

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 25-2019

Adopted October 15, 2019

ADOPTING FINDINGS, INCLUDING AMENDING ADOPTED MITIGATION MEASURES, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATED TO APPROVAL OF THE 2019 MODIFIED PROJECT VARIANT FOR THE CANDLESTICK POINT/PHASE II OF THE HUNTERS POINT SHIPYARD DEVELOPMENT PROJECT, INCLUDING FINDINGS CONCERNING THE IMPLEMENTATION OF A THRESHOLD OF SIGNIFICANCE FOR EVALUATING TRANSPORTATION IMPACTS BASED ON VEHICLE MILES TRAVELED; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA AND BAYVIEW HUNTERS POINT REDEVELOPMENT PROJECT AREA

WHEREAS, In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code, section 33000 *et seq.* the “**CRL**”), the Redevelopment Agency of the City and County of San Francisco (the “**Former Agency**”) undertook programs for the reconstruction and construction of blighted areas in the City and County of San Francisco (“**City**”), including the Bayview Hunters Point Redevelopment Project Area (“**BVHP Project Area**”) and the Hunters Point Shipyard Redevelopment Project Area (“**HPS Project Area**”); and,

WHEREAS, The Board of Supervisors of the City and County of San Francisco (“**Board of Supervisors**”) adopted the Hunters Point Shipyard Redevelopment Plan (“**HPS Plan**”) on July 14, 1997 by Ordinance No. 285-97 and amended the HPS Plan on August 3, 2010 by Ordinance No. 211-10, on June 22, 2017 by Ordinance No. 122-17 and on July 16, 2018 by Ordinance No. 166-18; and,

WHEREAS, On May 23, 2006, the Board of Supervisors amended the Bayview Hunters Point Redevelopment Plan (“**BVHP Plan**”) by Ordinance No. 113-06, on August 3, 2010 by Ordinance No. 210-10, on June 22, 2017 by Ordinance No. 123-17 and on July 16, 2018 by Ordinance No. 167-18; and,

WHEREAS, On June 3, 2010, the Former Agency Commission took several actions approving (or recommending for approval) a unified development program for Zone 1 of the BVHP Project Area, also known as “**Candlestick Point**”, and for Phase 2 of the HPS Project Area, collectively referred to as the “**CP/HPS2 Project**”; and,

WHEREAS, Also on June 3, 2010, the Former Agency Commission by Resolution No. 58-2010 and the San Francisco City Planning Commission by Motion No. 18096, acting as co-lead agencies, prepared and certified the Final Environmental Impact Report for the Candlestick Point/Hunters Point Shipyard Phase 2 Project (“**FEIR**”) 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.*); and,

- WHEREAS, On the same date, the co-lead agencies adopted findings pursuant to the CEQA (“**CEQA Findings**”) including without limitation findings regarding the alternatives, mitigation measures and significant environmental effects analyzed in the FEIR, a statement of overriding considerations and a mitigation monitoring and reporting program (“**MMRP**”) for the CP/HPS2 Project by Agency Commission Resolution No. 59-2010 and Planning Commission Motion No. 18097 and took various approval actions related to the CP/HPS2 Project. On July 14, 2010, the Board of Supervisors affirmed the certification of the FEIR by Resolution No. 347-010 and adopted CEQA Findings. The CEQA Findings are incorporated into this Resolution by this reference; and,
- WHEREAS, Pursuant to California Health and Safety Code §§ 34170 *et seq.* (the “**Dissolution Law**”), the Former Agency was dissolved as of February 1, 2012; and,
- WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco (commonly known as the Office of Community Investment and Infrastructure, herein “**OCII**”) is completing the enforceable obligations of the Former Agency with regard to the BVHP and HPS Project Areas, including implementation of the CP/HPS2 Project, under the authority of the CRL as amended by the Dissolution Law, and under San Francisco Ordinance No. 215-12 (Oct. 4, 2012) (establishing the Successor Agency Commission (“**Commission**”) and delegating to it state authority under the Dissolution Law); and,
- WHEREAS, Subsequent to the certification of the FEIR, the Commission approved certain changes to the CP/HPS2 Project, on January 7, 2014 by Resolution No. 01-2014 and pursuant to Addendum No. 1 to the FEIR, on March 15, 2016 by Resolution No. 13-2016 and pursuant to Addendum No. 4 to the FEIR, and on April 17, 2018 by Resolution No. 11-2018 and supported by Addendum No. 5 to the FEIR. OCII staff prepared each addendum in consultation with the San Francisco Planning Department; and,
- WHEREAS, Addendum No. 1 addressed changes to the schedules for implementation of transportation system improvements in the Transportation Plan, including the Transit Operating Plan, the Infrastructure Plan and other public benefits; and minor proposed revisions in two adopted mitigation measures, TR-16 Widen Harney Way, and UT-2 Auxiliary Water Supply System; and,
- WHEREAS, Addendum No. 4 addressed changes to the approved Candlestick Point Design for Development, Schedule of Performance, the Candlestick Point Infrastructure Plan, the Candlestick Point Hunters Point Shipyard Phase 2 Transportation Plan, and proposed revisions to two adopted mitigation measures TR-16 Widen Harney Way, and TR-23.1 Maintain the Proposed Headways of the 29-Sunset. (Addenda Nos. 2 and 3 analyzed proposed changes to the CP/HPS2 Project that are no longer being pursued); and,

WHEREAS, Addendum No. 5 addressed a revised development program for Phase 2 of the HPS Plan Area, including amendments to the HPS Plan and BVHP Plan, a revised Hunters Point Shipyard Phase 2 Design for Development; a Third Amendment to the Disposition and Development Agreement (Candlestick Point and Phase 2 of the Hunters Point Shipyard) (the “**CP/HPS2 DDA**”), and conforming amendments to several of the plans included as attachments to the CP/HPS2 DDA; a Seventh Amendment to the Disposition and Development Agreement (Hunters Point Shipyard Phase 1), and proposed modification to Mitigation Measure TR-23.1, Maintain Proposed Headways of 4 the 29 Sunset, to ensure that transit travel times would be consistent with the FEIR, as well as revisions conforming or updating 16 previously adopted mitigation measures, including MM TR-16 (Widen Harney Way), MM UT-2 (Auxiliary Water Supply System), MM TR-17 (Transit Operating Plan), MM TR-VAR1 (Striping and turn lanes at Crisp and Palou Streets; Griffith Street Parking), MMNO-2a (Pre-construction Assessment to Minimize Pile Driving Impacts), MM CP-2a (Archaeological Resources at Candlestick Point), MM GE-5a (Geotechnical Investigation for Liquefaction, Lateral Spreading and/or Settlement), MM HY-6a.1 (Regulatory Stormwater Requirements), MM HY-12a.1 (Finished Grade Elevations Above Base Flood Elevation), MM HY-12a.2 (Shoreline Improvements for Future Sea-Level Rise), MM HY-14 (Shoreline Improvements to Reduce Flood Risk), MM BI-19b.1 (Maintenance Dredging Work Windows during Operation of the Marina), MM BI-20a.1 (Lighting for Bird-Safe Buildings), MM BI-20a.2 (Bird-Safe Building Design), MM RE-2 (Phasing of Parkland Construction), MM UT-2 (Auxiliary Water Supply System), and MM GC-2 (Greenhouse Gas Emissions); and,

WHEREAS, OCII now proposes to take actions facilitating modifications to the CP/HPS2 Project, collectively the “**2019 Actions**”, comprised of an amendment to the Candlestick Point Design for Development; an amendment to the currently approved Major Phase Application for Candlestick Point Major Phase One (which includes the transfer of R&D/office uses from HPS2 to Candlestick Center and the internal conversion of certain non-residential uses in Candlestick Center), conforming revisions to the Candlestick Point Infrastructure Plan and CP/HPS2 Transportation Plan, and revisions to the Phasing Plan and Schedule of Performance for Candlestick Point; and,

WHEREAS, OCII, in consultation with the Planning Department, has prepared Addendum No. 6 to the FEIR, dated October __, 2019. Addendum No. 6 evaluates the potential environmental effects of the 2019 Actions (referred to in Addendum No. 6 as the 2019 Modified Project Variant); and,

WHEREAS, Addendum No. 6 also recommends modifications to five adopted mitigation measures, MM TR-16 (Widen Harney Way), MM CP-2a (Archaeological Resources at Candlestick Point), MM CP-3a (Paleontological Resources Monitoring and Mitigation Program), MM GE-5a (Geotechnical Investigation for Liquefaction, Lateral Spreading and/or Settlement), and MM GC-2 (Greenhouse Gas Emissions), for the reasons set out in Addendum No. 6 and as explained in Exhibit 1 to this Resolution; and,

WHEREAS, Addendum No. 6 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. 6 is prepared in compliance with CEQA and reflects the independent judgment and analysis of OCII, and concludes that the 2019 Actions are within the scope of the CP/HPS2 Project analyzed in the FEIR (including the Project variants identified and analyzed therein) 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 FEIR for the reasons stated in Addendum No. 6; and,

WHEREAS, In making the necessary findings for the proposed 2019 Actions, OCII considered and reviewed the FEIR and prepared necessary documents in support of the Addendum No. 6, 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 FEIR, Addendum No. 6, the supporting documentation to Addendum No. 6, are on file with the Commission Secretary and incorporated in this Resolution by this reference; and,

WHEREAS, Based on the analysis in Addendum No. 6, OCII concludes that the analyses conducted and the conclusions reached in the FEIR on June 3, 2010 remain valid and the proposed 2019 Actions and associated amendments to the mitigation measures, will not cause new significant impacts not identified in the FEIR, 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. 6, no changes have occurred, with respect to either the CP/HPS2 Project itself or the circumstances surrounding the CP/HPS2 Project, that will require major revisions of the FEIR 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 CP/HPS2 Project will cause new or more severe significant environmental impacts. Therefore, no subsequent or supplemental environmental review is required under CEQA beyond Addendum No. 6 to approve the 2019 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), which the Commission finds to be in conformance with the requirements of CEQA Section 21099 and CEQA Guidelines 15064.3, and directs OCII staff to apply this threshold of significance and methodology in analyzing the 2019 Actions; and, be it further

RESOLVED, That the Commission has reviewed and considered the FEIR and CEQA Findings as modified by Addendum No. 1, No. 4 and No. 5 and related findings previously adopted by the Agency Commission and the Commission, including the statement of overriding considerations and mitigation monitoring and reporting program, Addendum No. 6, the findings as set forth in Addendum No. 6, the findings related to amendments to adopted mitigation measures set out in Exhibit 1 to this Resolution, and the supporting documentation in OCII's files related to Addendum No. 6. The Commission adopts the findings made in Addendum No. 6 as well as revised CEQA Findings set out in Exhibit 1 hereto as its own, and adopts the amendments to the five mitigation measures as proposed by Addendum No. 6 and identified in Exhibit 1; and, be it further

RESOLVED, That Commission finds and determines that the CP/HPS2 Project as modified by the 2019 Actions is within the scope of the CP/HPS2 Project analyzed in the FEIR (including the Project variants identified and analyzed therein, and as modified by the four subsequent Addenda) and require no further environmental review pursuant to CEQA and the CEQA Guidelines Section 15180, 15162, and 15163 for the following reasons:

- (1) implementation of the 2019 Actions does not require major revisions in said FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- (2) no substantial changes have occurred with respect to the circumstances under which the actions analyzed in said FEIR 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; and,
- (3) no new information of substantial importance to the actions analyzed in said FEIR has become available which would indicate that (A) the CP/HPS2 Project as modified by the 2019 Actions will have significant effects not discussed in the FEIR; (B) significant environmental effects will be substantially more severe; (C) mitigation measures or alternatives found not feasible, which would reduce one or more significant effects, have become feasible; or (D) mitigation measures or alternatives, which are considerably different from those in the FEIR, will substantially reduce one or more significant effects on the environment.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of October 15, 2019.



Commission Secretary

EXHIBIT 1: 2019 Modified Project Variant CEQA Findings and MMRP

EXHIBIT 1
Commission RESOLUTION NO. XX-2019
2019 MODIFIED PROJECT VARIANT CEQA FINDINGS

FINDINGS RELATED TO PROPOSED CHANGES TO CP-HPS2 MITIGATION MEASURES

October 15, 2019

MM TR-16: Widen Harney Way as shown in Figure 7A and 7B 5 in the Analysis of Transportation Effects included as Appendix C of Addendum 6.

Reason for Changes in Mitigation Measure: MM TR-16 has been changed to reflect change in circumstances surrounding the off-site segment of Harney Way, including necessary driveway access to Candlestick Park State Recreation Area and SFMTA's identification of an interim Bus Rapid Transit (BRT) route via Executive Park Boulevard to be used prior to the completion of the Geneva-Harney BRT, such that the 2019 Modified Project Variant proposes to revise the off-site design of Harney Way, turn pockets along both directions to accommodate the CPSRA driveway, a slight modification at the intersection of Executive Park Boulevard to accommodate bus turns to and from Harney Way. These changes would result in imperceptible changes to traffic volumes. They are reflected in the Transportation Study attached as Appendix C to Addendum 6.

MM TR-16: Widen Harney Way as shown in Figures 57A and 7B in the Analysis of Transportation Effects included as Appendix C of Addendum 6. The Project Applicant shall widen Harney Way as shown in Figures 57A and 7B in the Transportation Study with the modification to include a two-way cycle track, on the southern portion of the Project right-of-way. The portion between Arelious Walker Drive and Executive Park East (Phase 1-A) shall be widened to include a two-way cycle track and two-way BRT lanes, prior to issuance of an occupancy permit for Candlestick Sub-phase CP-02. The remaining portion, between Thomas Mellon Drive and Executive Park East (Phase 1-B), shall be widened prior to implementation of the planned BRT route which coincides with construction of ~~HP-04~~CP-07, as outlined in the transit improvement implementation schedule identified in Addendum 1, based on the alignment recommendations from an ongoing feasibility study conducted by the San Francisco County Transportation Authority.

Prior to the issuance of grading permits for CP Major Phases 2 and 3 the Project Applicant shall fund a study to evaluate traffic conditions on Harney Way and determine whether additional traffic associated with the next phase of development would result in the need to modify Harney Way to its ultimate configuration, as shown in Figures ~~67A~~ and 7B in the Transportation Study, unless this ultimate configuration has already been built. This study shall be conducted in collaboration with the SFMTA, which would be responsible for making final determinations regarding the ultimate

configuration. The ultimate configuration would be linked to intersection performance, and it would be required when study results indicate intersection LOS at one or more of the three signalized intersection on Harney Way at mid-LOS D (i.e., at an average delay per vehicle of more than 45 seconds per vehicle). If the study and SFMTA conclude that reconfiguration would be necessary to accommodate traffic demands associated with the next phase of development, the Project Applicant shall be responsible to fund and complete construction of the improvements prior to occupancy of the next phase.

MM CP-2a: Mitigation to Minimize Impacts to Archaeological Resources at Candlestick Point.

Reason for Changes in Mitigation Measure: MM CP-2a calls for an archaeological testing program guided by an approved archaeological testing plan that provides detailed analyses of archaeological sensitivity in the 2010 Project. An archaeological testing plan has been prepared and approved by the San Francisco Planning Department. The 2019 Modified Project Variant proposes additional activity within the footprint of the 2010 Project, in particular (a) the installation of a recycled water line to serve Candlestick Point leading from the proposed recycled water facility in Hunters Point Shipyard, and (b) several thousand narrow boreholes and associated conveyance piping as part of a proposed geothermal heating and cooling system. Therefore, changes to MM CP-2a require an addendum to the existing archaeological testing plan to account for potential archaeological resources within the excavation areas for the recycled water line and geothermal boreholes. These changes to MM CP-2a would ensure that any resources that constitute historic resources under CEQA would be appropriately treated.

MM CP-2a: Mitigation to Minimize Impacts to Archaeological Resources at Candlestick Point. Based on a reasonable presumption that archaeological resources may be present within the Project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the Project on buried or submerged historical resources.

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Archaeological Testing Program: The archaeological consultant shall prepare and submit to the ERO for review and approval an addendum to the approved HPS2 archaeological testing plan (ATP) and addenda to each of the approved CP ATPs, as necessary. The archaeological testing program shall be conducted in accordance with the approved ATP addendum. The ATP addendum shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by ground-disturbing components of the ~~2018 Modified Project Variant~~, including ground source geothermal heating and cooling system geothermal boreholes; the testing method to be used; and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

MM CP-3a: Paleontological Resources Monitoring and Mitigation Program.

Reason for Changes in Mitigation Measure: Similar to MM CP-2a, the Paleontological Resources Mitigation and Monitoring Program originally established for the 2010 Project would be modified by an approved addendum to account for potential paleontological resources within the excavation areas for geothermal boreholes within CP. These changes to MM CP-3a would ensure that any paleontological resources would be appropriately treated.

MM CP-3a: Paleontological Resources Monitoring and Mitigation Program. The Project Applicant shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement an addendum to the approved Paleontological Resources Monitoring and Mitigation Program (PRMMP). The PRMMP addendum shall include a description of when and where construction monitoring for ground source geothermal heating and cooling system geothermal boreholes would be required; emergency discovery procedures; sampling and data recovery procedures; procedures for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.

MM GE-5a Site-Specific Geotechnical Investigation with Analyses of Liquefaction, Lateral Spreading and/or Settlement.

Reason for Changes in Mitigation Measure: MM GE-5a requires site-specific geotechnical investigations for buildings in the Project, that identify engineering design techniques to reduce geologic hazards. MM GE-5a provides a non-exclusive list of techniques and methods generally accepted by California Certified Engineering Geologists. The 2019 Modified Project Variant proposes to include an additional method, surcharging with wick drains for pre-consolidation of compressible soils, in addition to other methods and techniques, all of which remain subject to DBI and GPRC review and approval.

MM GE-5a Site-Specific Geotechnical Investigation with Analyses of Liquefaction, Lateral Spreading and/or Settlement. Prior to issuance of building permits for the Project site:

- The Applicant shall submit to the San Francisco Department of Building Inspection (DBI) for review and approval a site-specific, design-level geotechnical investigation prepared by a California Certified Engineering Geologist (CEG) or California Registered Geotechnical Engineer (GE), as well as project plans prepared in compliance with the requirements of the San Francisco Building Code (SFBC), the Seismic Hazards Mapping Act, and requirements contained in CGS Special Publication 117A "Guidelines for Evaluating and Mitigating Seismic Hazards in California." In addition, all engineering practices, and analyses of structural design shall be consistent with SFBC standards to ensure seismic stability, including reduction of potential liquefaction hazards.

- DBI shall employ a third-party CEG and California Registered Professional Engineer (Civil) (PE) to form a Geotechnical Peer Review Committee (GPRC), consisting of DBI and these third-party reviewers. The GPRC shall review the site-specific geotechnical investigations and the site-specific structural, foundation, infrastructure, and other relevant plans to ensure that these plans incorporate all necessary geotechnical mitigation measures. No permits shall be issued by DBI until the GPRC has approved the geotechnical investigation and the Project plans, including the factual determinations and the proposed engineering designs and construction methods.
- All Project structural designs shall incorporate and conform to the requirements in the site-specific geotechnical investigations.
- The site-specific Project plans shall incorporate the mitigation measures contained in the approved site-specific geotechnical reports to reduce liquefaction hazards. The engineering design techniques to reduce liquefaction hazards shall include proven methods generally accepted by California Certified Engineering Geologists, subject to DBI and GPRC review and approval, including, but not necessarily limited to:

Structural Measures

- > Construction of deep foundations, which transfer loads to competent strata beneath the zone susceptible to liquefaction, for critical utilities and shallow foundations
- > Structural mat foundations to distribute concentrated load to prevent damage to structures

Ground Improvement Measures

- > Additional over-excavation and replacement of unstable soil with engineering-compacted fill
- > Surcharging with wick drains to preconsolidate compressible soils
- > Dynamic compaction, such as deep dynamic compaction (DDC) or rapid impact compaction (RIC), to densify loose soils below the groundwater table
- > Vibro-compaction, sometimes referred to as vibro-floatation, to densify loose soils below the groundwater table
- > Stone columns to provide pore pressure dissipation pathways for soil, compact loose soil between columns, and provide additional bearing support beneath foundations
- > Soil-cement columns to densify loose soils and provide additional bearing support beneath foundations

- > Deep displacement grout columns to densify loose soil and provide additional bearing support beneath foundations
- > The Project CEG or GE shall be responsible for ensuring compliance with these requirements

MM GC-2 (Greenhouse Gas Emissions Reduction)

Reason for Changes in Mitigation Measure: New 2019 Title 24 standards further improve energy efficiency and the 2019 Modified Project Variant would be subject to these standards. Therefore, MM GC-2 is being updated to comply with current energy efficiency standards.

MM GC-2: Comply with the ~~2016~~ current Standards for Title 24 Part 6 energy-efficiency standards for homes and businesses.