

1 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]
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3 **Ordinance accepting the irrevocable offer of public infrastructure improvements**
4 **associated with Mission Bay Storm Water Pump Station No. 6 including acquisition**
5 **facilities located on and under Bayfront Park along Terry A. Francois Boulevard;**
6 **accepting said facilities for City maintenance and liability purposes; adopting**
7 **environmental findings and findings that such actions are consistent with the City's**
8 **General Plan, eight priority policy findings of City's Planning Code Section 101.1, and**
9 **the Mission Bay South Redevelopment Plan; accepting Department of Public Works**
10 **Order No. 178,871; and authorizing official acts in connection with this Ordinance.**
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12 Note: Additions are single-underline italics Times New Roman;
13 deletions are ~~strikethrough italics Times New Roman~~.
14 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Findings.

17 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to
18 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
19 therein, approved and adopted by the Board of Supervisors of the City and County of San
20 Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in the Clerk of
21 the Board of Supervisors File No. 981441.

22 (b) The San Francisco Redevelopment Agency, in a letter dated August 30, 2010,
23 determined that the acceptance of the Mission Bay Storm Water Pump Station No. 6 Public
24 Infrastructure Improvements constructed pursuant to Permit #01IE-0170, dated April 6, 2006
25 (the "Project") and other actions herein set forth are consistent with the Mission Bay South

1 Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the
2 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
3 101218 and is incorporated herein by reference.

4 (c) The San Francisco Public Utilities Commission on June 4, 2010 signed and
5 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties
6 regarding the Mission Bay Storm Water Pump Station No. 6 Improvements. A copy of said
7 Conditional Assignment of Warranties and Guaranties is on file with the Clerk of the Board of
8 Supervisors in File No. 101218 and is incorporated herein by reference.

9 (d) The City Planning Department, in a letter dated May 4, 2010 determined that the
10 acceptance of the Mission Bay Storm Water Pump Station No. 6 Public Infrastructure
11 Improvements and other actions herein set forth are within the scope of the General Plan
12 consistency findings of Case No. 2010.0198R, the Eight Priority Policies of Planning Code
13 Section 101.1 and the contemplated actions do not trigger the need for subsequent
14 environmental review pursuant the California Environmental Quality Act (CEQA) (California
15 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is
16 on file with the Clerk of the Board of Supervisors in File No. 101218 and is incorporated herein
17 by reference.

18 (e) The San Francisco Public Utilities Commission on June 7, 2010 acknowledged
19 the Wastewater Enterprise's acceptance of the Determination of Completeness for the
20 Mission Bay Stormwater Pump Station No. 6. A copy of the Public Utility Commission
21 Memorandum is on file with the Clerk of the Board of Supervisors in File No. 101218 and is
22 incorporated herein by reference.

23 (f) In DPW Order No. 178,871 dated September 16, 2010, the Director and the City
24 Engineer certified that: (a) FOCIL-MB, LLC ("Focil") has irrevocably offered the Project
25 Improvement facilities to the City, (b) the Mission Bay Storm Water Pump Station No. 6 Public

1 Infrastructure Improvements have been inspected and were certified as complete on June 8,
2 2010; the Project has been constructed in accordance with the Project Plans and
3 Specifications and all City codes, regulations, standards and Mission Bay South Plan and
4 Plan Documents governing this project; and such improvements are ready for their intended
5 use, (c) the facilities are recommended for acceptance as acquisition facilities and for City
6 maintenance and liability purposes. A copy of the DPW Order and Offer are on file with the
7 Clerk of the Board of Supervisors in File No. 101218 and are incorporated herein by
8 reference.

9 Section 2. Adoptions and Approvals.

10 (a) The Board of Supervisors adopts as its own the Redevelopment Plan consistency
11 findings of the San Francisco Redevelopment Agency in connection with the acceptance of
12 the Project and other actions set forth herein.

13 (b) The Board of Supervisors adopts as its own the General Plan and Planning Code
14 Section 101.1 consistency findings and CEQA findings of the Planning Department in
15 connection with the Project and other actions set forth herein.

16 (c) The Board of Supervisors has reviewed and approves the City Engineer's
17 certification and Director's recommendation concerning the acceptance of the Focil
18 Irrevocable Offer of Improvements dated August 18, 2009 for the Project; acceptance of said
19 facilities for City maintenance and liability responsibilities; and other related actions.

20 Section 3. Acceptance of New Acquisition Facilities and Assumption of Maintenance
21 Responsibilities.

22 (a) The Board of Supervisors accepts the Focil irrevocable offer of improvements for
23 the Mission Bay Storm Water Pump Station No. 6 located on and under Mission Bay South
24 Park P18, known as Bayfront Park along Terry A. Francois Boulevard.

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1 (b) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
2 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
3 City and County of San Francisco and Catellus Development Corporation, and the
4 Department of Public Works Order No. 178,871 dated September 16, 2010, the Board of
5 Supervisors hereby dedicates the facilities described in the Focil Irrevocable Offer of
6 Improvements for public use and accepts such facilities for City maintenance and liability
7 purposes. The Board's acceptance of improvements pursuant to this Subsection is for the
8 Mission Bay Storm Water Pump Station No. 6 Improvements only and is subject to the
9 warranty obligations under the Stormwater Pump Station No. 6 Public Improvements Permit
10 No. 06IE-0170.

11 (c) The Board of Supervisors hereby acknowledges Focil's Conditional Assignment of
12 guaranties and warranties in accordance with the related Street Improvement Permit and the
13 Mission Bay South Acquisition Agreement.

14 Section 7. Authorization for Implementation.

15 All actions heretofore taken by the officers of the City with respect to such Ordinance
16 are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, and Director
17 of Public Works are hereby authorized and directed to take any and all actions which they or
18 the City Attorney may deem necessary or advisable in order to effectuate the purpose and
19 intent of this Ordinance, including, but not limited to, the recordation of this Ordinance in the
20 Official Records of the City and County of San Francisco.

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1 RECOMMENDED:
2 DEPARTMENT OF PUBLIC WORKS

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4 By: _____
5 Edward D. Reiskin
6 Director of Public Works

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11 APPROVED AS TO FORM:
12 Dennis J. Herrera
13 City Attorney

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15 By: _____
16 John D. Malamut
17 Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: _____
Fuad S. Sweiss
Deputy Director of Engineering
and City Engineer

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