

**COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE**

**RESOLUTION NO. 05-2020**

*Adopted May 19, 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 MISSION BAY BLOCKS 29-32 MAJOR PHASE APPLICATION, AND THE BASIC CONCEPT DESIGN / SCHEMATIC DESIGN FOR MISSION BAY SOUTH BLOCKS 29-32, INCLUDING FINDINGS CONCERNING THE IMPLEMENTATION OF A THRESHOLD OF SIGNIFICANCE FOR EVALUATING TRANSPORTATION IMPACTS BASED ON VEHICLE MILES TRAVELED; 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 Commission of 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 (“North OPA”) and the Mission Bay South Owner Participation Agreement (“South OPA”), and other permits, approvals and related and collateral action (the “Mission Bay Project”), prepared and certified a Final Subsequent Environmental Impact Report (collectively referred to as the “Mission Bay FSEIR”); and,

WHEREAS, On September 17, 1998, the 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 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) (“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’ 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,

WHEREAS, On October 2, 2012 the Board of Supervisors of the City, acting as the legislative body of the Successor Agency, adopted Ordinance No. 215-12 (the “Implementing Ordinance”), which Implementing Ordinance was signed by the Mayor on October 4, 2012, and 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 Commission of the Redevelopment Agency to, among other matters, implement, modify, enforce and complete the former 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 Redevelopment Dissolution Law, and (iii) take any action that 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 June 5, 2015, the Successor Agency released for public review and comment the Draft Subsequent Environmental Impact Report for the Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (the “Event Center DSEIR”), and other permits, approvals and related and collateral action (OCII Case No. ER-2014-919-97, Planning Department Case No. 2014.1441E, State

Clearinghouse No. 2014112045) (the “Event Center Project”). This document is tiered from the Mission Bay FSEIR; and,

WHEREAS, The Successor Agency prepared a Final Subsequent Environmental Impact Report for the Event Center Project (“FSEIR”) consisting of the Event Center DSEIR, the comments received during the review period, any additional information that became available after the publication of the Event Center DSEIR, and the Responses to Comments document, all as required by law; and,

WHEREAS, On November 3, 2015, the Commission reviewed and considered the FSEIR and adopted Resolution No. 69-2015 which certified the FSEIR for the Event Center Project. On the same date, the Commission also adopted 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 facilitating certain modifications to the Event Center Project, collectively the “2020 Actions”, comprised of an amendment to the South Redevelopment Plan; an amendment to the South OPA; an amendment to the Design for Development for the Mission Bay South Project Area; an amendment to the Mission Bay Blocks 29-32 Major Phase Application for the Golden State Warriors Event Center and Mixed Use Development (“Blocks 29-32 Major Phase”); an amendment to the Combined Basic Concept / Schematic Design Submittal for Mission Bay South Blocks 29-32 for the Golden State Warriors Event Center and Mixed-Use Development (“Blocks 29-32 BC/SD”); and a Blocks 29-32 GSW Hotel Project Basic Concept / Schematic Design (“GSW Hotel/Residential BC/SD”); and,

WHEREAS, The 2020 Actions would permit the development of a mixed-use building on Mission Bay South Blocks 29-30 with hotel rooms, dwelling units, and retail uses. The building proposed in the GSW Hotel/Residential BC/SD would contain up to 129 hotel rooms, up to 21 dwelling units, and various retail spaces, in addition to facilities associated with hotel use, such as banquet and conference rooms (the “Proposed Project”). The 2020 Actions would also amend the South Redevelopment Plan, South OPA, and Blocks 29-32 Major Phase to permit the development of a mixed-use building on Mission Bay South Blocks 29-30 that may contain as few as 129 or as many as 230 hotel rooms, and as few as zero (0) or as many as 21 dwelling units, or any combination thereof, provided the building does not exceed approximately 245,000 gross square feet of hotel and residential uses combined, provided subsequent approvals were obtained (“Project Variant”). The Project Variant may also include up to approximately 25,000 gross square feet of retail uses, in addition to facilities associated with the hotel use such as banquet and conference rooms and retail uses. The 2020 Actions would also increase the Leasable square footage of retail permitted by the South Redevelopment Plan on Mission Bay South Blocks 29-32 by 65,000 Leasable square feet to account for retail areas on Mission Bay South Blocks 29-32 currently excluded from the total Leasable retail area permitted by the South Redevelopment Plan through various exemptions and to account for various outdoor areas on Mission Bay South Blocks 29-32 that will be partially enclosed or covered and thus considered retail areas, to permit more flexible use and leasing of these areas; and,

WHEREAS, The Successor Agency, in consultation with the City’s Planning Department (“Planning Department”), has prepared Addendum No. 1 to the FSEIR, dated May 13, 2020. Addendum No. 1 evaluates the potential environmental effects of the 2020 Actions; and,

WHEREAS, Addendum No. 1 has been prepared in accordance with CEQA Section 21099 and CEQA Guidelines Section 15064.3, which identify the amount and distance of automobile travel, known as vehicle miles travelled or “VMT”, as the most appropriate measure of transportation impacts and require that prospective environmental analyses use a VMT-based approach; and,

WHEREAS, Addendum No. 1 is prepared in compliance with CEQA and reflects the independent judgment and analysis of the Successor Agency, and concludes that the 2020 Actions (including the Proposed Project and Project Variant therein) are within the scope of the Event Center Project analyzed in the 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 FSEIR for the reasons stated in Addendum No. 1; and,

WHEREAS, In making the necessary findings for the proposed 2020 Actions, the Successor Agency considered and reviewed the FSEIR and prepared necessary documents in support of the Addendum No. 1, 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 FSEIR, Addendum No. 1, and the supporting documentation to Addendum No. 1, are on file with the Commission Secretary and incorporated in this Resolution by this reference; and,

WHEREAS, Based on the analysis in Addendum No. 1, the Successor Agency concludes that the analyses conducted and the conclusions reached in the FSEIR on November 3, 2015 remain valid and the proposed 2020 Actions will not cause new significant impacts not identified in the 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 Addendum No. 1, no changes have occurred, with respect to either the Event Center Project itself or the circumstances surrounding the Event Center Project, that will require major revisions of the 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 Event Center Project will cause new or more severe significant environmental impacts. Therefore, no subsequent or supplemental environmental review is required under CEQA beyond Addendum No. 1 to approve the 2020 Actions; now therefore be it,

RESOLVED, The Commission adopts a VMT-based threshold of significance and methodology for analysis of transportation impacts, consistent with the Governor’s Office of Planning and Research publication *Technical Advisory on Evaluating Transportation Impacts Under CEQA* (December 2018) as appropriately modified by discussion of VMT-based significance criteria and methodology for vehicle trips in the San Francisco Planning Department publication *Transportation Impact Analysis Guidelines* (February 2019, updated October 2019), which the Commission finds to be in conformance with the requirements of CEQA Section 21099 and CEQA Guidelines 15064.3, and directs Successor Agency staff to apply this threshold of significance and methodology in analyzing the 2020 Actions; and, be it further

RESOLVED, That the Commission has reviewed and considered the FSEIR and Event Center CEQA Findings as modified by Addendum No. 1 and related findings previously adopted by the Redevelopment Agency Commission and the Commission, including the statement of overriding considerations and mitigation monitoring and reporting program, Addendum No. 1, the findings as set forth in Addendum No. 1, and the supporting documentation in the Successor Agency's files related to Addendum No. 1. The Commission adopts the findings made in Addendum No. 1; and, be it further

RESOLVED, That the Commission finds and determines that the Event Center Project as modified by the 2020 Actions (including the Proposed Project and Project Variant identified therein) is within the scope of the Event Center Project analyzed in the FSEIR (as modified by the subsequent Addendum No. 1, including the Proposed Project and Project Variant identified and analyzed therein) and requires no further environmental review pursuant to CEQA and the CEQA Guidelines Section 15180, 15162, and 15163 for the following reasons:

- (1) implementation of the 2020 Actions does not require major revisions to the 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 project analyzed in the FSEIR will be undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR; and,
- (3) no new information of substantial importance to the project analyzed in the FSEIR has become available, which would indicate that (i) the Event Center Project as modified by the 2020 Actions will have significant effects not discussed in the 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 FSEIR, will substantially reduce one or more significant effects on the environment that would change the conclusions set forth in the FSEIR.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of May 19, 2020.

  
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Commission Secretary