce and complete the SFRA's enforceable obligations, approve all contracts and actions related to the assets transferred to or retained by the Commission, including, without limitation, the authority to exercise land use, development, and design approval, consistent with the applicable enforceable obligations, and take any action that the Dissolution Law requires or authorizes on behalf of the Successor Agency, and,

WHEREAS, The Board of Supervisors' delegation to the Commission, includes the authority to grant approvals under specified land use controls for the Candlestick Point and Phase 2 of the Hunters Point Shipyard Project (the "Project"); and,

WHEREAS, In connection with the Project, the Board of Supervisors on August 3, 2010, approved amendments to the Hunters Point Shipyard Redevelopment Plan and the Bayview Hunters Point Redevelopment Plan by ordinances 210-10 and 211-10, respectively (the "Redevelopment Plans"), the SFRA approved the Candlestick Point Design for Development and the Hunters Point Shipyard Phase 2 Design for Development (the "Design for Development Documents") by Resolution 62-2010 and the SFRA and CP Development Co., LP ("Master Developer") entered into a

Disposition and Development Agreement (Candlestick Point and Hunters Point Shipyard Phase 2), dated June 3, 2010 (the "DDA") by Resolution 69-2010. The DDA was amended on December 18, 2012, a First Amendment to the DDA, by OCII Resolution No. 3-2012; and,

WHEREAS, The DDA establishes the Master Developer's rights to develop within the parameters of the Redevelopment Plans and Design for Development Documents and incorporates through exhibits and attachments various Project documents including the Design Review and Document Approval Procedure ("DRDAP"), Below Market-Rate ("BMR") Housing Plan, Transportation Plan, Infrastructure Plan, Community Benefits Plan, Design for Development Documents, Open Space Plan and Sustainability Plan and other documents (together, "Project Documents"); and,

WHEREAS, The BMR Housing Plan stipulates that 31.36% or 3,345 units of 10,500 units be below-market rate units, including a one-for-one replacement of the existing Alice Griffith public housing units ("Alice Griffith Replacement Units"), OCII affordable units, inclusionary units and workforce units. Three primary groups of providers will develop the BMR units: (1) the OCII and qualified housing developers selected by OCII will develop the 1,140 OCII Affordable Units on the OCII Lots; (2) the developer of the Alice Griffith Replacement Units ("Alice Griffith Developer") will develop 256 Alice Griffith Replacement Units and 248 OCII Affordable Units on the Alice Griffith lots; and (3) vertical developers, including Master Developer and its affiliates, will develop 809 Inclusionary Units and 892 Workforce Units in accordance with the BMR Housing Plan; and,

WHEREAS, McCormack Baron Salazar ("MBS") has been selected by the Master Developer to form a limited liability company called Double Rock Ventures, LLC (the "Alice Griffith Developer") to act as the developer for the Alice Griffith Replacement Units; and,

WHEREAS, All of the 256 Alice Griffith Replacement Units will be replaced and integrated into newly constructed buildings developed by the Alice Griffith Developer and will include 248 new affordable units. The first phases of new homes will be built on vacant land adjacent to the Project site meaning that existing residents will have the opportunity to move directly from their existing homes into new homes without leaving their community or risking displacement; and,

WHEREAS, The DDA is an enforceable obligation under the Dissolution Law and shown on line HPSY 30 of the Recognized Obligation Payment Schedule for June to December 2014, which was approved by the Oversight Board and the California Department of Finance ("DOF"). On December 14, 2012, DOF issued a final and conclusive determination under California Health and Safety Code § 34177.5 (i), that the Phase 1 DDA and the Phase 2 DDA are enforceable obligations that survived the dissolution of the Redevelopment Agency; and,

WHEREAS, The Alice Griffith Developer has submitted Alice Griffith Block 1 Schematic Designs ("Alice Griffith Designs"); and,

WHEREAS, In accordance with the DRDAP, OCII staff has determined that the Alice Griffith Designs submission is consistent with the DDA, the Bayview Hunters Point Redevelopment Plan (the "Plan") and the Candlestick Design for Development Documents ("D for D") and,

WHEREAS, The Plan and the D for D have provisions that allow a Commission approval of variances where it is found that physical constraints or other extraordinary circumstances create practical difficulties for development and create an undue hardship for the developer or constitute an unreasonable limitation beyond the intent of the Redevelopment Plan and D for D. “Variances” must meet the intent and purpose of the Redevelopment Plan and D for D and can’t be detrimental to the public welfare or materially injurious to neighboring property or improvements in the vicinity; and,

WHEREAS, The Candlestick D for D requires that ground floor units be two feet to four feet above street level (“Grade Separation Requirement”); however, the main building entry may be at street level. The two units adjacent to the main entry are designated UFAS (Uniform Federal Accessibility Standard) units which need to be accessible by wheelchair; and,

WHEREAS, These ground floor units have entries from both the exterior of the building as well as from the interior hallways. Maintaining the accessibility of these two UFAS units with a two to four foot grade change would require exterior ramps adjacent to the exterior entry stair, as well as complicated floor level changes with stairs and ramps inside the building to create an accessible path of travel to these two units. Additionally, an extra elevator stop for those two units would be required for accessibility purposes, resulting in additional development costs; and,

WHEREAS, Waiving the Grade Separation Requirement for the two units adjacent to the main entrance will eliminate the need for stairs and ramps to those units and allow for more direct pathway to those units for both the exterior and interior entry points, which will also keep the corner’s unique character at the pedestrian scale. At the same time it will eliminate the need for an up and down travel pattern at the interior of the building, therefore providing a better accessible route inside the building. Lastly, it will eliminate the need for an additional elevator stop, therefore avoiding increased development expenses; and,

WHEREAS, OCII staff has reviewed the requested variance and found that it is appropriate for the site and achieves the intent and purposes of the Plan and the D for D; and,

WHEREAS, OCII staff informed the Mayor’s Hunters Point Shipyard Citizens Advisory Committee (“CAC”) of the details of the Alice Griffith Designs during its meetings in, November and December 2014. At the CAC’s December meeting, the CAC recommended approval of the Alice Griffith Designs; and,

WHEREAS, On June 3, 2010, the SFRA Commission by Resolution No. 58-2010 and the San Francisco Planning Commission by Motion No. 18096, certified the Final Environmental Impact Report (“FEIR”) for the Project as adequate, accurate, and objective and in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”) and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.); the Board of Supervisors affirmed the Planning Commission’s certification of the FEIR by Motion No. 10-110 on July 14, 2010; and,

WHEREAS, As part of its approval of the Project on June 3, 2010, in addition to certifying the FEIR, the SFRA Commission, by Resolution No. 59-2010 adopted findings pursuant to CEQA, regarding the alternatives, mitigation measures, and significant environmental effects analyzed in the FEIR, including a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations for the Project, which findings are incorporated into this Resolution by this reference; and,

- WHEREAS, Subsequent to the certification of the FEIR, the Planning Department, at the request of OCII and in response to changes proposed in the Project as part of the first major phase and sub-phase applications, issued an addendum to the FEIR (Addendum No. 1); and,
- WHEREAS, Addendum No. 1 addresses changes to the phasing schedule for the Project and corresponding changes to the schedules for implementation of related transportation system improvements in the Transportation Plan, including the Transit Operating Plan, Infrastructure Plan and other public benefits; and minor proposed revisions in two adopted mitigations measures, TR-16 Widen Harney Way and UT-2 Auxiliary Water Supply System; and,
- WHEREAS, Mitigation Measure TR-16 Widen Harney Way was amended to provide for implementation prior to issuance of the occupancy permit for the Candlestick Point Sub-Phase CP-02 instead of the first grading permit for Major Phase 1 of the Project, and to provide for a two-way cycle track on Harney Way rather than the previously proposed bicycle lane; and,
- WHEREAS, Mitigation Measure UT-2 Auxiliary Water Supply System (“AWSS”) was amended to no longer specify a loop system for the AWSS; and,
- WHEREAS, Based on the analysis in Addendum No. 1, OCII concludes that the analyses conducted and the conclusions reached in the FEIR on June 3, 2010, remain valid and the proposed revisions to the Project and the two adopted mitigation measures will not cause new significant impacts not identified in the FEIR, and no new mitigation measures will be necessary to reduce significant impacts; further, other than as described in the Addendum No. 1 no Project changes have occurred, and no changes have occurred with respect to circumstances surrounding the proposed Project that will cause significant environmental impacts to which the Project will contribute considerably, and no new information has become available that shows that the Project will cause significant environmental impacts and, therefore, no supplemental environmental review is required under CEQA beyond the Addendum No. 1 to approve the first major phase and sub-phase applications; and,
- WHEREAS, OCII staff has reviewed and considered the FEIR, the Addendum No. 1, and supporting documentation, in preparing necessary findings for the Commission’s consideration, and has made the FEIR, Addendum No. 1, and supporting documentation available for review by the Commission and the public and these files are part of the record before the Commission; and,
- WHEREAS, Copies of the FEIR and Addendum No. 1 and supporting documentation are on file with the Commission Secretary and are incorporated in this Resolution by this reference; and,
- WHEREAS, The approval of the Alice Griffith Designs is an undertaking pursuant to and in furtherance of the Project in conformance with CEQA Guidelines Section 15180; and,
- WHEREAS, The FEIR and the CEQA Findings adopted by the SFRA Commission by Resolution No. 59-2010 on June 3, 2010, reflected the independent judgment and analysis of the SFRA Commission, were and, except for the minor amendments to mitigation measures TR-16 and UT-2, remain adequate, accurate and objective, and were prepared and adopted following the procedures required by CEQA, and the findings in such resolution are incorporated by this reference as applicable to the approval of the Alice Griffith Designs; and,

WHEREAS, OCII staff has reviewed the Alice Griffith Designs, and finds it acceptable and recommends approval of the Alice Griffith Designs and the associated variance described above; now, therefore, be it

RESOLVED, The Commission has considered the FEIR, the CEQA Findings that were previously adopted by the SFRA Commission, including the statement of overriding considerations and mitigation monitoring and reporting program and the Addendum No. 1, and the Commission adopts the CEQA Findings and Addendum No. 1 as its own, with the modifications to those findings as set forth in Commission Resolution No. 1-2014, which is hereby incorporated into this Resolution by this reference.

RESOLVED, The Commission finds and determines that the Alice Griffith Designs, as recommended for approval, are consistent with the Project as analyzed in the FEIR and requires no additional environmental review beyond the FEIR and Addendum No. 1 pursuant to CEQA Section 21166 and the CEQA Guidelines Sections 15180, 15162, 15163, and 15164; for the following reasons:

(1) Implementation of the Alice Griffith Designs does not require major revisions to the FEIR 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 project analyzed in the FEIR will be undertaken that would required major revisions to the FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and,

(3) No new information of substantial importance to the project analysis in the FEIR has become available, which would indicate that (i) the Alice Griffith Designs will have significant effects not discussed in the FEIR; (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 FEIR, will substantially reduce one or more significant effects on the environment that would change the conclusions set forth in the FEIR; and, be it further

RESOLVED, That the Commission finds that the Alice Griffith Designs submission, including the associated variance, is complete pursuant to the DRDAP subject to satisfaction of the conditions below, is consistent with the DDA including the schedule of performance, the Plan, and the D for D; and, be it further

RESOLVED, That the Commission conditionally approves the Alice Griffith Designs submission and the associated variance, a copy of which is on file with the Secretary of the Commission, subject to the remaining design issues being resolved to the satisfaction of the Executive Director and any changes included in subsequent design stages, beginning with the Design Development phase as follows:

1. The building and landscaping materials, colors, finishes, lighting and architectural detailing shall be subject to further review during the Design Development phase. Updated material and color samples shall be provided as part of the review. A material and color mock-up of sufficient size to be built on the construction site

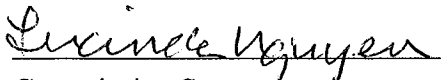
during an early phase of construction shall be prepared for review and approval to ensure consistency with this Schematic Design.

2. The location of the backflow preventers and other infrastructure equipment necessary for irrigation of the building landscaping shall be selected with the goal of minimizing its visual impact in the public realm and meeting building code requirements.
3. The final courtyard design is subject to further review and approval after the following have been addressed: Revise the design of the podium courtyard in order to better define the private areas from the common open space areas; Further analyze the possibility of using permeable pavers on the podium as treatment method for stormwater and reducing the use of cast in place planters; Study the possibility of providing private patios for courtyard units; and
4. MBS shall coordinate with the Master Developer and provide information on the interim design of the part of the mid-block break that is required for access and egress to the units facing the mid-block break. MBS will submit a plan describing access to those units in the interim condition.

RESOLVED, That the Commission authorizes the Executive Director to approve subsequent design documents related to this Alice Griffith Designs submission, beginning with the Design Development phase, that the Executive Director reasonably determines are in OCII's best interest or are necessary or convenient to implement the development of Phase 2 under the DDA, and the Major Phase as applicable, and further the goals of the Bayview Hunters Point Redevelopment Plan and the DDA, and, be it further

RESOLVED, That the Commission authorizes the Executive Director to take such other actions as may be necessary or appropriate, in consultation with the City Attorney's Office, to effectuate the purpose of the intent of this resolution.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of December 16, 2014.


Commission Secretary