RESOLUTION NO. 135-2004

Adopted November 16, 2004

ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT THE NAVY’S TENDER OF PARCEL A OF THE HUNTERS POINT NAVAL SHIPYARD; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. At a special meeting on April 29, 2004, the Commission authorized the Conveyance Agreement between the Agency and the United States, acting by and through the Secretary of the Navy (the “Navy”), which establishes a framework and orderly process for the Agency to receive conveyances of parcels at the Hunters Point Naval Shipyard (the "Shipyard") from the Navy in phases.

2. The Conveyance Agreement specifies four conditions that must be met before the Navy can tender any Shipyard parcel to the Agency: (a) the Navy must have concluded finally that planned development on the parcel will not present a risk to human health or safety and have offered to convey the parcel without restrictions or notices that would restrict the Agency’s intended uses of the parcel, as set forth in the Hunters Point Shipyard Redevelopment Plan (the “Plan”); (b) the Navy must have obtained assurances from the United States Environmental Protection Agency (“USEPA”) and the State of California Environmental Protection Agency (“USEPA”) and the State of California Environmental Protection Agency, represented by the Department of Toxic Substances Control (“DTSC”) and the California Regional Water Quality Control Board (“RWQCB”) (collectively, the “Regulators”), in the form of their written confirmation that a parcel is safe for its intended uses under the Plan before offering the parcel to the Agency; (c) the Navy’s Quitclaim Deed must be consistent with the Conveyance Agreement and be acceptable in form and substance to the Agency; and (d) the Navy may not be in default of its obligations under the Conveyance Agreement.

3. On September 1, 2004, the Navy issued its draft final Finding of Suitability to Transfer (“FOST”) for Parcel A of the Shipyard, stating its conclusion that the environmental condition of Parcel A is suitable for its intended residential and open space uses. The Navy executed the final FOST on October 14, 2004, satisfying the first condition to tender.

4. The Regulators have submitted written concurrences in the FOST conclusion that Parcel A’s environmental condition is suitable for unrestricted residential and open space uses. The Navy executed the final FOST on October 14, 2004, satisfying the second condition to tender. Specifically, USEPA issued its written concurrence on September 30, 2004; DTSC issued its written concurrence on October 6, 2004; and RWQCB issued its written concurrence on October 7, 2004.

5. The Navy has submitted its proposed form of Quitclaim Deed to the Agency for review, and Agency counsel has deemed it consistent with the Conveyance Agreement and acceptable in form and substance to the Agency, satisfying the third condition to tender.

6. The Navy is not in default of its obligations under the Conveyance Agreement.
7. The Agency’s independent environmental consultants have completed their independent environmental investigation and concluded that the intended residential development on Parcel A will not present a risk to human health or safety.

8. All of the conditions to the Navy’s tender of Parcel A have been satisfied, and the Agency wishes to execute the Navy’s Quitclaim Deed and take all other actions necessary to accept title to Parcel A from the Navy.

9. In approving the transfer of Parcel A from the Navy to the Agency, the Agency is furthering the implementation of the Hunters Point Shipyard Redevelopment Plan.

10. The Agency Commission and the San Francisco Planning Commission, together acting as co-lead agencies for conducting environmental review for the Redevelopment Plan and its implementing actions, prepared and certified a Final Environmental Impact Report (“FEIR”) for the acquisition and reuse of the Shipyard as contemplated in the Plan on February 8, 2000, and the Planning Department issued an Addendum on November 19, 2003, in contemplation of the Phase 1 Disposition and Development Agreement for the Shipyard.

FINDINGS

1. The Commission previously adopted Resolution No. 50-2004, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq.) in relation to actions in furtherance of the implementation of the Plan, of which the approval of the transfer of Parcel A from the Navy to the Agency forms a part. Resolution No. 50-2004 is incorporated by this reference.

2. The Commission finds on the basis of substantial evidence in light of the whole record that: (a) there are no modifications in the Project and reflected in the approval before the Commission that will require important revisions to the FEIR 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 and the implementing actions will be undertaken that would require 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; (c) no new information of substantial importance to the Project and the implementing actions has become available which would indicate (i) the Project or implementing actions 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 that would reduce one or more significant effects have become feasible; (iv) mitigation measures or alternatives that are considerably different from those in the FEIR would substantially reduce one or more significant effects on the environment; (v) the implementing actions are within the scope of the Project analyzed in the FEIR; and (vi) no new environmental documentation is required.
RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to execute the Navy’s Quitclaim Deed and take all other actions necessary to accept title to Parcel A from the Navy.

APPROVED AS TO FORM:

[Signature]

James B. Morales
Agency General Counsel