



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 18096

HEARING DATE: June 3, 2010

*Date:* May 20, 2010  
*Case No.:* 2007.0946E  
*Project:* **Candlestick Point-Hunters Point Shipyard Phase II  
Development Plan**  
*Location:* **Candlestick Point and Hunters Point Shipyard**  
*Staff Contact:* Lisa Gibson – (415) 575-9032  
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*Recommendation:* **Adopt the EIR Certification Findings**

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### **ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED CANDLESTICK POINT-HUNTERS POINT SHIPYARD PHASE II DEVELOPMENT PLAN.**

MOVED, that the San Francisco Planning Commission (hereinafter "Planning Commission") hereby CERTIFIES the Final Environmental Impact Report (hereinafter "FEIR") identified as Case No. 2007.0946E, Candlestick Point-Hunters Point Shipyard Phase II Development Plan (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department"), together with the San Francisco Redevelopment Agency (hereinafter "Agency"), acting as a joint lead agencies, fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department and the Agency determined that an Environmental Impact Report (hereinafter "EIR") was required and on September 1, 2007, published a Notice of Preparation of an EIR and Notice of Public Scoping Meetings (hereinafter "NOP"), and provided public notice thereof by publication in a newspaper of general circulation on September 1, 2007.
  - B. On September 1, 2007, the Department and the Agency mailed the NOP to local, state, and federal agencies and other interested parties, initiating a 30-day public comment period that extended through September 2007.
  - C. The Department and the Agency filed a Notice of Completion of the NOP with the State Secretary of Resources via the State Clearinghouse on August 31, 2007.
  - D. The Department and the Agency held public scoping meetings on September 17, 2007, and September 25, 2007 in order to receive public input regarding the proposed scope of the EIR

analysis. Attendees were provided an opportunity to voice comments or concerns regarding potential effects of the Project.

- E. On November 12, 2009, the Department and the Agency published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission and Redevelopment Agency Commission (hereinafter "Agency Commission") public hearings on the DEIR.
  - F. On November 10 and 11, 2009, notices of availability of the DEIR or copies of the DEIR were mailed or otherwise delivered to a list of persons requesting such items, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.
  - G. Notice of Completion of the DEIR was filed with the State Secretary of Resources via the State Clearinghouse on November 12, 2009.
  - H. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by the project sponsors on November 18, 2009.
2. The Planning Commission held a duly advertised public hearing on said DEIR on December 17, 2009, and the Agency Commission held a duly advertised public hearing on said DEIR on December 15, 2009, and January 5, 2010. At each of the aforementioned public hearings, opportunity for public comment was given and public comment was received on the DEIR. The period for acceptance of written comments on the DEIR ended January 12, 2010.
  3. The Department and the Agency prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on May 13, 2010 and mailed or otherwise delivered to the Planning Commission, all parties who commented on the DEIR, and other interested parties, and made available to others upon request at Department offices.
  4. A FEIR has been prepared by the Department and the Agency, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
  5. Project EIR files have been made available for review by the Planning Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, Suite 400, and are part of the record before the Planning Commission.
  6. On June 3, 2010, the Planning Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

7. The project sponsors have indicated that the Project identified in Chapter II of the FEIR, as modified by Variant 3D (hereinafter "the Candlestick Tower Variant D") and Variant 5 (hereinafter "the 49ers/Raiders Shared Stadium Variant") as described in Chapter IV of the FEIR, constitute the Project if the stadium is constructed. If the stadium is not constructed, the Project as described in Chapter II of the FEIR together with the Candlestick Tower Variant D and either Variant 1 (hereinafter "the R&D Variant") or Variant 2A (hereinafter "the Housing/R&D Variant") constitute the Project. In addition, if the stadium is not constructed, the Project includes Subalternative 4A (hereinafter "CP-HPS Phase II Development Plan with Historic Preservation") as described in Chapter VI of the FEIR; the developer will determine the ultimate feasibility of its implementation at a later time.
8. The Planning Commission hereby does find that the FEIR concerning File No. 2007.0946E reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.
9. The Planning Commission, in certifying the completion of said FEIR, hereby does find that the Project described in the EIR and the Project preferred by the project sponsors, described above under Finding 7, above:
  - A. Will have project-specific significant effects on the environment including:<sup>1</sup>
    - a. **Impact TR-1: Effect of Project Construction on Vehicle Traffic and Roadway Construction on Transportation System.** The Project would impact the transportation system through construction vehicle traffic and roadway construction and contribute to cumulative construction impacts in the vicinity of the Project.
    - b. **Impact TR-2: Effect of Project on Traffic Volumes.** The Project would cause an increase in traffic that would be substantial relative to the existing and proposed capacity of the street system.
    - c. **Impact TR-3: Effect of Project Traffic at Certain Area Intersections.** The Project would have significant impacts on nine intersections in the Project vicinity, and would contribute to cumulative traffic conditions at these intersections: Third Street at Oakdale, Revere, Carroll, Jamestown, Jerrold and Williams/Van Dyke; and Bayshore Boulevard at Paul, Cortland and US 101 Northbound Off-ramp/Cesar Chavez.
    - d. **Impact TR-4: Effect of Project Traffic at Tunnel/Blanken.** The Project would result in significant Project AM peak hour traffic impacts and contribute to cumulative PM peak hour traffic impacts at the intersection of Tunnel/Blanken.

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<sup>1</sup> Impacts listed under Finding 9A are project-specific impacts, with the exception of impacts related to transportation and circulation (denoted with the alpha-numeric code "TR-"), which, as described, include both project-specific and cumulative impacts.

- e. **Impact TR-5: Project Contribution to Traffic at Degraded Intersections.** The Project would contribute significant traffic to intersections in the Project vicinity that would operate at LOS E or LOS F under 2030 No Project conditions. The Project contributions to cumulative traffic conditions would be significant in twenty intersections in the Project vicinity, and at sixteen of these intersections no feasible mitigation measures were identified. These sixteen intersections are: Third Street at 25th Street, Cesar Chavez Street, Cargo Way, Evans Avenue, Palou Avenue and Paul Avenue; Bayshore Boulevard at Visitacion Avenue, Alemany Boulevard/Industrial Street, Blanken, Bacon Street and Sunnydale Avenue; San Bruno Avenue at Paul Avenue, Silver Avenue and Mansell Avenue/US 101 Southbound Off-ramp; Cesar Chavez Street at Pennsylvania/I 280; and Evans Avenue at Napoleon Avenue/Toland Street. (The other four intersections are discussed below, under Impacts TR-6, TR-7 and TR-8.).
- f. **Impact TR-6: Project Traffic at Freeway Ramps.** The Project would contribute significant traffic at the intersections of Geneva/US 101 Southbound Ramps and Harney/US 101 Northbound Ramps, which would operate at LOS F under 2030 No Project conditions.
- g. **Impact TR-7: Project Traffic at Amador/Cargo/Illinois.** The Project would contribute significant traffic to the intersections of Amador/Cargo/Illinois, which would operate at LOS E under 2030 No Project conditions;
- h. **Impact TR-8: Project Traffic at Bayshore/Geneva.** The Project would contribute significant traffic to the intersection of Bayshore/Geneva, which would operate at LOS F under 2030 No Project conditions.
- i. **Impact TR-10: Project Traffic Effects.** The Project would result in increased traffic volumes on area roadways, and most substantially on key north/south and east/west streets, which would also experience cumulative traffic growth. As a result, the existing residential streets could be used as "cut-throughs," shortcuts, or bypasses by non-neighborhood traffic. Substantial amounts of cut-through traffic can result in impacts such as noise, safety impacts to pedestrians, impaired driveway access, interference with emergency vehicle access, increased dust, exhaust, and litter, and similar annoyances that adversely affect neighborhood character.
- j. **Impact TR-11: Project Traffic at Freeway Segments.** The Project would contribute cumulatively considerable amounts of traffic to four freeway segments expected to operate at LOS E or LOS F under 2030 No Project conditions, specifically, US 101 northbound from Sierra Point to Alana/Geneva/Harney; US 101 southbound from the I 80 Merge to Cesar Chavez; US 101 southbound from Third/Bayshore to Alana/Geneva/Harney; and US 101 southbound from Alana/Geneva/Harney to Sierra Point.
- k. **Impact TR-12: Project Traffic Impact at Freeway Ramps.** The Project would cause four ramp junctions to deteriorate from acceptable LOS D or better to LOS E or F conditions or

from LOS E to LOS F conditions, specifically, the US 101 northbound on-ramp from Alemany Boulevard; US 101 northbound on-ramp from Harney Way; US 101 northbound on-ramp from Bayshore Boulevard/Cesar Chavez Street; US 101 southbound on-ramp from Harney Way/Geneva Avenue.

- l. **Impact TR-13: Project Traffic Contribution to Cumulative Impacts at Freeway Ramps.** The Project would contribute to significant cumulative traffic impacts at 12 freeway ramp locations. The Project would contribute cumulatively significant traffic increases at ramp junctions projected to operate at LOS E or LOS F under 2030 No Project conditions, specifically: US 101 northbound on-ramp from Sierra Point Parkway; US 101 northbound on-ramp from Harney Way; US 101 northbound on-ramp from Alemany Boulevard; US 101 northbound on-ramp from Bayshore Boulevard/Cesar Chavez Street; US 101 southbound off-ramp to Bayshore Boulevard/Cesar Chavez Street; US 101 southbound on-ramp from Third Street/Bayshore Boulevard; US 101 southbound on-ramp from Harney Way/Geneva Avenue; US 101 southbound on-ramp from Sierra Point Parkway; I 280 northbound off-ramp to Cesar Chavez Street; I 280 northbound on-ramp from Indiana Street/25th Street; I 280 southbound off-ramp to Pennsylvania Avenue/25th Street; and I 280 southbound on-ramp from Pennsylvania Avenue/25th Street.
- m. **Impact TR-14: Project Traffic Impact to Diverge Queue Storage at Harney/US 101 Northbound Off-ramp.** The Project would result in significant impacts related to freeway diverge queue storage at the Harney/US 101 Northbound Off-ramp. The Project would result in increases in traffic volumes that would cause the US 101 northbound off-ramp to Harney Way to experience queues that may extend back to the upstream freeway mainline segment which could result in unsafe conditions on the freeway mainline, resulting in significant traffic impacts at this location.
- n. **Impact TR-15: Project Traffic Contribution to Diverge Queue Storage Impacts.** The Project could contribute to significant cumulative traffic impacts related to freeway diverge queue storage at some off-ramp locations: US 101 northbound off-ramp to Harney Way and Bayshore/Cesar Chavez; US 101 southbound Off-ramp to Harney Way/Geneva Avenue and Sierra Point/Lagoon; and I-280 northbound off-ramp at Cesar Chavez.
- o. **Impact TR-21: Project Traffic Impacts to 9-San Bruno Transit Line.** The Project would increase congestion and contribute to cumulative conditions at intersections along San Bruno Avenue, which would increase travel times and impact operations of the 9-San Bruno. Project-related transit delays due to traffic congestion and passenger loading delays associated with increased ridership would result in significant impacts on the operation of the 9-San Bruno, which would add up to 8 minutes of delay per bus during peak hours.
- p. **Impact TR-22: Project Traffic Impacts to 23-Monterey, 24-Divisadero, 44-O'Shaughnessy Transit Lines.** The Project would contribute traffic to cumulative conditions at intersections along Palou Avenue, which would increase travel times and

impact operations of the 23-Monterey, 24-Divisadero, and the 44-O'Shaughnessy. Project-related transit delays due to traffic congestion and passenger boarding delays associated with increased ridership would result in significant impacts on the operation of the 23-Monterey, 24-Divisadero, and 44-O'Shaughnessy along Palou Avenue, which would add up to 7 minutes of delay per bus during peak hours.

- q. **Impact TR-23: Project Traffic Impacts to 29-Sunset Transit Line.** The Project would increase congestion at intersections along Gilman Avenue and Paul Avenue, which would increase travel times and would impact operations of the 29-Sunset. Project-related transit delays due to traffic congestion and passenger loading delays associated with increased ridership would result in significant impacts on the operation of the 29-Sunset, particularly at Third Street and Bayshore Boulevard. Overall, the Project-related congestion would add up to 17 minutes of delay per bus during peak hours.
- r. **Impact TR-24: Project Traffic Impacts to 48-Quintara-24<sup>th</sup> Street Transit Line.** The Project would increase congestion at intersections along Evans Avenue, which would increase travel times and impact operations of the 48-Quintara-24th Street. Project-related transit delays due to traffic congestion and passenger loading delays associated with increased ridership would result in significant impacts on the operation of the 48-Quintara-24th Street along Evans Avenue, particularly at intersections of Third Street, Napoleon/Toland Streets and at Cesar Chavez Street. Overall, the Project-related congestion would add up to 3 minutes of delay per bus during peak hours.
- s. **Impact TR-25: Project Traffic Impacts to 54-Felton Transit Line.** The Project would increase congestion at several intersections in the area, and make a considerable contribution to cumulative impacts that would increase travel times and impact operations of the 54-Felton. The Project would create traffic congestion resulting in significant impacts to the operations of the 54-Felton, adding up to 6 minutes of delay per bus, particularly during the PM peak hour.
- t. **Impact TR-26: Project Traffic Impacts to T-Third Transit Line.** The Project would increase congestion at intersections along Third Street, and make a considerable contribution to cumulative impacts that would increase travel times and impact operations of the T-Third. Project-related transit delays due to traffic congestion on Third Street and passenger loading delays associated with increased ridership would result in significant impacts on the operation of the T-Third, particularly in the segment between Thomas Avenue and Kirkwood Avenue, resulting in overall delays of up to 3 minutes per bus during peak hours.
- u. **Impact TR-27: Project Traffic Impacts to 28L-19<sup>th</sup> Avenue/Geneva Limited Transit Line.** The Project could increase congestion at the intersection of Geneva Avenue and Bayshore Boulevard, increasing travel times and impacting operations of the 28L-19th Avenue/Geneva Limited. Increased congestion associated with Project vehicle trips would impact the operations of the 28L-19th Avenue/Geneva Limited, resulting in delays of 4 minutes per bus during peak hours.

- v. **Impact TR-28: Project Traffic Impacts to 9X, 9AX, 9BX-Bayshore Expresses and 14X-Mission Express Transit Lines.** The Project would increase congestion on US 101 mainline and ramps, which would increase travel times and impact operations of the 9X, 9AX, 9BX-Bayshore Expresses, and 14X-Mission Express. The Project would also contribute to cumulative impacts on these transit routes on US 101.
- w. **Impact TR-30: Project Traffic Impacts to SamTrans Bus Lines.** The Project would increase congestion and contribute to cumulative congestion on US 101 and on Bayshore Boulevard, which would increase travel times and adversely affect operations of SamTrans bus lines on these facilities.
- x. **Impact TR-32: Project Traffic Impacts to Bicycle Routes.** Implementation of the Project's proposed transit preferential treatments and significant increases in traffic volumes on Palou Avenue could result in impacts on bicycle travel on Bicycle Routes #70 and #170 between Griffith Street and Third Street. The combination of the proposed transit preferential treatment and the substantial increase in traffic volumes and congestion would result in potentially significant impacts on bicycle travel on Bicycle Route #70 and Bicycle Route #170 on Palou Avenue.
- y. **Impact TR-38: 49ers Game Site Access and Traffic Impacts.** Implementation of the proposed 49ers stadium would result in significant impacts on study area roadways and intersections, for as many as 12 times a year.
- z. **Impact TR-39: Stadium 49er Game Transit Impacts.** Implementation of the Project with existing game day service and Project transit improvements would not be adequate to accommodate projected transit demand. It is estimated that there would be a capacity shortfall of approximately 3,640 passengers per hour during game days.
- aa. **Impact TR-46: Stadium Secondary Event Site Access and Traffic Impacts.** Weekday evening secondary events at the stadium would result in increased congestion at intersections, freeway mainline, and freeway ramps already operating at unacceptable LOS under Project conditions without a secondary event, and result in significant impacts at nine additional intersections and one additional freeway off-ramp.
- bb. **Impact TR-47: Stadium Secondary Event Transit Impacts.** With implementation of the Project, the existing transit service and Project improvements would not be adequate to accommodate projected transit demand during secondary events with attendance of 37,500 spectators. In addition, transit lines serving the area would experience additional delays due to traffic generated by the secondary event.
- cc. **Impact TR-51: Project Site Access and Traffic Impacts from Arena Uses.** With implementation of the Project, weekday evening events at the arena would exacerbate congestion at intersections, freeway mainline, and freeway ramps already operating at unacceptable LOS under Project conditions without an arena event, and result in significant traffic impacts at Harney Way and Jamestown Avenue, which would

operating acceptably under Project conditions without an arena event. Overall, since local streets and freeway facilities would experience increased congested without an arena event, traffic impacts associated with the new arena would be significant.

- dd. **Impact TR-52: Transit Impacts from Arena Uses.** With implementation of the Project, the existing and proposed transit service would be affected by sell-out weekday evening events at the arena. With the stadium use at HPS Phase II, transit capacity would be adequate to accommodate projected transit demand, but because of traffic congestion in the area, impacts to transit would result. With the implementation of Variants 1 or 2A at the stadium site, traffic congestion would impact transit service and in addition, events at the arena might cause transit capacity impacts.
- ee. **Impact AQ-4: Criteria Pollutants from Project Operations.** Operation of the Project would violate the Bay Area Air Quality Management District (BAAQMD)'s CEQA significance thresholds for mass criteria pollutant emissions from mobile and area sources, and contribute substantially to an existing or projected air quality violation at full build-out in the year 2029. Project emissions of ROG, NO<sub>x</sub> and PM<sub>10</sub> would exceed the BAAQMD CEQA thresholds and the ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> proposed BAAQMD CEQA thresholds.
- ff. **Impact NO-2: Groundborne Vibration Impacts from Construction.** Construction activities associated with the Project would create excessive groundborne vibration levels in existing residential neighborhoods adjacent to the Project site and at proposed on-site residential uses should the latter be occupied before Project construction activities on adjacent parcels are complete.
- gg. **Impact NO-3: Increase in Ambient Noise Levels from Construction.** Construction activities associated with the Project would result in a substantial temporary or periodic increase in ambient noise levels. Construction activities occurring within the Project site and in the Project vicinity for roadway and infrastructure improvements would involve demolition, grading, and excavation activities, followed by construction and external finishing of the proposed facilities and associated parking areas, as well as roadway and landscaping improvements. These activities would involve the use of heavy equipment.
- hh. **Impact NO-6: Noise Impacts from Project Traffic.** Operation of the Project would generate increased local traffic volumes that would cause a substantial permanent increase in ambient noise levels in existing residential areas along the major Project site access routes. The increase in traffic resulting from implementation of the Project and ambient growth over the next 20 years would increase the ambient noise levels at noise-sensitive locations along the major vehicular access routes to the Project site, particularly along sections of Jamestown Avenue, Carroll Avenue, and Gilman Avenue.
- ii. **Impact NO-7: Noise Impacts from Stadium Events.** Noise during football games and concerts at the proposed stadium would result in temporary increases in ambient noise levels that could adversely affect surrounding residents for the duration of a game or



concert. There would be significant noise impacts during football game days and concert days on the existing residential uses closest to the proposed stadium and possibly for the new residential uses closest to the proposed stadium.

- jj. **Impact CP-1b: Impacts to Historic Resources from Construction Activities.** Construction at HPS Phase II could result in a substantial adverse change in the significance of an historical resource. Implementation of the Project could result in the demolition of Buildings 211, 224, 231, and 253, which have been identified as historic resources in the potential Hunters Point Commercial Dry Dock and Naval Shipyard Historic District.
- kk. **Impact SH-1a: New Shadow on Gilman Park from Tower Variants 3C and 3d.** Under Tower Variants 3C and 3D, new shadows on Gilman Park are conservatively considered significant; and

B. Will have significant cumulative effects on the environment including:<sup>2</sup>

- a. **Cumulative Contribution of Criteria Pollutants from Project Operation.** Operation of the Project would violate BAAQMD CEQA significance thresholds for mass criteria pollutant emissions from mobile and area sources and contribute substantially to an existing or projected air quality violation at full build-out.
- b. **Cumulative Contribution to TAC and PM<sub>2.5</sub> Impact Under the Proposed Bay Area Air Quality Management District CEQA Guidelines.** The Project may result in a considerable contribution to a cumulative air quality impact regarding TACs and PM<sub>2.5</sub> emissions under proposed BAAQMD CEQA Guidelines.
- c. **Cumulative Contribution to Noise from Construction Activities.** Construction activities such as use of heavy equipment and pile driving associated with development of cumulative projects could contribute to a cumulative impact from increased noise levels for both off-site and on-site sensitive receptors.
- d. **Cumulative Contribution to Pile-Driving Activities.** Construction of the Project would include pile-driving activities that may overlap with other nearby construction activities during Project development and make a considerable contribution to cumulative construction-related temporary increases in ambient noise levels.
- e. **Cumulative Contribution to Traffic Noise Levels.** Project operation would make a considerable contribution to a substantial, permanent increase in cumulative traffic noise levels that would affect existing and future residential uses along all Project site access roads.

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<sup>2</sup> Finding 9B lists cumulative impacts of the project, with the exception of cumulative impacts related to transportation and circulation, which are reflected under Finding 9A (see impacts listed therein denoted with the alpha-numeric code "TR-").

- f. **Cumulative Contribution to Ambient Noise During Stadium Events.** Project operation would make a considerable contribution to a substantial increase in cumulative noise during stadium events.
- g. **Cumulative Contribution to Vibration Effects During Construction Activities.** Pile-driving activities during construction could make a considerable contribution to cumulative vibration effects if pile driving would occur and/or heavy construction equipment would operate on multiple sites and collectively result in vibration impacts in excess of 85 VdB at nearby sensitive receptors.
- h. **Cumulative Contribution to Impacts on Historic Resources.** The Project would make a considerable contribution to a cumulative impact on significant historical resources, including residential, commercial, and civic properties that are listed or eligible for listing on national, state, or local registers.
- i. **Cumulative Contribution to Demand for Police Services.** Development of cumulative projects within the City of San Francisco would result in increased population and employment-generating uses and associated increased demand for police protection. While the Police Department considers population growth projections in its annual budgeting process to determine equipment and staffing needs for the coming year, it is possible that cumulative growth in the City could exceed the capacity of existing or planned staffing and facility improvements, and could require construction of one or more stations, resulting in a significant impact. Because the Project would require new or physically altered police facilities in order to maintain acceptable police services, the Project would make a cumulatively considerable contribution to a potential significant cumulative impact on police services.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 3, 2010.



Linda Avery  
Commission Secretary

AYES: 4 - Miguel, Antonini, Borden, and Lee

NOES: 3 - Olague, Moore, Sugaya

ABSENT: 0

ADOPTED: June 3, 2010