

1 [CEQA Findings]

2 ADOPTING A RESOLUTION ADOPTING AND INCORPORATING BY REFERENCE THE MISSION BAY
3 FINDINGS APPROVED BY THE CITY PLANNING COMMISSION BY ITS RESOLUTION NO. 12040
4 AND THE FINDINGS APPROVED BY THE PORT COMMISSION BY ITS RESOLUTION NO. 90-99,
5 AND ADOPTING FURTHER FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY
6 ACT, INCLUDING A FINDING OF THE OVERRIDING BENEFITS OF THE MISSION BAY PROJECT.

7 WHEREAS, on September 27, 1990 the City Planning Commission, by Resolution
8 12040 adopted amendments to the San Francisco Master Plan by amending the
9 Central Waterfront Plan and adopting the Mission Bay Plan; and

10 WHEREAS, On September 27, 1990 the Planning Commission, by Resolution
11 12041 adopted the Mission Bay Development Agreement and amendments to the City
12 Planning Code and Zoning Map; and

13 WHEREAS, the Planning Commission by Resolution No. 12040 adopted the
14 Mission Bay Findings (Findings) dated September 7, 1990, as amended September
15 13, and September 20, 1990, pursuant to the California Environmental Quality
16 Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the CEQA
17 Guidelines (California Administrative Code, Title 14), including the Mission
18 Bay Mitigation Monitoring Program attached thereto as Exhibit A and a
19 recitation of the full text of the Mission Bay EIR mitigation measures
20 attached thereto as Exhibit B, which Findings were incorporated by reference
21 in Planning Commission Resolution 12040; and

22 WHEREAS, the Port Commission by Resolution No. 90-99 approved the
23 Development Agreement and adopted findings pursuant to CEQA and the State CEQA
24 Guidelines, dated October 10, 1990; and

25 WHEREAS, the Board of Supervisors (Board) has conducted workshops and
26 public hearings on the Mission Bay Development Agreement Ordinance and the
27 Ordinance amending the City Planning Code and Zoning Map on October 4, 18, 25,
28 November 1, December 6, and December 12, 1990, and has had available for its
29 review the Planning Department's Mission Bay Environmental Impact Report files
30

1 and other Mission Bay-related City Department files, and these files are part
2 of the record before this Board; and

3 WHEREAS, the Board adopted Resolution No. 57-91 declaring it had
4 reviewed and considered the contents of the Final Mission Bay EIR; and

5 WHEREAS, on December 12, 1990 the Board held a public hearing on this
6 Resolution No. 57-91 to consider adoption of 1) the Findings as adopted by the
7 Planning Commission by its Resolution 12040; 2) the Port Commission's findings
8 as set forth in the Port Commission Resolution No. 90-99; and 3) further
9 findings of this Board as to matters within its jurisdiction;

10 NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors hereby adopts the
11 Findings adopted by the Planning Commission by its Resolution No. 12040,
12 including the Mission Bay Monitoring Program attached thereto as Exhibit A, and
13 the findings of the Port Commission as set forth in its Resolution No. 90-99,
14 both attached hereto as Exhibits 1 and 2, respectively, and incorporated
15 herein by reference as if fully set forth herein, as further modified by the
16 following Findings with respect to those mitigation measures (identified below
17 by the Code number assigned in the Final Mission Bay EIR, and as set forth in
18 Exhibit B to the Findings), which are beyond the jurisdiction of the Planning
19 Commission and the Port Commission:

20 D.11 The Board concurs with the recommendations of the City Planning
21 Commission as described in the Planning Commission's Findings,
22 regarding reserving a single site for future development as an
23 elementary or middle school in Mission Bay. The Board requests the
24 Clerk of the Board (Clerk) to send a letter to the San Francisco
25 Unified School District recommending implementation of this measure
26 as modified.

27 D.12 The Board requests the Clerk to send a letter to the San Francisco
28 Unified School District recommending implementation of this measure
29 regarding reopening unused or leased schools for public school use,
30 or expanding existing schools currently in operation.

- 1 D.17 The Board concurs with the recommendations of the City Planning
2 Commission as described in the Planning Commission's Findings. The
3 Board requests the Clerk to send a letter, urging the Mayor to urge
4 the Department of Public Health to monitor demand for public health
5 services to determine when additional facilities will be needed.
- 6 D.18 There is no need to establish implementation procedures for this
7 measure which requires posting warning signs near China Basin Channel
8 following sewage overflows, as it is already required by law and is
9 among the designated responsibilities of the Clean Water Program and
10 Department of Public Health.
- 11 E.3a,
- 12 E.3b The Board concurs with the recommendations of the City Planning
13 Commission as described in the Planning Commission's Findings, and
14 requests the Clerk to send a letter to the Parking and Traffic
15 Department recommending that these two measures, calling for
16 restriping Mariposa Street and traffic signal installations at
17 certain intersections, be included as conditions of city approval of
18 the Master Tentative Map for the Mission Bay Project Area.
- 19 E.10a The Board concurs with the recommendations of the City Planning
20 Commission as described in the Planning Commission's Findings, and
21 requests the Clerk to send a letter to the San Francisco Public
22 Utilities Commission (PUC) regarding the monitoring of traffic
23 impacts on transit operations before determining the necessity of
24 instituting contra-flow lanes for MUNI buses.
- 25 E.10d The Board concurs with the recommendations of the City Planning
26 Commission as described in the Planning Commission's Findings, and
27 requests the Clerk to send a letter to the Parking and Traffic
28 Department recommending this measure, calling for "Don't Block the
29 Box" intersection markings at certain intersections, to be included
30 as a condition of city approval of the Master Tentative Map for the

Mission Bay Project Area.

E.11 The Board concurs with the recommendation of the City Planning Commission as described in the Commission's Findings, and requests the Clerk to send a letter to the PUC supporting service improvements as necessary in order to maintain acceptable passenger loading standards, rather than prescribing specific future service increases for individual transit lines at this time.

E.15 The Board requests the Clerk to send a letter to the Parking and Traffic Department recommending implementation of this measure, which identifies various approaches for mitigating overflow parking impacts.

E.19 The Board requests the Clerk to send a letter to the Parking and Traffic Department recommending investigation of the feasibility of establishing HOV lanes on local streets accessing the Golden Gate Bridge, and coordination with other city and regional transportation service agencies as described, and Caltrans.

E.26 The Board's action as to implementation of this measure regarding transit service increases is the same as described above for Measure E.11.

E.27 The Board supports this measure in concept, which is to pursue the provision of coordinated regional transit passes to enhance transit use, and requests its representative to the Metropolitan Transportation Commission (MTC) to participate in its implementation.

E.28 This measure, which proposes an increase in the State gas tax, for purposes of funding transportation improvements, was approved by the California electorate in June 1990 and therefore already has been implemented.

Measures E.29 through E.39 below address transportation mitigation measures for consideration or implementation in year 2020. Given the long period of time established by that horizon and the increased potential for unforeseen circumstances during that time, the intent of these measures is

1 not to specifically prescribe a single approach for mitigating the
2 projected impact; it is acknowledged that other approaches than stated in
3 the measure may be equally effective, and that there should be flexibility
4 to adopt such different options.

5 E.29b The substance of this mitigation measure is addressed above in
6 Measures E.26, E.27, and E.28. In addition, Measure E.38 regarding
7 extension of the Peninsula Commute Service to downtown San Francisco,
8 discussed below, would implement Measure 29b.

9 E.32 The Board's action as to implementation of this measure regarding
10 transit service increases is the same as described above for Measure
11 E.11.

12 E.33a-d This measure addresses various options for maintaining rail freight
13 service to Mission Bay and other (primarily Port) activities to the
14 south. On October 10, 1990, the Port Commission adopted Findings,
15 attached hereto as Exhibit 2, which include a discussion of the most
16 viable option for the short-term future, as well as the improvements
17 that would best meet the Port's long-range rail service need. The
18 Board concurs with those findings of the Port Commission.

19 E.34a The Board supports this long-range measure (proposed for year 2020)
20 in concept, which is to increase off-peak local and regional transit
21 service to San Francisco, and extend regional transit service into
22 Mission Bay (e.g. Samtrans, Golden Gate Transit). The Board requests
23 its representative to MTC to participate in efforts towards
24 implementation of this measure.

25 E.37,

26 E.38 These measures address the need for extending transit service from
27 San Francisco to the Peninsula. Measure E.37 proposes the extension
28 of the Peninsula Commute Service (PCS) to downtown San Francisco;
29 Measure 38 proposes a BART extension into Santa Clara County in lieu
30 of the PCS extension. The Board has supported the PCS extension and

1 requests its representative to the Peninsula Joint Powers Board
2 (JPB), which oversees the PCS planning, to support that effort as
3 long as it is determined to be feasible. The Board believes other
4 options for Peninsula transit service may be considered; however, it
5 declines to recommend other measures, unless it is determined the PCS
6 extension is infeasible.

7 E.39 The Board concurs with the recommendation of the City Planning
8 Commission as described in the Planning Commission's Findings, and
9 requests the Clerk to send a letter to the PUC supporting service
10 improvements as necessary in order to maintain acceptable passenger
11 loading standards, rather than prescribing specific future service
12 increases for individual transit lines at this time, and expressing
13 support for study of MUNI Metro extensions to Geary Boulevard and
14 South Bayshore. Further, with regard to studying the feasibility of
15 those Metro extensions in the long-range future, the Board requests
16 the Transportation Commission to consider this measure.

17 F.2 The Board requests the Clerk to send a letter to the Department of
18 Public Works (DPW) to request examination of the need for this
19 measure, which is to provide street-cleaning service during Mission
20 Bay construction for the purposes of reducing dust emissions that
21 cause potential health hazards for certain population groups. If
22 such need is justified, the Board requests DPW to determine whether
23 additional staffing or resources would be required for its
24 implementation. If required, provision of additional resources may
25 be negotiated with the Project Sponsor and Bay Area Air Quality
26 District, and this measure may be included as a condition of approval
27 of the Master Tentative Map for the Mission Bay Project Area.

28 6.3 Unless otherwise advised by the PUC, the Board rejects this measure
29 recommending electrification of all MUNI routes serving Mission Bay
30 to reduce noise impacts. Except for the 15-THIRD, all the bus routes

1 planned to serve Mission Bay already are electrically-powered; the
2 Board declines to recommend electrification of the 15-THIRD, absent a
3 PUC recommendation, given the length and range of that route and thus
4 the associated high expense that would be posed by its conversion.
5 H.2a-n The Board endorses this measure which outlines the energy
6 conservation program for Mission Bay, as modified in the Findings
7 adopted by the Planning Commission. Accordingly, the Board requests
8 the Clerk to send a letter to the PUC advising it of the Board's
9 action, and recommending that it take appropriate action in
10 accordance with the Findings.
11 K.10 The Board concurs with the City Planning Commission's recommendation
12 of this measure, as described in the Planning Commission's
13 Findings, which supports the concept of conducting studies to test
14 the performance during seismic events of exterior cladding and
15 glazing materials for buildings. The Board requests the Clerk to
16 send a letter to DPW requesting it to report back if such studies are
17 carried out (whether by DPW or other parties independent of the
18 City), with recommendations as to whether the San Francisco Building
19 Code should be amended to incorporate new provisions regarding such
20 exterior building materials.
21 K.24 The Board concurs with the City Planning Commission's recommendation
22 of this measure, as described in the Planning Commission's Findings,
23 which addresses standards for proper design and maintenance of
24 storage facilities for hazardous materials. Storage of hazardous
25 materials is already regulated by City Ordinance #443-86. The Board
26 requests the Clerk to send a letter urging the Mayor to request the
27 Department of Public Health to report back to the Board as to the
28 appropriate staffing, funding and funding sources necessary to
29 properly implement the ordinance.
30 L.7 The Board requests the Clerk to send letters to the Department of

1 Public Health, Recreation and Parks Department and DPW to implement
2 this measure, which addresses reducing the potential for contaminated
3 runoff from streets in Mission Bay.

4 L.13 This measure calls for installation of corrosion-resistant
5 underground pipes and storage tanks to minimize leaks that could
6 negatively impact groundwater quality. The Board directs the Clerk
7 to send a letter to DPW recommending implementation of this measure
8 insofar as that agency will be responsible for the construction
9 and/or maintenance of public infrastructure and utilities (which
10 involve underground pipes) in Mission Bay. Installation
11 specifications for underground tanks is under the jurisdiction of the
12 Department of Public Health, which already implements comprehensive
13 State-mandated regulations. As those regulations already establish
14 tank construction, containment and monitoring standards to minimize
15 the release of hazardous materials, the Board rejects the imposition
16 of this mitigation measure as it relates to underground storage tanks.

17 There are 18 additional mitigation measures that are in the jurisdiction
18 of non-city agencies, or are jointly responsible with a city agency for
19 their implementation. Discussion of, or any recommendations pertaining to
20 those measures are included in the Planning Commission's Findings (Article
21 IV, Section 4), with which the Board concurs. The Board requests the
22 Clerk send letters to communicate those concerns to the agencies involved
23 in the implementation of those measures; and

24 BE IT FURTHER RESOLVED, the Board of Supervisors hereby finds that after
25 balancing the unmitigated adverse effects on the environment and the benefits
26 of the Project, as identified in the Planning Commission's Findings and as
27 further presented in testimony before this Board, the Board concludes that the
28 benefits of the Project outweigh the unavoidable and unmitigated significant
29 adverse effects on the environment.
30

Mission Bay Master Plan
File No. 86.505M
September 27, 1990

**SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO. 12040**

WHEREAS, Mission Bay is generally bounded by Third Street, Berry Street, Fourth Street, the China Basin Channel, China Basin Street, Mariposa Street, Pennsylvania Street, Seventh Street, and Townsend Street; Assessor's Blocks 3795-3798, 3804-3806, 3809, 3810, 3813, 3819, 3822, 3832, 3835, 3837-3841, 3849-3853, 3880, 3892, 3942, and 3944; Lot 2 in Block 3940; portion of Block 3941 westerly of China Basin Street; Lot 6 in Block 3943; Lot 1 in Block 3948; and portion of Block 9900 along China Basin Street; and

WHEREAS, Mission Bay is an underutilized and relatively undeveloped industrial area, formerly railroad yards, with about 100 primarily industrial uses within its approximately 313 acres; and

WHEREAS, The Department of City Planning (hereinafter "Department") has been undertaking a planning and environmental review process for Mission Bay since 1985, during which time the Department has studied the planning and environmental implications of a Mission Bay plan and development agreement, and amendments to the Master Plan, Central Waterfront Plan, City Planning Code and Zoning Map with respect to Mission Bay, and between 1985 and 1989 released for public review a Background and Preliminary Findings Report (November 1985), Objectives and Policies - Proposal for Citizen Review (December 1985), Choices for Mission Bay - Planning Considerations (June 1986), Objectives and Policies - Revised Draft (September 1986), 21 Special Studies (September 1986), the Mission Bay Plan - Proposal for Citizen Review (January 1987), a Draft Environmental Impact Report (EIR) (August 12, 1988), a Supplemental EIR (March 17, 1989) and a variety of other documents, and conducted numerous public forums, workshops and small group meetings, and provided for appropriate public hearings before the City Planning Commission; and

WHEREAS, Santa Fe Pacific Realty Corporation (Catellus Development Corporation's former business name until June 1, 1990) submitted its application for Environmental Review on September 22, 1986, under case file no. 86.505E; and

WHEREAS, The City amended the San Francisco Administrative Code by adding Chapter 56 thereto on August 1, 1988, to permit execution of development agreements between the City and developers for large multi-phase and mixed use development projects such as the Mission Bay project; and

WHEREAS, Catellus Development Corporation, ("Catellus") the applicant and developer, filed its Development Agreement Application for the Mission Bay project (case file no. 86.505) with the Department on May 1, 1989, pursuant to state law and Chapter 56 of the San Francisco Administrative Code; and

WHEREAS, On January 31, 1990, the Department released for public review proposed plans and programs, including the Mission Bay Plan - Proposal for Adoption Chapters 1, 2 and 3 as a proposed addition to the Master Plan and the Central Waterfront Plan, a Summary - Mission Bay Proposal, and a Fiscal and Financial Evaluation of the Mission Bay Project; and

WHEREAS, On March 23, 1990, the Department released for public review proposed plans and programs, including the Housing Proposal for Mission Bay, the Affirmative Action and Economic Development Plan for the Mission Bay Project, Mission Bay Child Care Facilities Plan, Mission Bay Cultural Center, Synopsis of Hazardous Materials Investigation and Remediation Program, Energy Plan for Mission Bay, Recommended Water Conservation Measures to the Extent Feasible, Mission Bay Emergency Response Plan and Mission Bay Business Relocation Assistance Plan; and

WHEREAS, On June 1, 1990, the Department released for public review Environmental Impact Report (EIR) Volume Four, Draft Summary of Comments and Responses, which provides a summary of written and oral comments received during the public comment period (Draft EIR - August 12 to November 21, 1988; Supplemental EIR - March 17 to May 5, 1989) and public hearings (Draft EIR - September 22, October 6, October 27 and November 10, 1988; Supplemental EIR - April 20, 1989), and responses to those comments; and

WHEREAS, On June 29, 1990, the Department released for public review the Mission Bay Plan Chapter 4 - Implementation, with implementation measures, and proposed amendments to the Central Waterfront Plan, a part of the Master Plan, and the Residence, Commerce and Industry, Transportation, and Urban Design Elements of the Master Plan, to reflect provisions of the Mission Bay Plan; and

WHEREAS, On June 29, 1990, the Department released for public review City Planning Code amendments to add an Article 9, and amendments to the Zoning Map (Use Districts and Height & Bulk Districts), to provide appropriate zoning within the Mission Bay area for the Mission Bay Plan; and

WHEREAS, The Department on August 6, August 16, August 20, August 21, and August 23, 1990 subsequently proposed further amendments to the Master Plan (including the Recreation and Open Space, and the Community Facilities Elements), City Planning Code (including Sections 102, 201 and 202) and Zoning Map; and

WHEREAS, The City and Catellus negotiated the terms of a proposed development agreement, and on June 29, 1990, the City released for public review a proposed Development Agreement By and Between the City and County of San Francisco and Catellus Development Corporation Relative to the Development of Property in the Mission Bay Planning Area, with Exhibits; and

WHEREAS, The Mission Bay Plan has evolved over time, beginning with an early proposal by the Southern Pacific Company, a Catellus predecessor, in 1981 which included about ten million square feet of commercial space up to 25 stories in height, two hotels totaling 2,100 rooms, up to 9,000 housing units at 160 units per acre, and ten acres of open space in Mission Bay, which proposal was revised in 1983 to provide for 22 million square feet of commercial and industrial space up to 42 stories in height, a 500-room hotel, 7,000 housing units at 140 units per acre, and 40 acres of open space; and

WHEREAS, In 1987, the Department's Mission Bay Plan - Proposal for Citizen Review included about seven million square feet of commercial and industrial space up to eight stories in height, a 500-room hotel, 7,700 housing units (2,300 affordable, averaging \$125,000), and 70 acres of open space; and

WHEREAS, In January 1990, the Mission Bay development proposal included 8,000 housing units (3,000 affordable, averaging \$98,000), 4.8 million square feet of office, 900,000 square feet of commercial/light industrial, 735,000 square feet of retail, a 500-room, 400,000 square foot hotel, fire and police stations, recreation and cultural centers, a school site, a Public Utilities Commission MUNI Metro storage, maintenance and administrative facility, a public facilities site, and about 69 acres of publicly-accessible open space and parks; and

WHEREAS, In August 1990, the development proposal was modified to provide for, among other things, up to 8,270 housing units (3,000 affordable, averaging about \$80,000) on-site, and for a contribution by Catellus to the acquisition and/or rehabilitation of an additional 250 very low income affordable housing units off-site, and up to 750,000 square feet of retail; and

WHEREAS, The amendments to the Master Plan would add the Mission Bay Plan, a Specific Plan within the meaning of Government Code §65450 *et seq.* for the Project area, including (a) objectives, policies and associated text, (b) a description of the program, character, and specific land uses including design guidelines, (c) implementation measures, and (d) transportation management, energy conservation, water conservation, business relocation and emergency response plans; and

WHEREAS, The amendments to the Master Plan would amend the Central Waterfront Plan by (a) incorporating the Mission Bay Plan and its area into the Central Waterfront Plan by replacing the China Basin area, with the Mission Bay Plan and incorporating into the Central Waterfront Plan the two blocks between Third and Fourth Streets at King Street, (b) modifying the Central Basin area to exclude those portions within the Mission Bay area and amend maritime policies related to maritime activities, and deleting a policy concerning massing of development heights into a hill-like shape, (c)

modifying the land use, industry, maritime, commerce, residence, transportation, recreation and open space, and urban design policies to apply to the Showplace Square, North Potrero, Central Basin, Islais Creek and Lower Potrero areas, and (d) incorporating new information that has become available in the decade since the original adoption of the Central Waterfront Plan; and

WHEREAS, The amendments to the Master Plan would also amend (a) maps in the Master Plan Elements to reflect the new land use policies embodied in the Mission Bay Plan and incorporate aspects of the Mission Bay Plan, as appropriate, in the Residence, Commerce and Industry, Transportation, Urban Design, Recreation and Open Space, and Community Facilities Elements, and (b) policies in the Commerce and Industry Element concerning displacement of industrial firms; and

WHEREAS, The City Planning Commission (the "Commission") held workshops and duly noticed public hearings on March 29, April 12, May 3, May 24, June 4, June 18, June 28, July 5, July 16, July 19, July 26, July 30, August 2, August 6, August 9, August 13, August 16, August 20, August 21, and August 23, 1990, totaling over 70 hours during this period, to consider these matters; and

WHEREAS, The Mission Bay project would provide important City-wide public benefits (many of a scope which exceeds those required by existing ordinances and regulations) including but not limited to a major waterfront park system, an affordable housing plan, an affirmative action and economic development plan, a cultural center and other community facilities, child care fees and facilities, a school site and fees, and a comprehensive hazardous materials investigation and remediation plan; and

WHEREAS, The Director of Planning (the "Director") on August 13, 16, 20, 21, and 23, 1990, recommended modifications to the proposed Development Agreement and Mission Bay Plan, and related amendments to the Master Plan, City Planning Code and Zoning Map; and

WHEREAS, A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, the Supplement to the Draft EIR, comments received during the review periods, any additional information that became available, and the Draft Summary of Comments and Responses, as required by law; and

WHEREAS, The Mission Bay Environmental Impact Report files and other Mission Bay related Department files have been made available for review by the Commission and the public, and these files are part of the record before the Commission; and

WHEREAS, On August 23, 1990, the City Planning Commission reviewed and considered the Final Environmental Impact Report, and by Motion No. 12006, found that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, On August 23, 1990, by Motion No. 12006, the Commission found that the Final Environmental Impact Report was adequate, accurate and objective, and that the Summary of Comments and Responses and its subsequent memoranda contained no significant revisions to the Draft and Supplemental Environmental Impact Reports, and certified the completion of the Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines; and

WHEREAS, On August 23, 1990, by Motion No. 12006, the Commission adopted findings of significant environmental impacts associated with Variant 12 of Alternative A (which most closely resembles the Mission Bay Project as defined in Attachment A hereto (the "Project"), now proposed for adoption), which could not be mitigated to a level of insignificance, which findings are modified as provided in Article V of the Mission Bay Findings, dated September 7, 1990, as amended on September 13 and 20, 1990, attached hereto as Attachment A, and incorporated herein by reference; and

WHEREAS, On August 23, 1990, the Commission closed the public hearing, and in response to the extensive public testimony received at the Commission workshops and public hearings, and to address concerns identified by the Commission, the Commission adopted Resolution No. 12008 directing the Department to modify the proposed Mission Bay Plan and related amendments to the Central Waterfront Plan and Elements of the Master Plan ("Master Plan Amendments"), the proposed Development Agreement, and the City Planning Code and Zoning Map amendments (together with the Master Plan Amendments and the Mission Bay Plan hereinafter referred to as the "Mission Bay Documents"), in consultation with the City Attorney's Office, and to prepare other documents, as appropriate, to incorporate amendments in 47 specific areas as identified in that resolution and, where appropriate, to incorporate other amendments considered desirable to clarify language or provide for conformity between documents, and to prepare materials for the Commission's consideration on September 13, 1990; and

WHEREAS, The Commission in its Resolution No. 12008 on August 23, 1990 stated that if appropriate modifications were incorporated into the Mission Bay Documents to the Commission's satisfaction, so that the Project, as so modified, would provide important public benefits to the City, then the Commission intended to approve the Mission Bay Plan, the Master Plan Amendments, and to approve and recommend approval of the proposed Development Agreement and City Planning Code and Zoning Map amendments to the Board of Supervisors; and

WHEREAS, Appropriate modifications were made to the Mission Bay Documents, and, upon determining that the proposed Master Plan Amendments did not require further revisions, the revised Mission Bay Plan and other revised Mission Bay Documents were made available on September 7, 1990 and on September 13, 1990, to the public and to the Commission for the Commission's review, consideration and action; and

WHEREAS, The Commission on September 13, 1990 considered these and further modifications, heard public testimony, and continued these matters to September 20, 1990; and

WHEREAS, The proposed modifications were further revised by the Department, and such further modifications were presented to the Commission and made available to the public on September 20, 1990, for the Commission's review, consideration and action; and

WHEREAS, The Commission on September 20, 1990 considered all modifications presented to the Commission, heard public testimony, directed the preparation of further modifications, and continued these matters to September 27, 1990 at 11:00 am.; and

WHEREAS, The Department prepared proposed modifications to the Master Plan as published on September 7, 1990 and presented the Mission Bay Master Plan to the public and the Commission on September 27, 1990; and

WHEREAS, The Commission hereby finds that the modifications to the Mission Bay Plan and other Mission Bay Documents responded to the Commission's directive and reflected its intent in adopting Resolution No. 12008 and are necessary, desirable, and appropriate; and

WHEREAS, Based on the Commission's review of the Mission Bay Final Environmental Impact Report (the "FEIR") and the Memoranda to the Commission from the Environmental Review Officer (dated August 2, 6, 20, and 23, 1990) and the memoranda to the Mission Bay EIR file (dated September 6 and 13, 1990), the Commission hereby finds that: (1) modifications incorporated into the Project will not require important revisions to the FEIR, and do not involve new significant environmental impacts, (2) no substantial changes have occurred with respect to the circumstances under which the Project is undertaken which would require important revisions to the FEIR due to involvement of new significant environmental impacts, and (3) no new information of substantial importance to the Project has become available which would indicate the need for subsequent analysis of the environmental impacts, alternatives or mitigation measures; and

WHEREAS, The Department has prepared proposed Mission Bay Findings, as required by CEQA, regarding the alternatives and variants, mitigation measures and significant environmental impacts analyzed in the FEIR, overriding considerations for approving the Project, and a proposed mitigation monitoring program, which material was

made available on September 7, 1990, to the public and to the Commission for the Commission's review, consideration and action; and

WHEREAS, The proposed Mission Bay Findings were amended by the Department, and such amendments were presented to the Commission and made available to the public on September 13 and 20, 1990, for the Commission's review, consideration and action; and

WHEREAS, The Commission has reviewed and considered the Mission Bay Findings, and based on the Mission Bay Findings the Commission will amend the proposed Development Agreement to incorporate the mitigation measures as Special Conditions, to be set forth in Exhibit A-5 of the Development Agreement; and

WHEREAS, The Commission hereby finds that all significant environmental effects associated with the Project, as described in the Mission Bay Findings and the FEIR, have been fully and adequately analyzed in the material before the Commission, and no additional information is required to make an informed decision regarding the environmental impacts of the Project and the appropriate mitigation measures; and

WHEREAS, The Commission has reviewed the proposed amendments to the Master Plan Amendments and finds that the Mission Bay Plan is consistent with the Master Plan Amendments, as amended herein, and finds that the Master Plan, as so amended, is internally consistent; and

WHEREAS, The proposed Mission Bay Plan and the Master Plan Amendments are, on balance, consistent with the Eight Priority Policies of City Planning Code Section 101.1, based upon the Mission Bay Project's:

- (1) providing substantial new neighborhood-serving retail uses, thereby enhancing opportunities for resident employment in and ownership of such businesses;
- (2) protecting existing housing and neighborhood character by providing new housing and job opportunities in an underutilized area, and reducing development pressures on existing neighborhoods;
- (3) increasing the City's supply of affordable housing by providing opportunities for 3,000 units of affordable housing on-site, and funding acquisition and/or rehabilitation of another 250 very low income housing units off-site;
- (4) providing transportation and public transit improvements, and mandatory transportation management programs so that existing transportation is not overburdened;
- (5) providing for new light industrial and service uses, thereby providing future opportunities for resident employment and ownership in the light industrial and service sectors;
- (6) providing for the construction of buildings which meet modern earthquake standards so as to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
- (7) providing for the possible retention of the fire station and Third and Fourth Street bridges, and having no negative effect on any landmark or historic building; and
- (8) providing new publicly-accessible parks and open spaces, including improved public access to the waterfront, without affecting any existing parks or open spaces; and

THEREFORE BE IT RESOLVED, That the City Planning Commission hereby adopts, as required by CEQA, the Mission Bay Findings dated September 7 as amended September 13 and September 20, 1990 attached hereto as Attachment A, and incorporated by this reference, with respect to actions taken herein;

AND BE IT FURTHER RESOLVED, That the City Planning Commission, having received public testimony during the course of its workshops and public hearings, and having reviewed the recommendations and the revised Mission Bay Documents prepared by the Director of Planning and released on September 7, 1990, and further revised and released on September 13 and September 20, 1990 hereby ADOPTS the Mission Bay Plan dated September 20, 1990 (as published on January 31, 1990 (Chapters 1, 2 and 3) and on June 29, 1990 (Chapter 4) and as revised and republished on September 7, 1990, as amended per the Mission Bay Master Plan Amendment Errata list dated September 27, 1990 in the form hereby approved by the Commission) as part of the Master Plan (Exhibit 1);

AND BE IT FURTHER RESOLVED, That the Commission hereby ADOPTS amendments to the Central Waterfront Plan in the form published on September 7, 1990, to provide for consistency within the Master Plan (Exhibit 2);

AND BE IT FURTHER RESOLVED, That the Commission hereby ADOPTS amendments to the Commerce and Industry, Transportation, Urban Design, Recreation and Open Space, and Community Facilities Elements of the Master Plan in the form published on September 7, 1990 to provide for consistency within the Master Plan (Exhibit 3);

AND BE IT FURTHER RESOLVED, That the Commission hereby directs the Director of Planning to prepare appropriate modifications to the Land Use Index of the Master Plan to refer to Mission Bay materials therein as appropriate;

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission on September 27, 1990.

**Linda Avery
Secretary**

AYES:	BIERMAN, ENGMANN, HU, MORALES, NOTHENBERG
NOES:	NONE
ABSTAINED:	NONE
ABSENT:	BOLDRIDGE, SEWELL

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PORT COMMISSION
RESOLUTION NO. 90-99

WHEREAS, Mission Bay is generally bounded by Third Street, Berry Street, Fourth Street, the China Basin Channel, China Basin Street, Mariposa Street, Pennsylvania Street, Seventh Street, and Townsend Street; Assessor's Blocks 3795-3798, 3804-3806, 3809, 3810, 3813, 3819, 3822, 3832, 3835, 3837-3841, 3849-3853, 3880, 3892, 3942, and 3944; Lot 2 in Block 3940; portion of Block 3941 westerly of China Basin Street; Lot 6 in Block 3943; Lot 1 in Block 3948; and portion of Block 9900 along China Basin Street; and

WHEREAS, beginning in 1985, the Department of City Planning, in consultation with the Port and other City agencies and departments, has studied the planning and environmental implications of a Mission Bay plan and Development Agreement, and amendments to the Master Plan, Central Waterfront Plan, City Planning Code and Zoning Map with respect to Mission Bay Area, and

WHEREAS, The City amended the San Francisco Administrative Code by adding Chapter 56 thereto on August 1, 1988, to permit execution of development agreements between the City and developers for large multi-phase and mixed use development projects such as the Mission Bay project; and

WHEREAS, Catellus Development Corporation ("Catellus"), the applicant/developer, filed its Development Agreement Application for the Mission Bay project (File No. 86.505) with the Department of City Planning on May 1, 1989, pursuant to state law and Chapter 56 of the San Francisco Administrative Code; and

WHEREAS, The City and Catellus negotiated the terms of a proposed development agreement, and on June 29, 1990, the City released for public review a proposed Development Agreement By and Between the City and County of San Francisco and Catellus Development Corporation Relative to the Development of Property in the Mission Bay Planning Area, with Exhibits (Development Agreement); and

WHEREAS, Santa Fe Pacific Realty (Catellus' former business name until June 1, 1990) submitted its application for Environmental Review on September 22, 1986, under case file no. 86.505E.

WHEREAS, The Department of City Planning prepared a Draft Environmental Impact Report (DEIR), dated August 12, 1988, and a Supplemental Environmental Impact Report (SEIR), dated March 17, 1989; and

WHEREAS, On June 1, 1990, the Department of City Planning released for public review the Mission Bay Environmental Impact Report Volume Four, Draft Summary of Comments and Responses, which provides a summary of written and oral comments received during the public comment period (Draft EIR - August 12 to November 21, 1988; Supplemental EIR - March 17 to May 5, 1989) and public hearings (Draft EIR - September 22, October 6, October 27 and November 10, 1988; Supplemental EIR - April 20, 1989), and responses to those comments; and

WHEREAS, A Final Environmental Impact Report (FEIR) has been prepared on the Mission Bay Project by the Department of City Planning consisting of the Draft Environmental Impact Report, the Supplement to the Draft EIR, comments received during the review periods, any additional information that became available, and the Draft Summary of Comments and Responses, as required by law; and

WHEREAS, The Mission Bay Environmental Impact Report files and other Mission Bay related Department files have been made available for review by the Port Commission and the public, and these files are part of the record before the Port Commission; and

WHEREAS, On August 23, 1990, the Planning Commission reviewed and considered the FEIR and 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 CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, On August 23, 1990, by Resolution No. 12006, the Planning Commission found that the FEIR was adequate, accurate and objective, and that the Summary of Comments and Responses and its subsequent memorandum contained no significant revisions to the Draft and Supplemental Environmental Impact Reports, and certified the completion of the Mission Bay Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines; and

WHEREAS, On August 23, 1990, by Resolution No. 12006, the Planning Commission adopted findings of significant environmental impacts associated with Variant 12 of Alternative A (which most closely resembles the Mission Bay Project now proposed for adoption), which could not be mitigated to a level of insignificance which findings are modified as provided in Article V of the Mission Bay Findings, dated September 7, 1990, as amended on September 13 and 20, 1990; and

WHEREAS, The Department of City Planning has prepared proposed Mission Bay Findings, as required by CEQA, regarding the alternatives and variants, mitigation measures and significant environmental impacts analyzed in the Mission Bay Final Environmental Impact Report, overriding considerations for approving the Mission Bay Project, and a proposed mitigation monitoring program; and

WHEREAS, The Planning Commission by Resolution No. 12040, dated September 27, 1990, found that all significant environmental effects associated with the Mission Bay Project, as described in Article II of the Mission Bay Findings, had been fully and adequately analyzed in the material before the Planning Commission, and no additional information was required to make an informed decision regarding the environmental impacts of the Mission Bay Project and the appropriate mitigation measures; and

WHEREAS, based on the Planning Commission's review of the FEIR and the Memoranda to the Planning Commission from the Environmental Review Officer (dated August 2, 6, 20, and 23, 1990) and the memoranda to the Mission Bay EIR file (dated September 6 and 13, 1990), the Planning Commission found that: (1) modifications incorporated into the Project will not require important revisions to the FEIR, and do not involve new significant environmental impacts, (2) no substantial changes have occurred with respect to the circumstances under which the Project is undertaken which would require important revisions to the FEIR due to involvement of new significant environmental impacts, and (3) no new information of substantial importance to the Project has become available which would indicate the need for subsequent analysis of the environmental impacts, alternatives or mitigation measures; and

WHEREAS, the Planning Commission, by Resolutions No. 12040, and No. 12041, dated September 27, 1990, reviewed, considered and adopted the Mission Bay Findings, dated September 7, as amended on September 13 and 20, 1990, which Findings are attached to Resolution No. 12040, and incorporated therein by reference; and

WHEREAS, on September 27, 1990 the Planning Commission, by Resolution Nos. 12040 and 12041 found that the proposed Mission Bay Plan and related amendments to the Central Waterfront Plan

and other Elements of the Master Plan, the City Planning Code and Zoning Map amendments, and the Development Agreement are, on balance, consistent with the Eight Priority Policies of City Planning Code Section 101.1, and set forth specific reasons in support of that finding; and

WHEREAS, on September 27, 1990 the Planning Commission, by Resolution No. 1204, adopted the Mission Bay Plan as part of the Master Plan; and

WHEREAS, on September 27, 1990, the Planning Commission by Resolution No. 1204, adopted amendments to the Central Waterfront Plan, the Residence, Commerce and Industry, Transportation, Urban Design, Recreation and Open Space, and Community Facilities Elements of the Master Plan; and

WHEREAS, on September 27, 1990, the Planning Commission, by Resolution No. 12040, approved the Development Agreement, dated September 7, 1990 as amended by the Mission Bay Development Agreement Errata and recommended its adoption by the Board of Supervisors;

WHEREAS, the Development Agreement sets forth certain matters of concern to the Port and specifies certain obligations of the Port with respect to the development of the Project. These matters include the general terms under which certain properties under the control of the Port in the Mission Bay area will be transferred to Catellus for other property owned by Catellus, as well as the terms under which certain Port properties will be licensed to Catellus for the construction of open space; and

WHEREAS, this Commission finds that the execution of the Development Agreement and the consumation of the exchange and license transactions contemplated thereby are in the best interests of the Port due to the fact that it will allow for an expansion of Port maritime operations and will result in the development of large parcels of open space along the waterfront; and

WHEREAS, on October 10, 1990, the Port reviewed and considered the Development Agreement, as approved by the Planning Commission on September 27, 1990 by Resolution No. 12041, and

WHEREAS, the Port Commission, by Resolution No. 90-98, adopted on October 10, 1990, certified that it has reviewed, considered, approved and adopted the Final Environmental Impact Report for the Mission Bay Project; and

NOW THEREFORE, BE IT RESOLVED, that the Port Commission hereby agrees with, adopts and incorporates by reference the Mission Bay Findings, dated September 7, 1990, as amended on September 13 and 20, 1990, as adopted by the Planning Commission on September 27, 1990, and incorporated into Planning Commission Resolution No. 12040, and makes the following additional findings with respect to mitigation measures within areas within the Port's jurisdiction set forth in the Mission Bay Findings:

1. The Port Commission hereby adopts mitigation measure B.2 as modified, as described in the Mission Bay Findings, relating to the land transfer between Catellus Development Corporation and the Port of San Francisco of property at Mission Bay and Piers 70 and 80; and

2. The Port Commission hereby adopts mitigation measure D.1 as modified, as described in the Mission Bay Findings, relating to the provision of land for use as a Fire Station; and

3. The Port Commission hereby adopts mitigation measure D.9, as described in the Mission Bay Findings, relating to the provision of land for use as a Police Station; and

4. The Port Commission hereby rejects mitigation measure E.1, as described in the Mission Bay Findings, relating to the provision of two additional lanes on China Basin Street for truck loading because other uses in the Project, and the desire to provide a shoreline park of adequate dimensions, preclude additional lanes for truck loading. The Port backlands provide room for such activity directly adjacent to Piers 48 and 50. A parking lane along the east side of the street would also offer opportunities for truck loading zones in the future, if necessary and the proposed 15 foot lane widths could accomodate limited double parking without resulting in blocked traffic. This issue will be evaluated further as part of a future planning process, involving affected parties, to further define the eastern boundary of Mission Bay Green and the configuration of China Basin Street in order to address the parking and circulation needs of recreational users and rail freight access in the area; and

5. The Port Commission hereby rejects mitigation measure E.33a, as described in the Mission Bay Findings, relating to an option for maintaining rail freight access to Piers 48, 50 and 80, by reconstruction of the SP/Santa Fe Indiana Street track as an alternate to the 16th Street lead track within the Mission Bay Project Area, because this option is infeasible due to the curvature of the Indiana Street track and the proximity of the right-of-way to existing structures; and

6. The Port Commission hereby rejects mitigation measure E.33b, as described in the Mission Bay Findings, relating to an option for maintaining rail freight access to Piers 48, 50 and 80, by constructing a new lead track from under I-280 to the former Western Pacific track on Army Street, because the cost of redesigning an underground transport sewer, reinforcing the underground transport sewer, and acquiring private property would

likely equal or exceed the cost of the option provided by Mitigation Measures E.33c, which is a superior measure from an operational standpoint because it provides more direct access between the Piers; and

7. The Port Commission hereby adopts mitigation measure E.33c, as described in the Mission Bay Findings, relating to the construction of a new track South of the Mission Bay project area extending from the Quint Street lead track via a new Islais Creek bridge crossing to the North Container Terminal, as one of two alternative means of maintaining rail freight access to Piers 48, 50 and 80 as provided in the Development Agreement; and

8. The Port Commission hereby adopts mitigation measures E.33d, as described in the Mission Bay Findings, relating to the construction of a new lead track parallel to or within 16th Street, to replace the existing lead track south of 16th Street, as one of two alternative means of maintaining rail freight access to Piers 48, 50 and 80 as provided in the Development Agreement; and

BE IT FURTHER RESOLVED, that the Port Commission hereby agrees with the City Planning Commission in finding that all significant environmental effects associated with the Mission Bay Project, as described in Article II of the Mission Bay Findings, had been fully and adequately analyzed in the material before the Planning Commission, and no additional information is required to make an informed decision regarding the environmental impacts of the Mission Bay Project and the appropriate mitigation measures, and that (1) modifications incorporated into the Project will not require important revisions to the FEIR, and do not involve new significant environmental impacts, (2) no substantial changes have occurred with respect to the circumstances under which the Project is undertaken which would require important revisions to the FEIR due to involvement of new significant environmental impacts, and (3) no new information of substantial importance to the Project has become available which would indicate the need for subsequent analysis of the environmental impacts, alternatives or mitigation measure, and hereby finds that there is no basis for altering these Planning Commission findings; and

BE IT FURTHER RESOLVED, that after balancing the unavoidable significant and other adverse effects on the environment and the benefits of the Project, the Port Commission agrees with the City Planning Commission's statement of overriding considerations set forth in Article VI of the Mission Bay Findings and therefore concludes that the benefits of the Project outweigh the adverse effects on the environment which are hereby found to be acceptable, and that the social, economic, recreational and environmental benefits of the Project constitute overriding consideration justifying approval; and

BE IT FURTHER RESOLVED, that this Port Commission hereby approves the Development Agreement, dated September 7, 1990 as amended by the Mission Bay Development Agreement Errata dated September 27, 1990, and hereby authorizes the Executive Director on behalf of the Port of San Francisco to execute the Development Agreement in substantially the form which is on file with the Secretary of the Port Commission, with any additions or deletions adopted by the Board of Supervisors, provided that such addition or deletions do not alter the rights and obligations of the Port under the Development Agreement.

BE IT FURTHER RESOLVED, that this approval is conditioned upon a provision being included in the Land Transfer Agreement which requires Catellus to pay the Port the sum of two million dollars (\$2,000,000.00), escalated by an appropriate index, if a decision is made pursuant to Section 7.14 of the Development Agreement to construct a rail bridge across Islais Creek.

I hereby certify that the foregoing Resolution was adopted by the San Francisco Port Commission at its regular meeting of October 10, 1990.


ELIZABETH DAY
Commission Secretary

