

HEALTH COMMISSION
City and County of San Francisco
Resolution No. 08-10

Approving an ordinance amending Article 31 of the Health Code to extend to the entire Hunters Point Shipyard area the special permit processing requirements that now apply to Hunters Point Shipyard Parcel A to address potential residual contamination, imposing fees to administer this Article , amending Sections 804 and 1227 of the Health Code to make conforming amendments; and approving amendments to the Regulations implementing the proposed ordinance; and adopting CEQA findings, including a statement of overriding considerations and a mitigation monitoring and reporting program, in furtherance of the Candlestick Point and Phase 2 of the Hunters Point Shipyard Redevelopment Project.

WHEREAS, Improving the quality of life of the residents of Bayview Hunters Point ("BVHP") is one of the City's highest priorities. Expediting the revitalization of BVHP will provide long overdue improvements to the BVHP community that will also benefit the City as a whole. Both the Hunters Point Shipyard and the Candlestick Activity Node, as defined in the Bayview Hunters Point Redevelopment Plan (the "Candlestick Site," together with Phase 2 of the Hunters Point Shipyard, the "Project Site"), are part of BVHP and together they make up the largest area of under-used land in the City; and,

WHEREAS, For many years, the City and the Redevelopment Agency of the City and County of San Francisco (the "Agency") have been working together to bring about the revitalization of the Shipyard and the Candlestick Site, and in early 2007, the City's Board of Supervisors and the Agency Commission endorsed a Conceptual Framework for the integrated development of these two areas; and,

WHEREAS, On June 3, 2008, the City's voters passed Proposition G, which: (i) adopted overarching policies for the revitalization of the Project Site; (ii) authorized the conveyance of the real property owned by the City at Candlestick Point under the jurisdiction of the City's Recreation and Park Department and (iii) urged the City, the Agency and all other governmental agencies with jurisdiction to proceed expeditiously with revitalization of the Project Site; and,

WHEREAS, The City's Planning Department and the Agency have undertaken a planning and environmental review process for the Project (as defined below), and there have been more than 230 public meetings, workshops and presentations over the past three years on every aspect of the Project, including meetings before this Commission, the Agency Commission, the Planning Commission, the Board of Supervisors and other City commissions and advisory and community groups; and,

WHEREAS, The Planning Commission and the Agency Commission, respectively, reviewed and considered the Final Environmental Impact Report for the Project (the "EIR") in Planning Department File No. 2007.0946E, consisting of the Draft EIR and the Comments and Responses document, and the Planning Commission found that the contents of said report and the procedures through which the EIR 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 ("Chapter 31") and found further that the EIR reflects the independent judgment and analysis of the City and is adequate, accurate, and objective and that the Comments and Responses document contains no significant revisions to

the Draft EIR and certified the completion of the EIR in compliance with CEQA,; a copy of certification motion is on file with the Planning Department; and

WHEREAS, the EIR files available from the Planning Department have been made available to the Commission and the public and this Commission has reviewed and considered the information in the EIR and the proposed CEQA Findings in furtherance of the actions contemplated by this Resolution, including a statement of overriding considerations, and the proposed mitigation, monitoring and reporting program, attached to this Resolution as Attachments A and B, respectively, and,

WHEREAS, The Planning Commission determined that the Project, and the various actions being taken by the City and the Agency to approve and implement the Project, are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, and made findings in connection therewith (the "General Plan Consistency Determination"), a copy of which is on file with the Planning Department and is incorporated into this Resolution by reference; and,

WHEREAS, Following certification of the EIR, the Agency entered into a Disposition and Development Agreement (the "DDA") with CP Development Co., a Delaware limited partnership ("Developer"), for the redevelopment of the Project Site (the "Project"): At full build-out, the Project is anticipated to include: over 300 acres of public park and open space improvements; 10,500 homes for sale or rent; 885,000 square feet of retail uses; about 2,650,000 square feet of green office, science and technology, and research and development uses; a 150,000 square foot hotel; a 10,000-seat arena or other public performance site; a 300-slip marina; a site in the Shipyard Site for a new stadium if the 49ers and the City timely determine that the stadium is feasible; and up to 2,500,000 square feet of additional green office, science and technology, research and development, and industrial uses if the stadium is not built. The Project is consistent with the Conceptual Framework and Proposition G; and,

WHEREAS, the Health Commission passed Resolution 22-04, approving an ordinance establishing Article 31 of the Health Code and regulations implementing the ordinance, which established special restrictions for activities on Parcel A of the Hunters Point Shipyard to address potential residual contamination and to authorize the Department of Public Health to implement these restrictions, impose penalties and charge fees to defray the costs of implementation of the ordinance; and,

WHEREAS, the proposed ordinance in conjunction with companion ordinances amending the Building Code and Public Works Code, amends Article 31 of the Health Code to extend the existing restrictions and special permit processing requirements to the entire Hunters Point Shipyard; and

WHEREAS, the Director of the Health Department has drafted and approved amendments to the regulations implementing this ordinance that provide clarification and further details about the required content for identified plans and reports; and

WHEREAS, the proposed ordinance and regulations were prepared by Department staff, working with the Mayors Office, the City Attorney's Office, the Agency and in consultation with interested members of the community, the Hunters Point Shipyard Citizens Advisory Committee and the Bayview Project Area Committee, federal and state environmental regulators and other City officials; and

RESOLVED, That in order to effectuate the redevelopment of the Project Site, and consistent with the requirements of Proposition G, this Commission hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached to this Resolution as Attachment A and adopts the Mitigation Monitoring and Reporting Program, attached to this Resolution as Attachment B, both of which are incorporated into this Resolution by this reference; and, be it

RESOLVED, that the Health Commission approves the proposed amendments to the Health Code; and, be it

FURTHER RESOLVED, that the Health Commission recommends these amendments to the Board of Supervisors; and be it

FURTHER RESOLVED, that the Health Commission adopts the amendments to the implementing regulations approved by the Director to become effective on the effective date of the Health Code amendments.

I hereby certify that the San Francisco Health Commission at its meeting of June 15, 2010 adopted the foregoing resolution.



Mark Morewitz, MSW
Health Commission Executive Secretary