Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Candlestick Point-Hunters Point Shipyard Phase II Project.

WHEREAS, The San Francisco Redevelopment Agency ("Agency") together with CP Development Company LP (the "Project Sponsors") are proposing to assemble and redevelop approximately 702 acres of property in the southeast portion of the City and County of San Francisco with (a) 10,500 residential units, approximately 32 percent of which (3,345) will be offered at below market rates, (b) approximately 327 to 336 acres of new and improved public parks and open space, (c) 885,000 square feet of regional and neighborhood-serving retail space, (d) 255,000 square feet of new and renovated studio space for Shipyard artists, including an arts education center within a new "Arts District" supporting the vibrant artist community, (e) 2,650,000 square feet of commercial, light industrial, research and development and office space, including space for the United Nations Global Compact Center, (f) 100,000 square feet of community uses, (g) new public and community facilities on the Shipyard and Candlestick Point, (h) improved land and supporting infrastructure for a new football stadium for the San Francisco 49ers, including necessary parking areas and transportation improvements, with alternative uses that either shift some residential uses from Candlestick Point to the Shipyard and expand by up to 500,000 square feet commercial uses on some of the areas of the Shipyard currently reserved for stadium uses or expand research and development uses by 2,500,000 square feet on the Shipyard if the 49ers do not avail themselves of the opportunity to build a new stadium on the Shipyard, (i) a 10,000 seat arena on Candlestick Point, (j) a hotel, (k) a 300 slip Marina, and (l) a bicycle and pedestrian bridge
over Yosemite Slough that can be used for game day automobile travel in the event the stadium is constructed (the "Project"); and

WHEREAS, The private Project Sponsor applied for environmental review on August 27, 2007 (City Planning File No. 2007.0946E); and

WHEREAS, The Planning Department for the City and County of San Francisco (the "Department") and the Agency, as co-lead agencies determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on September 1, 2007; and

WHEREAS, On September 17, 2007 and September 25, 2007, the Agency and Department held public scoping meetings in order to receive public input regarding the proposed scope of the EIR analysis; and

WHEREAS, On November 10, 11, and 12, 2009, the Department and Agency published notices of the availability of the Draft Environmental Impact Report ("DEIR") for the Project and filed a Notice of Completion of the DEIR with the State Clearinghouse on November 12, 2009; and

WHEREAS, On December 15, 2009, and January 5, 2010, the Agency Commission and on December 17, 2009, the Planning Commission held duly noticed public hearings on the DEIR, at which time opportunity for public comment was received on the DEIR, and written comments were received through January 12, 2010; and

WHEREAS, The Department and Agency prepared responses to comments received at the public hearings on the DEIR and submitted in writing to the Department or the Agency, prepared revisions to the text of the DEIR and published a Draft Summary of Comments and Responses on May 13, 2010; and

WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was prepared by the Department and Agency, consisting of the DEIR, any consultations and
comments received during the review process, any additional information that became
available and the Draft Summary of Comments and Responses, all as required by law; and

WHEREAS, On June 3, 2010, the Agency Commission and the Planning Commission
at a joint hearing reviewed and considered the FEIR and, by Resolution No. 58-2010 and
Motion No. 18096, the Agency Commission and Planning Commission, respectively, found
that the contents of said report and the procedures through which the FEIR was prepared,
publicized and reviewed complied with the provisions of the California Environmental Quality
Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco
Administrative Code; and

WHEREAS, By Resolution No. 58-2010 and Motion No. 18096, the Agency
Commission and Planning Commission, respectively, found the FEIR to be adequate,
accurate and objective, reflected the independent judgment and analysis of the Agency
Commission and Planning Commission and that the Summary of Comments and Responses
contained no significant revisions to the DEIR; the Agency Commission and Planning
Commission adopted findings relating to significant impacts associated with the Project and
certified the completion of the FEIR in compliance with CEQA and the State CEQA
Guidelines; and

WHEREAS, On June 3, 2010, the Planning Commission and Agency Commission took
various actions to approve the Project; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 21, 2010, the
Sierra Club, San Francisco Bay Chapter; the California Native Plant Society, Yerba Buena
Chapter; the Golden Gate Audubon Society and San Francisco Tomorrow ("Appellant Sierra
Club"), filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board
of Supervisors received on or around June 21, 2010; and
WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 21, 2010, People Organized to Win Employment Rights ("Appellant POWER"), filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 21, 2010; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 22, 2010, James Birkeland, on behalf of the California State Parks Foundation ("Appellant CSPF") filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 22, 2010; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 23, 2010, Stephan C. Volker, on behalf of CAilifornians for Renewable Energy ("Appellant CARE") filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 23, 2010; and

WHEREAS, On July 13, 2010, this Board held a duly noticed public hearing to consider the appeal of the FEIR certification filed by Appellant Sierra Club, Appellant POWER, Appellant CSPF and Appellant CARE (collectively, "Appellants"); and

WHEREAS, This Board has reviewed and considered the FEIR, the appeal letters, the responses to concerns document that the Planning Department prepared, the other written records before the Board of Supervisors, and heard testimony and received public comment regarding the adequacy of the FEIR; and

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before this Board by reference in this motion; now, therefore, be it

MOVED, That this Board of Supervisors hereby affirms the decision of the Planning Commission in its Motion No. 18096 to certify the FEIR and finds the FEIR to be complete,
adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA and the State CEQA Guidelines.
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Candlestick Point - Hunters Point Shipyard Phase II Project.

July 13, 2010 Board of Supervisors - APPROVED
Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell and Mirkarimi
Noes: 3 - Avalos, Daly and Mar

File No. 100862

I hereby certify that the foregoing Motion was APPROVED on 7/13/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board