

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 69-2015

Adopted November 3, 2015

CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE GOLDEN STATE WARRIORS EVENT CENTER AND MIXED-USE DEVELOPMENT ON BLOCKS 29-32 IN MISSION BAY SOUTH UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) AND THE CEQA GUIDELINES; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

WHEREAS, The Commission on Community Investment and Infrastructure, (“Commission”), the successor agency to the San Francisco Redevelopment Agency (“Successor Agency”), takes the following certification action in compliance with the California Environmental Quality Act (“CEQA”), the California Public Resources Code Sections 21000 et seq., and the CEQA Guidelines, 14 Cal. Code Reg. Sections 15000 et seq. (“CEQA Guidelines”) and acting in its capacity as lead agency under CEQA Section 21067; and,

WHEREAS, On September 17, 1998, the Commission of the former Redevelopment Agency of the City and County of San Francisco (“Redevelopment Commission”) by Resolution No. 182-98, and the San Francisco Planning Commission, by Resolution No. 14696, together acting as co-lead agencies for conducting environmental review for the Redevelopment Plans for the Mission Bay North Redevelopment Project Area and the Mission Bay South Redevelopment Project Area (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 actions (the “Mission Bay Project”), certified the Final Subsequent Environmental Impact Report (“Mission Bay FSEIR”) (State Clearinghouse Number 97092068), as a program EIR for Mission Bay North and South pursuant to CEQA and CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). The Mission Bay FSEIR document provided programmatic environmental review of the overall Mission Bay Redevelopment Plan (consisting of the approximately 300-acre Mission Bay North and South Redevelopment Plan Areas); and,

WHEREAS, On the same day, the Redevelopment Commission adopted Resolution No. 183-98, which adopted environmental findings, including a mitigation monitoring and reporting program (“MMRP”) and a statement of overriding considerations, in connection with the approval of the Plans and other Mission Bay Project approvals, and adopted Resolution No. 190-98, approving the Redevelopment Plan for the Mission Bay South Redevelopment Project Area (“Plan”) and Resolution No. 193-98 authorizing execution of the South OPA and related documents between the Redevelopment Agency and the Mission Bay Master Developer (originally Catellus Development Corporation and now FOCIL-MB, LLC, the successor to Catellus Development Corporation); and,

WHEREAS, On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the Mission Bay FSEIR by the Planning Commission and the Redevelopment Agency, and Resolution No. 854-98 adopting environmental findings, including an MMRP and a statement of overriding considerations, for the Mission Bay Project. On November 2, 1998, the San Francisco Board of Supervisors (“Board of Supervisors”), by Ordinance No. 335-98, adopted the Plans; 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, and on June 27, 2012, state law clarified that successor agencies are separate public entities, Cal. Health & Safety Code §34170 *et seq.* (“Redevelopment Dissolution Law”); and,

WHEREAS, Redevelopment Dissolution Law required creation of an oversight board to the successor agency and provided that with approval from its oversight board and the State Department of Finance (“DOF”), a successor agency may continue to implement “enforceable obligations” such as existing contracts, bonds and leases, that were executed prior to the suspension of redevelopment agencies’ activities. On January 24, 2014, DOF finally and conclusively determined that the Mission Bay North and South Owner Participation Agreements and Mission Bay Tax Increment Allocation Pledge Agreements are enforceable obligations pursuant to Health and Safety Code Section 34177.5(i); and,

WHEREAS, On October 2, 2012, the Board of Supervisors of the City, acting as the governing 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 Commission and the Office of Community Investment and Infrastructure (“OCII”) and delegated to the Commission the authority to (i) act in place of the Redevelopment Agency Commission to, among other matters, implement, modify, enforce and complete the 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, consistent with applicable enforceable obligations, and (iii) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that this Commission deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such obligations; and,

WHEREAS, The Board of Supervisors’ delegation to this Commission includes the authority to act as the lead agency that administers environmental review for private projects in Mission Bay North and South Redevelopment Plan Areas in compliance with the requirements of CEQA and the CEQA Guidelines, including CEQA Section 21067; and,

WHEREAS, The proposed project is the Golden State Warriors Event Center and Mixed-Use Development at Mission Bay South Blocks 29-32, with the MUNI UCSF/Mission Bay Station Variant and the Third Street Plaza variant, and related actions ("Event Center Project" or "Project"), as described in Chapter 3 of the Final Subsequent Environmental Impact Report ("FSEIR"). The Project Sponsor is GSW Arena LLC ("GSW"), an affiliate of the Golden State Warriors, LLC, which owns and operates the Golden State Warriors National Basketball Association team. GSW proposes to construct a multi-purpose event center and a variety of mixed uses, including office, retail, open space, and structured parking on an approximately 11-acre site on Bocks 29-32. The Project site is bounded by South Street on the north, Third Street on the west, 16th Street on the south, and by the future planned realigned Terry A. Francois Boulevard on the east; and

WHEREAS, In compliance with CEQA and the CEQA Guidelines, OCII determined that the Project required preparation of a Subsequent Environmental Impact Report and OCII provided public notice of that determination to governmental agencies and organizations and persons interested in the proposed project on November 19, 2014, initiating a 30-day public scoping period, which ended on December 19, 2014 and included a public scoping meeting on December 9, 2014.

WHEREAS, On June 5, 2015, OCII published and circulated the Draft Subsequent Environmental Impact Report (hereinafter "GSW DSEIR") to local, state, and federal agencies and to interested organizations and individuals. In addition, electronic copies of the GSW DSEIR were made available for public review on the OCII website and paper copies of the GSW DSEIR were made available for public review at OCII (1 South Van Ness Avenue, 5th Floor), the San Francisco Planning Department (1660 Mission Street, 1st Floor, Planning Information Counter), the San Francisco Main Library (100 Larkin Street) and San Francisco Library, Mission Bay Branch (960 4th Street).

WHEREAS, Notices of availability of the GSW DSEIR and of the date and time of the public hearing were posted near the project site and published in a newspaper of general circulation in San Francisco on June 5, 2015.

WHEREAS, On October 23, 2015, OCII published the Final Subsequent Environmental Impact Report ("FSEIR") for the Event Center Project consisting of the GSW DSEIR, the comments received during the review period, any additional information that became available after the publication of the GSW DSEIR, and the Responses to Comments document, all as required by law, copies of which are available through the Secretary of the Commission and at www.gsweventcenter.com, and are incorporated herein by reference; and,

WHEREAS, The administrative record that contains the GSW DSEIR, the FSEIR and all documents related to, or relied on in the preparation thereof has been prepared by OCII in accordance with the Jobs and Economic Improvement through Environmental Leadership Act (AB 900). Governor Jerry Brown certified the proposed project as an environmental leadership development project under this Act on April 30, 2015, and on May 27, 2015, the Joint Legislative Budget

Committee concurred with this certification. Therefore, this project is eligible for streamlined judicial review. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at OCII at 1 South Van Ness Avenue, 5th Floor, can be found at www.gsweventcenter.com and are part of the record before the Commission; now therefore be it,

RESOLVED, The Commission hereby certifies the Final Environmental Impact Report identified as OCII Case No. ER-2014-919-97 (also identified as Planning Department Case No. 2014.1441E and State Clearinghouse No. 2014112045), Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (hereinafter “Project”), based upon the following findings:

1. The Commission has reviewed and considered the FSEIR and hereby does find that the contents of said report and the procedures through which the FSEIR was prepared, publicized, and reviewed comply with the provisions of CEQA and the CEQA Guidelines.
2. The Commission hereby does find that the FSEIR concerning Case No. ER-2014-919-97, Event Center and Mixed-Use Development at Mission Bay Blocks 29-32, reflects its independent judgment and analysis, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the GSW DSEIR, and hereby does certify the completion of said FSEIR in compliance with CEQA and the CEQA Guidelines.
3. The Commission, in certifying the completion of said FSEIR, hereby does find that the Project:
 - A. Will have a significant and unavoidable project-specific effect on the environment in the following areas:
 - 1) On days without a SF Giants game at AT&T Park:
 - a) Increased traffic congestion and traffic impacts at seven intersections that would operate at LOS E or LOS F.
 - b) Increased traffic congestion and traffic impacts at one freeway ramp location that would operate at LOS E or LOS F.
 - c) A substantial increase in transit demand that could not be accommodated by regional transit capacity that would result in a significant impact to North Bay and South Bay regional transit service (Caltrain, Golden Gate Transit and Water Emergency Transportation Authority (WETA)).
 - 2) On days with overlapping evening events at the project site and at

AT&T Park:

- a) Increased traffic and traffic impacts at ten additional intersections that would operate at LOS E or LOS F.
 - b) Increased traffic and traffic impacts at three freeway ramp locations that would operate at LOS E or LOS F.
 - c) A substantial increase in transit demand that could not be accommodated by regional transit capacity would result in a significant impact to East Bay, North Bay and South Bay regional transit service (Bay Area Rapid Transit, Caltrain, Golden Gate transit and WETA).
- 3) Without implementation of the Muni Special Event Transit Service Plan:
- a) Increased traffic congestion and traffic impacts at nine intersections that would operate at LOS E or LOS F.
 - b) Increased traffic congestion and traffic impacts at three freeway ramp locations that would operate at LOS E or LOS F.
 - c) Transit service operation impacts on the Muni T Third light rail line and the 22 Fillmore bus route.
 - d) Capacity utilization standard exceedances for Caltrain, Golden Gate Transit and WETA.
- 4) Increased ambient noise levels due to increased vehicular traffic along local roadways in the project vicinity and to crowd noise associated with events at the event center.
- 5) Construction-related emissions of criteria air pollutants (reactive organic gases and nitrogen oxides) that would exceed applicable significance thresholds.
- 6) Long-term operational emissions of criteria air pollutants (ROG and NOx) that would exceed applicable significance thresholds in connection with project operations, from sources including new vehicle trips, maintenance and operation of standby diesel generators, boilers and area sources such as landscape equipment and use of consumer products.
- B. Will result in unavoidable cumulatively considerable contributions to the following significant cumulative effects on the environment:
- 1) During peak hours, cumulative increased traffic congestion and

traffic impacts at 16 intersections that would operate at LOS E or LOS F.

- 2) Cumulative increased traffic congestion and traffic impacts at three freeway ramp locations that would operate at LOS E or LOS F.
 - 3) Cumulative capacity utilization exceedances for BART, Caltrain, Golden Gate Transit and WETA.
 - 4) Increased cumulative roadway traffic noise in the project vicinity.
 - 5) Increased cumulative construction-related and operational emissions of criteria air pollutants that would exceed applicable significance thresholds.
 - 6) Cumulative wastewater flows that could exceed the capacity of the Mariposa Pump Station and associated force mains and conveyance piping, and construction impacts resulting from future construction of improvements to the Mariposa Pump Station and associated facilities to expand wastewater treatment capacity.
4. The Commission has reviewed and considered the information contained in the FSEIR prior to approving the Project.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of November 3, 2015.



Commission Secretary