

File No. 101218

Committee Item No. 3

Board Item No. 08

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 25, 2010

Board of Supervisors Meeting

Date 11/09/10

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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OTHER

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Board of Supervisors Ordinance No. 335-98</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Redevelopment Agency Letter, dtd 8/30/10</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Determination Letter, dtd 5/4/10</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>DPW Order No. 178,871</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Offer of Improvements</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SF PUC Acceptance Letter, drd 6/7/10</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Conditional Assignment of Warranties and Guaranties</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |

Completed by: Alisa Somera Date October 22, 2010

Completed by: Alisa Somera Date October 27, 2010

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

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1 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]

2
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.

11
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 #011E-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.
25

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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RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

By: 


Edward D. Reiskin

Director of Public Works

APPROVED AS TO FORM:

Dennis J. Herrera

City Attorney

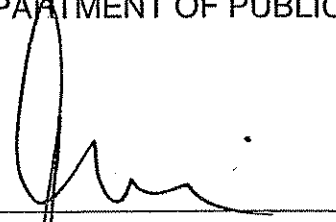
By: 

John D. Malamut

Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 

Fuad S. Sweiss

Deputy Director of Engineering
and City Engineer

LEGISLATIVE DIGEST

[Mission Bay South-Storm Water Pump Station No. 6 Public Infrastructure Improvements.]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance.

Existing Law

The Board of Supervisors adopted and approved the Redevelopment Plan for the Mission Bay South Project Area by Ordinance No. 335-98 on November 2, 1998. This ordinance and related Mission Bay legislation established a process by which the project developer (FOCIL - MB, LLC) would construct specified public improvements and dedicate said improvements to the City. Upon dedication, the City would initiate the local and State law procedures to accept the improvements for City use.

Amendments to Current Law

This legislation would accept the dedicated facilities; dedicate the improvements for City use; and accept the improvements for maintenance and liability purposes, all in accordance with the procedures established for the Mission Bay South Redevelopment Plan and applicable local and State law. This Ordinance would make certain findings, including environmental findings and findings that the legislation is consistent with the Mission Bay South Redevelopment Plan, the General Plan, and the priority policy findings of the Planning Code Section 101.1.

Background Information

This legislation relates to the Stormwater Pump Station No. 6 Infrastructure Improvements located on and under Mission Bay South Park P18 (Bayfront Park) lying adjacent to Terry A. Francois Boulevard and Mission Bay Boulevard North.

1 [Mission Bay South Redevelopment Plan]
 2 APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE MISSION BAY
 3 SOUTH PLAN AREA, WHICH IS GENERALLY BOUNDED BY THE SOUTH EMBANKMENT
 4 OF THE CHINA BASIN CHANNEL AND SEVENTH STREET, INTERSTATE 280, MARIPOSA
 5 STREET, TERRY FRANCOIS BOULEVARD AND THIRD STREET AND CONTAINS
 6 APPROXIMATELY 238 ACRES OF LAND; APPROVING AND AUTHORIZING AN
 7 INTERAGENCY COOPERATION AGREEMENT BETWEEN THE CITY AND COUNTY OF
 8 SAN FRANCISCO AND THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY
 9 OF SAN FRANCISCO, IN FURTHERANCE OF THE ADOPTION AND IMPLEMENTATION
 10 OF THE REDEVELOPMENT PLAN; ADOPTING FINDINGS PURSUANT TO THE
 11 CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS THAT THE PLAN
 12 AND RELATED COOPERATION AGREEMENT ARE CONSISTENT WITH THE CITY'S
 13 GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION
 14 101.1; AND ADOPTING OTHER FINDINGS PURSUANT TO THE CALIFORNIA
 15 COMMUNITY REDEVELOPMENT LAW.

16
17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. FINDINGS. The Board of Supervisors of the City and County of
19 San Francisco hereby finds, determines and declares that:

20 A. The Redevelopment Agency of the City and County of San Francisco (the
21 "Redevelopment Agency") has proposed the adoption of a Redevelopment Plan for the
22 Mission Bay South Redevelopment Project, which is generally bounded by the South
23 embankment of the China Basin Channel and Seventh Street, Interstate 280, Mariposa
24 Street, Terry Francois Boulevard and Third Street and contains approximately 238 acres of

25 ///

SUPERVISOR, YAKI, TENG, NEWSOM, BIERMAN, MEDINA, BROWN, AMMIANO, KATZ, LENO, YEE
BOARD OF SUPERVISORS

1 and, as more particularly described in the Redevelopment Plan referred to in paragraph B
2 below (the "South Plan Area").

3 B. The Redevelopment Agency has transmitted to this Board of Supervisors
4 certified copies of its Resolution No. 190-98, adopted following a duly noticed public
5 hearing held on September 17, 1998, attaching its report to the Board of Supervisors and
6 recommending the adoption of the Redevelopment Plan for the Mission Bay South
7 Redevelopment Project (the "Redevelopment Plan"), a copy of which report and
8 Redevelopment Plan are on file with the Clerk of the Board of Supervisors in File No.
9 981441.

10 C. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community
11 Redevelopment Law of California, and in order to promote development in accordance with
12 objectives and purposes of the Redevelopment Plan and documents relating to the
13 Redevelopment Plan, the City intends to undertake and complete proceedings and actions
14 necessary to be carried out by the City under the provisions of the Redevelopment Plan and
15 provide for the expenditure of monies by the community in carrying out the Redevelopment
16 Plan, and, specifically, the City wishes to enter into an Interagency Cooperation Agreement
17 with the Redevelopment Agency, in the form on file with the Clerk of the Board in File
18 No. 981441 (the "Interagency Cooperation Agreement"), to provide for cooperation
19 between the City and the Redevelopment Agency in administering the process for control and
20 approval of subdivisions, and all other applicable land use, development, construction,
21 improvement, infrastructure, occupancy and use requirements and in establishing the policies
22 and procedures relating to such approvals. Catellus Development Corporation is a third party
23 beneficiary of the Interagency Cooperation Agreement.

24 D. The Port Commission, by Resolution No. 98-88, adopted on
25 September 22, 1998, endorsed the Redevelopment Plan and recommended approval of the

SUPERVISOR YAKI
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1 Redevelopment by the Board of Supervisors, to the extent the Redevelopment Plan affects
2 property under the jurisdiction of the Port.

3 E. The Planning Commission has reviewed the proposed Redevelopment Plan and
4 has transmitted to this Board of Supervisors certified copies of its Resolution No.

5 14698, adopted on September 17, 1998, in which the Planning Commission finds
6 that the proposed Redevelopment Plan and the Interagency Cooperation Agreement, when
7 effective, will be consistent with the General Plan of the City and County of San Francisco, as
8 amended, and with the eight Priority Policies of City Planning Code Section 101.1, and
9 recommends the adoption of the Redevelopment Plan and the Interagency Cooperation
10 Agreement to this Board of Supervisors.

11 F. On September 3, 1998, the Planning Department and Redevelopment
12 Agency published a Final Subsequent Environmental Impact Report ("Final SEIR") for the
13 development project contemplated in the South Plan Area. Implementation of the
14 development project includes the adoption of the Redevelopment Plan and approval of the
15 Interagency Cooperation Agreement. On September 17, 1998, the Planning Commission
16 and the Redevelopment Agency evaluated and certified the Final SEIR jointly, by Planning
17 Commission ^{Motion}~~Resolution~~ No. 14696 and Redevelopment Agency Commission
18 Resolution No. 182-98, respectively, which certification was affirmed by the Board of
19 Supervisors by Motion No. M98-132.

20 G. This Board of Supervisors adopted Resolution No. 854-98 on
21 October 19, 1998, making findings pursuant to the California Environmental
22 Quality Act and adopting a mitigation monitoring program. This Board of Supervisors hereby
23 adopts and incorporates the environmental findings under the California Environment Quality
24 Act contained in such Resolution by reference as though such findings were fully set forth in
25 this Ordinance.

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1 H. On October 19, 1998, this Board of Supervisors held a public hearing on
2 the Redevelopment Plan, which hearing was closed and notice of which hearing was
3 published in accordance with Section 33349 of the California Health and Safety Code and
4 Section 6063 of the California Government Code, in the San Francisco Independent, a
5 newspaper of general circulation, printed, published and distributed in the City and County of
6 San Francisco, and at such hearing this Board considered the report and recommendations
7 of the Redevelopment Agency and the Planning Commission, the Final SEIR, and all
8 evidence and testimony for and against the proposed Redevelopment Plan, and hereby
9 adopts written findings to the extent required by the Community Redevelopment Law as set
10 forth in this Ordinance.

11 I. Due to the great need for low and moderate income housing at affordable cost
12 in all areas of the City as shown in the "Analysis of the OAHPP Formula prepared by the
13 Department of City Planning in November 1994" (as identified in Section 313.2 of the
14 Planning Code) and due to the lack of available sites for such housing in redevelopment
15 project areas, the Agency's and the City's use of funds in the Low and Moderate Income
16 Housing Fund created under Board of Supervisors' Resolution No. 489-89 both inside and
17 outside of the South Plan Area will be of benefit to the South Plan Area.

18 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of
19 Supervisors with respect to the South Plan Area are to adopt a Redevelopment Plan for the
20 South Plan Area in accordance with the Community Redevelopment Law of California (Health
21 & Safety Code Section 33000 et seq.) and to achieve the objectives for redevelopment of the
22 South Plan Area specified in the Redevelopment Plan.

23 Section 3. By this reference, the Redevelopment Plan, a copy of which is on file with
24 the Clerk of the Board of Supervisors under File No. 981441, is incorporated in and
25 made a part of this Ordinance with the same force and effect as though set forth fully herein.

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1 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE
2 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,
3 determines and declares that:

4 A. The South Plan Area, which is the subject of the Redevelopment Plan, is a
5 blighted area, the redevelopment of which is necessary to effectuate the public purposes
6 declared in the Community Redevelopment Law.

7 B. The Redevelopment Plan will redevelop the South Plan Area in conformity with
8 the Community Redevelopment Law and in the interests of the public peace, health, safety,
9 and welfare.

10 C. The adoption and carrying out of the Redevelopment Plan is economically
11 sound and feasible.

12 D. The Redevelopment Plan and the Interagency Cooperation Agreement
13 contemplated thereby, when effective, will be consistent with the General Plan of the City and
14 County of San Francisco, as amended, including, but not limited to, the housing element,
15 which substantially complies with the requirements of Article 10.6 (commencing with Section
16 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other
17 applicable requirements of law, and is consistent with the eight Priority Policies in City
18 Planning Code Section 101.1 for the reasons set forth in City Planning Commission
19 Resolution No. 14699, which findings are incorporated herein by reference as
20 though fully set forth herein.

21 E. The carrying out of the Redevelopment Plan will promote the public peace,
22 health, safety and welfare of the community and effectuate the purposes and policies of the
23 Community Redevelopment Law.

24 F. The condemnation of real property, to the extent provided for in the
25 Redevelopment Plan, is necessary to the execution of the Redevelopment Plan and

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1 adequate provisions have been made for payment for property to be so acquired as provided
2 by law.

3 G. There are no persons living in housing facilities in the South Plan Area who will
4 be displaced by the Redevelopment Plan. Accordingly, no residential relocation plan is
5 required.

6 H. There are no non-contiguous areas in the South Plan Area.

7 I. The South Plan Area includes lands, buildings and improvements which are not
8 individually detrimental to the public health, safety or welfare but which are necessary for the
9 effective redevelopment of the South Plan Area; any area included in the South Plan Area is
10 necessary for effective redevelopment and is not included for the purpose of obtaining an
11 allocation of tax increment revenues from the South Plan Area pursuant Section 33670 of the
12 California Health and Safety Code without other substantial justification for its inclusion.

13 J. The elimination of blight and the redevelopment of the South Plan Area could
14 not reasonably be expected to be accomplished by private enterprise acting alone without the
15 aid and assistance of the Redevelopment Agency.

16 K. The South Plan Area is predominantly urbanized, as defined by California
17 Health and Safety Code Section 33320.1(b).

18 L. The time limitation and the limitation on the number of dollars to be allocated to
19 the Redevelopment Agency that are contained in the Redevelopment Plan are reasonably
20 related to the proposed projects to be implemented in the South Plan Area and to the ability
21 of the Redevelopment Agency to eliminate blight within the South Plan Area.

22 M. The Agency's and the City's expenditure of funds in the Low and Moderate
23 Income Housing Fund created under Board of Supervisors' Resolution No. 498-89 within the
24 territorial limits of the City, whether within or outside the territorial limits of the South Plan
25 Area, will be of benefit to the South Plan Area; provided, however, any such expenditure shall

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1 be subject to the terms and conditions of the Tax Allocation Agreement for the South Plan
2 Area, a copy of which is on file with the Board of Supervisors in File No. 98-1441.

3 Section 5. The Board of Supervisors hereby approves and adopts the
4 Redevelopment Plan and designates the approved Redevelopment Plan as the official
5 Redevelopment Plan of the South Plan Area.

6 Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a
7 copy of this Ordinance to the Redevelopment Agency pursuant to California Health and
8 Safety Code Section 33372, whereupon the Redevelopment Agency shall be vested with the
9 responsibility for carrying out the Redevelopment Plan, (2) record or ensure that the
10 Redevelopment Agency records a description of the South Plan Area and a certified copy of
11 this Ordinance pursuant to California Health and Safety Section 33373, and (3) transmit, by
12 certified mail, return receipt requested, a copy of this Ordinance, together with a copy of the
13 Redevelopment Plan, which contains a legal description of the South Plan Area and a map
14 indicating the boundaries of the South Plan Area, to the Controller, the Tax Assessor, the
15 State Board of Equalization and all taxing agencies in the South Plan Area pursuant to
16 California Health and Safety Code Sections 33670 and 33375.

17 Section 7. In furtherance of the adoption and implementation of the Redevelopment
18 Plan and in accordance with the recommendations of various City commissions and
19 departments, the Board of Supervisors hereby approves the proposed Interagency
20 Cooperation Agreement. In connection therewith, for purposes of Section 53316.2(b) of the
21 Mello-Roos Community Facilities Act of 1982, as amended, (California Government Code),
22 the Board of Supervisors hereby finds and determines that the Interagency Cooperation
23 Agreement is and will be beneficial to the residents of the City and the South Plan Area. In
24 accordance with the Interagency Cooperation Agreement, the City will agree to undertake
25 and complete all actions or undertakings necessary or appropriate to ensure the continued

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1 fulfillment of the objectives of the Redevelopment Plan and Plan Documents (as defined
2 therein), including, without limitation, preventing the recurrence or spread of the conditions
3 causing blight in the South Plan Area. Such agreement by the City shall also include, without
4 limitation, compliance with those mitigation measures which are set forth in, and denominated
5 as the obligation of the City in, Attachment L to the Mission Bay South Owner Participation
6 Agreement, a copy of which is on file with the Clerk of the Board of Supervisors in
7 File No. 981441.

8 Section 8. The Board of Supervisors authorizes and urges the Mayor, the Director of
9 Public Works and all other appropriate City officials to execute the Interagency Cooperation
10 Agreement, in the name and on behalf of the City, in substantially the form of such agreement
11 presented to this Board of Supervisors.

12 Section 9. The Board of Supervisors authorizes the Mayor and the Director of Public
13 Works (or any successor City officer designated by law) to enter into and approve any
14 additions, amendments or other modifications to the Interagency Cooperation Agreement
15 (including, without limitation, the exhibits, or the Environmental Investigation and Response
16 Program, Design Review and Document Approval Procedure or Housing Program) that they
17 shall determine, in consultation with the City Attorney and any affected City agencies, are in
18 the best interests of the City, provided that any such additions, amendments or modifications
19 do not materially increase the costs or liabilities of the City, do not materially decrease the
20 time periods required for review or approval by any City Agency of permits, approvals,
21 agreements and entitlements in connection with the implementation of the Redevelopment
22 Plan and Plan documents, do not materially alters the obligations of the City agencies or the
23 principal benefits to the City (including, without limitation, the principal benefits accruing to the
24 City from the affordable housing elements of the Housing Program), and are necessary or
25 advisable to effectuate the implementation of the Redevelopment Plan, Plan Documents (as

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1 defined therein) and this Ordinance, such determination to be conclusively evidenced by the
2 execution and delivery by the Mayor and Director of Public Works of the Interagency
3 Cooperation Agreement and any amendments thereto.

4 Section 10. The Board of Supervisors authorizes and urges the Mayor, Director of
5 Public Works and any other officers, agents and employees of the City to take any and all
6 steps (including, but not limited to, the execution and delivery of any and all agreements,
7 notices, consents and other instruments or documents including, without limitation, any
8 agreements to extend any applicable statutes of limitation) as they or any of them deem
9 necessary or appropriate, in consultation with the City Attorney, in order to consummate the
10 Interagency Cooperation Agreement in accordance with this Ordinance, or to otherwise
11 effectuate the purpose and intent of this Ordinance, such determination to be conclusively
12 evidenced by the execution and delivery by such person or persons of any such documents.

13 Section 11. The approval under this Ordinance shall take effect upon the effective
14 date of the amendments to the General Plan approved under Board of Supervisors
15 Ordinance No. 324-98, adopted on October 30, 1998.

16
17 APPROVED AS TO FORM:

18 LOUISE H. RENNE, City Attorney

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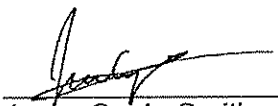
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By: 

Jesse Capin Smith
Deputy City Attorney

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City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Ordinance

File Number: 981441

Date Passed:

Ordinance approving and adopting Redevelopment Plan for the Mission Bay South Plan Area, which is generally bounded by the south embankment of the China Basin Channel and Seventh Street, Interstate 280, Mariposa Street, Terry Francois Boulevard and Third Street and contains approximately 238 acres of land; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Plan and related cooperation agreement are consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1; and adopting findings pursuant to the California Community Redevelopment Law.

October 19, 1998 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee

Absent: 1 - Newsom

Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Leno, Medina, Newsom, Teng, Yaki, Yee

Absent: 1 - Katz

Excused: 1 - Kaufman

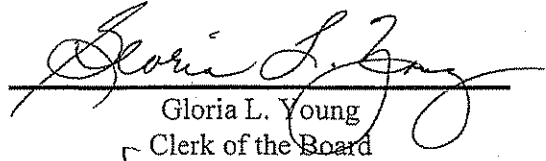
November 2, 1998 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki, Yee

Excused: 1 - Kaufman

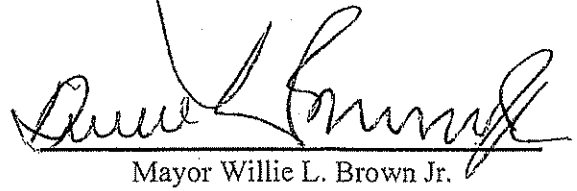
File No. 981441

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on November 2,
1998 by the Board of Supervisors of the City
and County of San Francisco.


Gloria L. Young
Clerk of the Board

NOV - 2 1998

Date Approved


Mayor Willie L. Brown Jr.

File No. 981441 continued...

City and County of San Francisco
Tails Report continued...

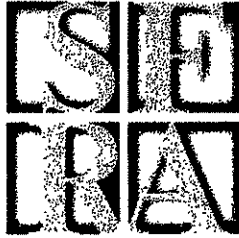
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Printed at 2:36 PM on 11/2/98

San Francisco
Redevelopment Agency

One South Van Ness Avenue
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Rick Swig, President
Darshan Singh, Vice President
Miguel M. Bustos
Francee Covington
Leroy King

Fred Blackwell, Executive Director

August 30, 2010

126-037.10-206

Ms. Grace Kwak
Project Manager
Mission Bay Task Force
Department of Public Works
30 Van Ness, Room 4200
San Francisco, CA 94102

RE: Mission Bay South-Stormwater Pump Station No. 6 Public Infrastructure Improvements
Consistency Determination

Dear Ms. Kwak:

The Agency has received your request regarding the Stormwater Pump Station No. 6 public infrastructure improvements and their consistency with the Mission Bay South Redevelopment Plan and Plan Documents.

The Agency has reviewed the documents and related materials concerning the acceptance of the Stormwater Pump Station No. 6 public infrastructure improvements and other related actions thereto, finds these consistent with the Mission Bay South Redevelopment Plan and Plan Documents, and recommends that the Board of Supervisors accept the facilities on behalf of the City.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'C. Reilly'.

Catherine Reilly
Assistant Project Manager

Cc: Barbara Moy, MBTF
Fred Blackwell, SFRA
Kelley Kahn, SFRA



SAN FRANCISCO PLANNING DEPARTMENT

May 4, 2010

Ms. Grace Kwak, Project Manager
Mission Bay Task Force (MBTF)
30 Van Ness Ave., Suite 4200
San Francisco, CA 94102

Re: **REPLACEMENT LETTER**
Case 2010.0198R Mission Bay South
City Acceptance of Land and Public Infrastructure Improvements
(AB 3837 Lot 002 and AB 8720, lots 002-009, 012 and 016) Blocks 9-9A,
10-10A Phase I, Park P18 and Storm Water Pump Station No. 6

Dear Ms. Kwak,

The Department recently completed review of the referenced General Plan Referral and responded in a findings letter dated April 29, 2010. After sending the letter to you, staff noticed that the Case Number referencing the project was incorrectly described as Case 2010.1098R. Would you kindly discard that letter and replace it with the enclosed letter, dated May 4, 2010.

The error was limited to transposing the case number. It does not affect to the General Plan consistency determination made for this project. Please pardon the error. Again, please replace the letter (dated April 29, 2010) with the enclosed letter. Thank you.

Sincerely,

Stephen Shotland

Encl: Replacement letter for
Case 2010.0198R

cc Ed Reiskin, Director of Public Works
Bruce Storrs, City and County Surveyor ✓
Kelley Kahn, SFRA
John Malamut, Deputy City Attorney
Brett Bollinger, PD
Stephen Shotland, PD

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

E:\Citywide\General Plan\General Plan Referrals\2010\2010.0193R Replacement letter.doc



SAN FRANCISCO PLANNING DEPARTMENT

May 4, 2010

Ms. Grace Kwak, Project Manager,
Mission Bay Task Force (MBTF)
30 Van Ness Ave., Suite 4200
San Francisco, CA 94102

Re: **Case 2010.0198R Mission Bay South**
City Acceptance of Land and Public Infrastructure Improvements
(AB 3837 Lot 002 and AB 8720, lots 002-009, 012 and 016) Blocks 9-9A,
10-10A Phase I, Park P18 and Storm Water Pump Station No. 6

Dear Ms. Kwak,

We are in receipt of your letter dated March 18, 2010, requesting that the Planning Department consider a General Plan referral application concerning City acceptance of land and public improvements and related actions, pursuant to Section 4.105 of the Charter and Section 2A.53 of the Administrative Code. The project is, on balance in conformity with the General Plan, as described in the Case Report, included as Attachment 1.

The Mission Bay Task Force (MBTF) proposes a number of actions to implement the Mission Bay South Redevelopment Plan Project Area, located south of Channel Street. The Mission Bay South Redevelopment Plan Project was approved as part of Planning Case 1996.771EMTZR. The Planning Commission found the Mission Bay North and Mission Bay South Redevelopment Plan Projects, on balance, in conformity with the General Plan by Resolution 14699, on September 17, 1998. The specific actions considered as part of the current Project require a General Plan Referral consistency determination and consideration and approval by the Board of Supervisors for City approval of the actions referenced above, including acceptance of real property and public infrastructure improvements. The proposed Project is described in further detail below.

PROPOSED ACTIONS BY THE BOARD OF SUPERVISORS

1. Acceptance of land (real property) for street and roadway use purposes
Acceptance of a portion of Block 8720, lot 016 and a portion of Assessor's Block 3837, lot 002, as shown on the Final Map and Offer of Dedication, shown in Exhibits B (Offer of Dedication), Exhibit C (Final Map Planned Development Mission Bay 9-9A and 10-10A), and Exhibit D (Blocks 9-9A and 10/10A Phase 1 Public Improvements). Exhibits B, C and D are located in Docket 2010.0198R and available for review at the Planning Department offices. The real property is described further described below.

- a. Portion of Block 8720, lot 016: a five foot-wide strip of land along the east side of Third Street between China Basin Street and Mission Bay Blvd. North as shown in Exhibit B and C of the submittal.

1650 Mission
Suite 400
San Francisco
CA 94103-24

Reception:
415.558.631

Fax:
415.558.641

Planning
Information:
415.558.637

- b. Portion of Block 3837, lot 002: a five-foot wide strip of land along the east side of Third Street between China Basin Street and Mission Bay Blvd. North (shown in Exhibit D of the submittal).

2. Acceptance of Dedication of Public Infrastructure Improvements.

The Department of Public Works (DPW) has determined that the public infrastructure facilities have been constructed in accordance with the City-approved plans and specifications and are ready for their intended use. The Project sponsor is obligated to dedicate the infrastructure facilities to the City and County. Infrastructure Improvements proposed to be dedicated to the City and County include those located adjacent to Assessor's Block No. 3837, lot 002, Block 8717, lots 003-005 and Block 8720, lots 016 and 017. The Board of Supervisors must consider taking action to accept the dedication of the public infrastructure facilities. The public infrastructure improvements include: low pressure water lines, reclaimed water lines, sewer, storm, gas and electric lines, street lighting, an auxiliary water supply system, sidewalks, pavement and landscaping. The Infrastructure Improvements are shown in the following submittal Exhibits:

- a. Excerpts of Blocks 10-10A As-Built Improvement Plans (Exhibit D of the submittal)
- b. Excerpts of Park P18 As-Built Improvement Plans (Exhibit E and F of the submittal)
- c. Excerpts of Storm Water Pump Station No. 6 As-Built Improvement Plans (Exhibit F of the submittal)

The Public Infrastructure facilities to be dedicated to the City and County of San Francisco include streets and public infrastructure improvements adjacent to Assessor's Block 8719 and 8720, including low pressure and reclaimed water lines, sewer, storm, gas and electric lines, street lighting, auxiliary water supply system elements, sidewalks, street pavement delineation, landscaping, Improvements to Park P18, and Storm Water Pump Station No. 6, further described below:

- a. China Basin Street between Third Street and Terry Francois Blvd: approximately 600 feet in length, one eastbound lane and one westbound lane with a parking lane and sidewalks on both sides of the street.
- b. Terry Francois Blvd. between China Basin Street and Mission Bay Blvd. North: approximately 400 feet in length, two northbound lanes, two southbound lanes, with bicycle lanes and parking lanes on both sides of the street.
- c. Mission Bay Blvd. North between Third Street and Terry Francois Blvd: approximately 700 feet in length, including one westbound lane with a parking lane and sidewalk on the north side of the street.
- d. The east side of Third Street north of Mission Bay Blvd. North: approximately 500 feet in length; two northbound lanes with a sidewalk (no parking lane).
- e. Park P18: approximately 0.34 acres in size, including landscaping and hardscape improvement features.
- f. Storm Water Pump Station No. 6 (located in Park P18) and related storm water collection and treatment elements.

ENVIRONMENTAL REVIEW

The Major Environmental Analysis section of the Planning Department completed Environmental Analysis of the Mission Bay Final Subsequent Environmental Impact Report (FSEIR) as part of Case no. 1996.771EMTZR. The FSEIR included analysis of regulatory and physical aspects of the Plan, including acceptance of real property for public road rights-of-way and other public uses, and acceptance of offers of dedication of horizontal improvements (infrastructure) including streets, sidewalks, street lighting, utility lines, and improved public open spaces, among other actions.

The Final Subsequent Environmental Impact Report for Mission Bay (FSEIR) was prepared pursuant to the California Environmental Quality Act and was certified as adequate, accurate and objective in the following actions:

- Redevelopment Commission Resolution No. 182-98 on September 17, 1998;
- Planning Commission Resolution No. 14696 on September 17, 1998, certifying the Mission Bay North and Mission Bay South FSEIR;
- Board of Supervisors affirming the Planning Commission's certification by Resolution No. 854-98 on October 19, 1998.
- FSEIR Addendum # 6, issued by the Redevelopment Agency on September 10, 2008.

The Mission Bay Plan and implementation of the Plan were analyzed as part of the FSEIR certified by the Planning Commission and affirmed by the Board of Supervisors, and in subsequent FSEIR Addenda. The Major Environmental Analysis Section of the Department determined that the subject Project (acceptance of real property and acceptance of dedication of public infrastructure improvements) were analyzed in earlier actions, are non-physical events, and are exempt from Environmental Review pursuant to Sec. 15060(c)(2) of CEQA Guidelines

PREVIOUS ACTIONS RELATED TO THIS PROJECT

In previous actions related to the Mission Bay Project, the Planning Commission found the Mission Bay North and Mission Bay South Redevelopment Plans, dated September 4, 1998, in-conformity with the San Francisco General Plan. The current Project (acceptance of real property and acceptance of Dedication of Public Infrastructure Improvements in the Mission Bay South Redevelopment Area) was proposed as part of the Mission Bay South Redevelopment Plan approved in the earlier Planning Commission and Board of Supervisor actions. Other actions include those described below:

1. An Owner Participation Agreement (OPA) was executed between the Redevelopment Agency of the City and County of San Francisco and the Project Sponsor on November 16, 1998. The OPA required the owner to implement the Infrastructure Plan and to construct the horizontal

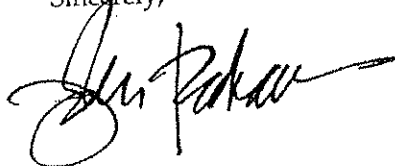
infrastructure and improvements that are incorporated into the subject project, contained in an Attachment D to that document. .

2. The Mission Bay Tentative Map and Land Transfers were found to be consistent with the General Plan and Section 101.1 of the Planning Code in the Planning Department's letter to Mark A. Primeau of the Redevelopment Agency on November 13, 1998.
3. The Final Land Transfer Map was approved by the Board of Supervisors by Motion M9979 and recorded in Book Z of Maps, pages 97-117, Official Records.
4. The Mission Bay South Blocks (9-9A and 10-10A Tentative Map, conditionally approved on May 19, 2004, were found consistent with the General Plan and Section 101.1(b) of the Planning Code, subject to the CEQA mitigation measures adopted by the Board of Supervisors and the Redevelopment Commission as part of the Mission Bay North and South Development Plans. The Planning Department determinations and Conditions of Approval were set forth in a letter dated April 16, 2004, from the Planning Department to the Real Estate Department. The letter is included in Case 2010.0198R Project files as Exhibit J.
5. In a letter dated May 19, 2004, the SFRA determined that the Block 9-9A and 10-10A Tentative Map, conditionally approved on May 19, 2004, is consistent with the Mission Bay South Redevelopment Plan, including the Scope of Development and the Design for Development document, pursuant to Section 1434 of the Mission Bay Subdivision Code and that the Project is in substantial conformance with the Major Phase approved by the Redevelopment Commission. The letter is included in the Case 2010.0198R Project file as Exhibit K.
6. The Mission Bay South Block 9-9A and 10-10A Final Map was approved by the Board of Supervisors and recorded on May 31, 2005, in Book BB of Maps, pages 6-10. A copy is included in the Case 2010.0198R Project File as Exhibit C.

SUMMARY OF FINDINGS

In summary, the Project is, on balance, in conformity with the General Plan, as described in the attached Case Report (Attachment 1). The project is consistent with Planning Code Section 101.1 policies, included as Attachment 2.

Sincerely,



John Rahaim
Director of Planning

Attachments

1. Case Report
2. Planning Code Section 101(b) Priority Policies

cc Ed Reiskin, Director of Public Works
Bruce Storrs, City and County Surveyor ✓
Kelley Kahn, SFRA
John Malamut, Deputy City Attorney
Brett Bollinger, PD
Stephen Shotland, PD

The following Exhibits, referenced herein, are contained in Planning Dept. Docket No. 2010.0198R and are available for review at the Planning Department offices.

- Exhibit A - Location Map
- Exhibit B - Offer of Dedication
- Exhibit C - Final Map of Mission Bay (MB) South Blocks 9-9A and 10-10A
- Exhibit D - Excerpts of MB South Blocks 10-10A - As Built Improvement Plans
- Exhibit E - Excerpts of MB Park P18 Improvement Plans
- Exhibit F - Excerpts of the MB South Storm Water Pump Station No. 6 - As Built Plans
- Exhibit G - FSEIR Addendum No. 6
- Exhibit H - DCP General Plan Consistency letter for Land Transfer
- Exhibit I - Excerpt of MB Bay Owner Participation Agreement /Infrastructure Plan
- Exhibit J - DCP General Plan Consistency findings for MB Blocks 9-9A, 10-10A Tentative Map
- Exhibit K - SFRA letter approving MB Blocks 9-9A, 10-10A Tentative Map

CASE REPORT

Case 2010.0198R Mission Bay South
City Acceptance of Land and Public Infrastructure Improvements
(AB 3837 Lot 002 and AB 8720, lots 002-009, 012 and 016) Blocks 9-9A,
10-10A Phase I, Park P18 and Storm Water Pump Station No. 6

Staff

Reviewer: Stephen Shotland

DATE: April 28, 2010

Note: General Plan OBJECTIVES in **Bold CAPS**, General Plan Policies and text are in **bold font**;
text is in regular font; Staff Comments in *italic font*

2004 HOUSING ELEMENT

OBJECTIVE 11

**IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND
NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN
FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL
NEIGHBORHOODS.**

POLICY 11.2

Ensure housing is provided with adequate public improvements, services, and amenities.

The Mission Bay project will provide a significant amount of new housing, including affordable housing units, consistent with these policies. The subject project is limited City-acceptance of property and public improvements, including provision of streets, sidewalks and related infrastructure, and improvements to publicly accessible open space in Assessor's Blocks 3837, lot 002 and Block 8720, lots 002-009, 012 and 016. The proposed project is generally consistent with the plans considered in earlier official actions by the Planning Commission, including Res. No. 14699, finding the Mission Bay North and Mission Bay South Redevelopment Plans in conformity with the General Plan. The proposed Project is required in order to implement the Mission Bay South Redevelopment Project, including construction of public infrastructure that will support development of a significant number of new housing units, including market rate and low-cost dwelling units.

COMMERCE & INDUSTRY ELEMENT

Policy 6.7

Promote high quality urban design on commercial streets.

Comment: Streets and other public infrastructure improvements will be constructed consistent with the Mission Bay South Redevelopment Plan, which calls for high quality design features in public rights-of-way and adjacent development. Implementation of the Project would permit development of neighborhood commercial uses and new residential development

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 10

LOCATE WASTEWATER FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE AND EFFICIENT TREATMENT OF STORM AND WASTEWATER.

POLICY 10.1

Provide facilities for treatment of storm and wastewater prior to discharge into the Bay or ocean. Locate such facilities according to the Wastewater and Solid Waste Facilities Plan.

Comment: The Project includes acceptance of elements of a stormwater collection and treatment system, including a stormwater pump station dedicated as part of this Project (Pump Station #6 located in Park P18). These improvements will serve as part of the City's storm water system that will discharge treated stormwater to the Bay. Unlike most areas of the City, Mission Bay has separate systems for stormwater and wastewater. Wastewater (sewage) will continue to be delivered to separate facilities for additional treatment.

ENVIRONMENTAL PROTECTION ELEMENT

POLICY 3.3

Implement plans to improve sewage treatment and halt pollution of the Bay and Ocean.

New development in Mission Bay will construct separate systems for stormwater and wastewater management. Wastewater will continue to be delivered to facilities for treatment before discharge, reducing the amount of untreated (combined) sewage/wastewater that is discharged to the Bay after storm events.

POLICY 5.1

Maintain an adequate water distribution system within San Francisco.

Storage reservoirs and distribution lines within San Francisco should match the pattern of development in the city.

POLICY 5.5

Improve and extend the Auxiliary Water Supply system of the Fire Department for more effective fire fighting.

The public infrastructure systems to be accepted by the City include water supply lines, sewage lines, reclaimed water lines, as well as elements of the auxiliary water supply system. Accepting the public infrastructure improvements implements the referenced General Plan policies.

RECREATION AND OPEN SPACE ELEMENT

POLICY 2.1

Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

POLICY 2.7

Acquire additional open space for public use.

POLICY 3.5

Provide new public open spaces along the shoreline.

Mission Bay

The area known as Mission Bay is governed primarily by the Mission Bay North and Mission Bay South Redevelopment Plans...

The concept for the open space system for Mission Bay is to provide opportunities for local, citywide and regional recreational usage. The intent is to develop: (1) flexible/multiple use spaces that can accommodate heavy, active recreational uses as well as a balance of active and passive uses; and (2) spaces that will accommodate the immediate as well as the long-term/changing needs of the local community and the City.

The Recreation and Open Space Element calls for the City to provide adequate open space to serve the needs of all San Francisco residents. Redevelopment of the Mission Bay area will result in provision for a significant amount of new housing as well as office, commercial and retail development that will create a demand for publicly accessible open space that are not available in the area. As part of the Mission Bay Redevelopment Project, the project sponsor is responsible for establishing and maintaining new publicly accessible parks and open spaces for the area's residents, workers and visitors. By approving this action, the City will accept approximately 0.34 acres of property and landscape improvements at the site described as P18, once the Department of Public Works has determined that the improvements have been installed as approved by the City's Department of Public Works

TRANSPORTATION ELEMENT

Objective 1

Meet the needs of all residents and visitors for safe, convenient and inexpensive travel within San Francisco and between the city and other parts of the region while maintaining the high quality living environment of the Bay Area.

POLICY 1.6

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

Comment: The project includes acceptance of real property and infrastructure improvements, including improvements to rights-of-way that will accommodate all users, including trucks/vehicles, pedestrians and bicyclists.

POLICY 27.1

Expand and improve access for bicycles on city streets and develop a well-marked, comprehensive system of bike routes in San Francisco.

Comment: The Project includes acceptance of public infrastructure improvements, including improvements to street rights-of-way that have been designed to accommodate safe travel by vehicular, pedestrian and bicycle use.

URBAN DESIGN ELEMENT

Objective 4

Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

Comment: The Project includes 1) City acceptance of real property to implement the Mission Bay South Redevelopment Project, 2) improvements to public rights-of-way, and 3) City acceptance of horizontal infrastructure improvements in public rights-of-way, including street roadways, sidewalks, street furniture and related infrastructure. The project sponsor is has constructed public streets and other public infrastructure improvements (horizontal infrastructure improvements) consistent with City- approved plans. The City would accept the street areas and infrastructure improvements including improved Park P18, consistent with approved plans, when the improvements have been completed.

CENTRAL WATERFRONT AREA PLAN

POLICY 6.2

Encourage additional housing within established residential areas.

The Central Waterfront Area Plan references the Mission Bay North and Mission Bay South Redevelopment Plans.

OBJECTIVE 8

IMPROVE TRANSPORTATION CONDITIONS WITHIN THE SUBAREAS.

POLICY 8.1

Improve internal vehicular circulation through the construction, repair, and maintenance of public streets, and the provision of appropriate signing and lighting.

POLICY 8.2

Maintain and construct sidewalks on streets with pedestrian traffic.

General Plan Referral
Case No. 2010.0198R

The project will result in improvements to public rights-of-way, including portions of roadways, sidewalks, and related horizontal infrastructure. The Project will improve vehicular and pedestrian access to the neighborhood.

The Project is, on balance, X in conformity with the General Plan.

Planning Code Section 101.1(b) Policies

ATTACHMENT 2

Case 2010.0198R Mission Bay South

City Acceptance of Land and Public Infrastructure Improvements
(AB 3837 Lot 002 and AB 8720, lots 002-009, 012 and 016) [Blocks 9-9A,
10-10A Phase I, Park P18 and Storm Water Pump Station No. 6]

Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of projects for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The Project actions considered in this case would implement policies and plans contained in the Mission Bay South Redevelopment Plan and the Design for Development document, which were found consistent with the General Plan in Case No. 1996.771EMTZR. The project would not negatively affect the level of neighborhood serving retail.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project considered would have no adverse effect on existing housing and neighborhood character. City acceptance of real property, acceptance of dedication of horizontal public infrastructure improvements (streets and related improvements) and improvements to a publicly accessible park, Park P18, are necessary for the Redevelopment Project to be implemented as approved. The Project is necessary in order to establish new residential and mixed-use development on the site.

- (3) That the City's supply of affordable housing be preserved and enhanced.

The Project in itself (accepting real property and infrastructure improvements) would have no effect on the City's supply of affordable housing. Implementation of the Mission Bay North and South Redevelopment Plans, as adopted and approval of the Project actions would ultimately result in increasing the City's supply of affordable housing through adherence to the Community Redevelopment Law that requires at least 15% of all new and substantially rehabilitated dwelling units developed within the Project Area be affordable and occupied by, persons and families of low- or moderate income as defined by the California Health and Safety Code.

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not adversely impede MUNI transit service or overburden city streets and neighborhood parking.

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would not adversely affect a diverse economic base. The property was once the site of rail yards and related development, subsequently vacant.

- (6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

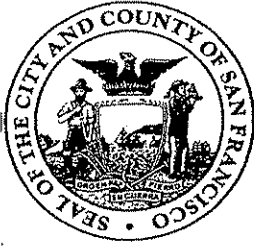
The Project, limited to acquisition of real property and acceptance of public infrastructure improvements (once constructed consistent with approved plans) would not adversely affect City preparedness against injury or loss of life in an earthquake. All development would be constructed consistent with current Building and Seismic Codes and regulations.

- (7) That landmarks and historic buildings be preserved.

The Project would not adversely affect landmarks or historic buildings.

- (8) That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would not adversely affect parks and open space and their access to sunlight and vistas. By this Project, the City would accept real property proposed to be improved as a public park. The Project sponsor will construct improvements to Park P18, and the City would accept the public infrastructure improvements, including park landscape improvements, once the Department of Public Works determines that they have been constructed consistent with the approved Mission Bay South Redevelopment Plan, the Public Works Code and other appropriate Codes and regulations.



Department of Public Works
GENERAL - DIRECTOR'S OFFICE

Gavin Newsom, Mayor

City Hall, Room 348

Edward D. Reiskin, Director

1 Dr. Carlton B. Goodlett Place, S.F., CA 94102

DPW Order No: 178,871

September 16, 2010

FINDINGS OF DEPARTMENT OF PUBLIC WORKS
ORDER NO. _____

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
SEP 20 AM 8:10

Re: Recommendation for formal acceptance of the Mission Bay South Storm Water Pump Station No. 6 improvements located within Bayfront Park along Terry A. Francois Boulevard; accepting the irrevocable offer of the Acquisition facilities; dedication of such facilities to City use and acceptance for maintenance and liability purposes.

WHEREAS, On November 2, 1998, the City, acting through its Board of Supervisors approved the Mission Bay South Redevelopment Plan ("Mission Bay Plan") by its Ordinance No. 335-98; and

WHEREAS, On November 16, 1998, the Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency") and Catellus Development Corporation ("Catellus") entered into the South Mission Bay Owner Participation Agreement; and

WHEREAS, On November 16, 1998, the City and County of San Francisco (the "City") and the Redevelopment Agency entered into the South Interagency Cooperation Agreement; and

WHEREAS, On June 1, 2001, the Redevelopment Agency and Catellus entered into the Mission Bay South Acquisition Agreement; and

WHEREAS, On December 1, 2003, Catellus merged into Catellus Operating Limited Partnership, a Delaware limited partnership ("COLP"), and on December 31, 2003 COLP, as successor by merger to Catellus contributed most of its interests in Mission Bay to Catellus Land and Development Corporation ("CLDC") a Delaware Corporation, thereby making CLDC a wholly owned subsidiary of COLP following the merger, including all rights and obligations under the Project Permit and the Permit to Enter related to the Project; and

WHEREAS, On November 22, 2004, Catellus Land and Development Corporation granted certain properties, and all its right, title, interest and obligations with respect thereto, to FOCIL—MB, LLC, a Delaware limited liability company ("FOCIL"), recorded December 1, 2004 in Reel I774, Image 0005, Official Records of the City and County of San Francisco; and

WHEREAS, On April 6, 2006, the City, Department of Public Works issued Street Improvement Permit No. 06IE-0170 to construct the "Mission Bay Storm Water Pump Station No. 6 Improvements"; and

WHEREAS, On August 18, 2009, FOCIL irrevocably offered to the City the public infrastructure improvements and facilities as constructed or installed pursuant to the Improvement Plans for Mission Bay Storm Water Pump Station No. 6 approved by the Department of Public Works on April 6, 2006, and any authorized revisions or contract change orders thereto (Focil Irrevocable Offer); and together with an assignment of all guaranties and warranties related to the construction of all the improvements; and

WHEREAS, In a letter (attached as Exhibit A) dated May 4, 2010 the City Planning Department determined that the acceptance of the Mission Bay Storm Water Pump Station No. 6 Improvements and other actions are consistent with the General Plan consistency findings of Case No. 2010.0198R, the Eight Priority Policies of Planning Code Section 101.1 and the contemplated actions do not trigger the need for subsequent environmental review pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 1000 et seq.); and

WHEREAS, On June 4, 2010 the San Francisco Public Utilities Commission signed and accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties with regard to the Storm Water Pump Station No. 6 Improvements; and

WHEREAS, On June 7, 2010, the San Francisco Public Utility Commission issued a notice determining that the "Mission Bay Storm Water Pump Station No. 6 Improvements" has been substantially completed pursuant to Improvement Permit No. 06IE-0170 and is ready for its intended use; and

WHEREAS, On June 24, 2010, the Department of Public Works issued a notice determining that as of June 8, 2010 the "Mission Bay Storm Water Pump Station No. 6 Improvements" has been substantially completed pursuant to Improvement Permit No. 06IE-0170 and is ready for its intended use; and

WHEREAS, In a letter (attached as Exhibit B) dated August 30, 2010 the Redevelopment Agency found the acceptance of the Mission Bay Storm Water Pump Station No. 6 Improvements and other actions are "consistent with the Mission Bay South Redevelopment Plan and Plan Documents, described therein, and recommends Board of Supervisors approval"; and

WHEREAS, The City Engineer and Director of Public Works hereby certify the following:

- a. All Inspections have been performed, test results have been obtained, permit conditions and mitigation measures have been complied with, punch list items have been resolved, and improvement plan As-Built drawings have been received for the Mission Bay Storm Water Pump Station Improvements.
- b. Mission Bay Development Group, LLC on behalf of FOCIL-MB, LLC, has submitted a copy of record Notice of Completion, Assignments of Warranties and Guaranties, Assignments of Reimbursements to the Agency from third parties, if applicable, and evidence of acceptability of the facilities from all applicable public entities and/or non-City utilities.
- c. By the letter dated June 24, 2010 the Department of Public Works has determined that as of June 8, 2010 the work is ready for its intended use and has been completed substantially in conformance with the Plans and Specifications for Mission Bay Storm Water Pump Station No. 6 approved by the Department of Public Works on April 6, 2006, or any authorized revision thereto, and has been constructed in accordance with all City codes, regulations, standards and the Mission Bay South Plan and Plan Documents governing this Project.

NOW THEREFORE BE IT ORDERED THAT,


With respect to facilities acceptance:

I hereby recommend the Board of Supervisors accept the Focil Irrevocable Offer of Improvements.

I recommend that the Board of Supervisors acknowledge FOCIL's Conditional Assignment of Warranties and Guaranties to the City and County of San Francisco with regard to the Storm Water Pump Station No. 6 Improvements.

With Respect to Maintenance and Liability:

I hereby recommend that the Board of Supervisors accept the facilities for maintenance and liability purposes.

 Click here to sign this section

9/16/2010

X Fuad Sweiss, City Engineer

Signed by Fuad Sweiss [View details](#)
on Thursday, September 16, 2010 7:56 PM (Pacific Daylight Time)

9/16/2010

X Edward D. Reiskin

Signed by Reiskin, Ed [View details](#)
on Thursday, September 16, 2010 8:03 PM (Pacific Daylight Time)

[Not for Recording]
City and County of San Francisco
Director of Property
25 Van Ness Avenue
Suite 400
San Francisco, CA 94102

OFFER OF IMPROVEMENTS

(Mission Bay Stormwater Pump Station No. 6)

FOCIL-MB, LLC, a Delaware limited liability company ("FOCIL") does hereby irrevocably offer to the City and County of San Francisco, a municipal corporation ("City"), and its successors and assigns, all of the open space, right-of-way improvements and underground public utility facilities constructed or installed by or on behalf of FOCIL pursuant to the Street Improvement Permit #06IE-0170, dated April 6, 2006, issued thereunder, for Mission Bay Stormwater Pump Station No. 6, and the improvement plans and specifications described therein, but excepting therefrom those portions of the facilities which are identified on the "as-built" drawings delivered to and on file with the City.

The property where the improvements are located is shown on Exhibit A hereto, constituting City property located in the City.

It is understood and agreed that: (i) upon acceptance of this offer of public improvements the City shall own and be responsible for maintenance of the offered public facilities and improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered improvements, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 18 day of AUGUST, 2009.

FOCIL-MB, LLC,
a Delaware limited liability company

By: Farallon Capital Management, L.L.C.,
a Delaware limited liability company,
Its Manager

By: 

Name: Richard B. Fried
Managing Member

Title: _____

EXHIBIT A
[Plat Map]

LEGEND

- MISSION BAY BLOK LINE
- EXISTING PROPERTY LINE
- LIMIT OF WORK LINE
- PORT JURISDICTION LINE
- OFFER OF IMPROVEMENTS



SCALE
1" = 100'

CITY AND COUNTY
OF SAN FRANCISCO
1/30/2009

TERRY A. FRANCOIS BLVD

P21

CCSF
8722/5

P18

10A

BLOCK 8720
LOT 17
BB MAPS 6-10

STORMWATER
PUMP STATION
NO. 6

CCSF
8720/8

P17

CCSF
8720/6

CCSF
8720/7

9A

BLOCK 8719
LOT 5
BB MAPS 6-10

P19

CCSF
8720/9

CHINA BASIN STREET

(FORMER
FOURTH
STREET)

9

BLOCK 8719
LOT 3
BB MAPS 6-10

10

BLOCK 8720
LOT 16
BB MAPS 6-10

CCSF
8720/4

MISSION BAY BLVD NORTH

P16

CCSF
8720/5

(FORMER
ILLINOIS
STREET)

CCSF
8720/10

MISSION BAY BLVD SOUTH

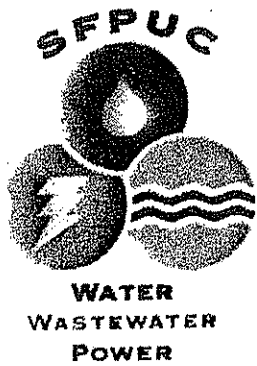
26

26a

F&L Freyer & Laureta, Inc.
 civil engineers • surveyors • construction managers
 144 North San Mateo Drive • San Mateo, CA 94401
 (650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com

IMPROVEMENTS EXHIBIT

MISSION BAY STORMWATER PUMP STATION NO. 6




San Francisco Public Utilities Commission
Wastewater Enterprise



MEMORANDUM

2010 JUN 8 - 11:00 AM

TO: Barbara Moy
Mission Bay Task Force

FROM: Tommy Moala 
AGM, Wastewater Enterprise

DATE: June 7, 2010

SUBJECT: DOC for Mission Bay Storm Water Pump Station #6

This memo on this date acknowledges the Wastewater Enterprise's acceptance of the determination of completeness (DOC) for the Mission Bay Storm Pump Station No. 6.

Thank you and your staff for their outstanding effort on coordinating and delivering a good project.

CONDITIONAL ASSIGNMENT OF WARRANTIES AND GUARANTIES

Assignment

FOR VALUE RECEIVED, FOCIL-MB, LLC, a Delaware limited liability company (“**FOCIL**”), conditionally assigns to the City and County of San Francisco (the “**City**”), acting by and through the San Francisco Public Utilities Commission (“**SFPUC**”), to the extent permissible, all of its right, title and interest in and to any and all warranties and guaranties (individually a “**Warranty**”, and collectively, “**Warranties**”) applicable to the Acquisition Facilities set forth on **Exhibit A** (the “**Acquisition Facilities**”), effective on the effective date of a License Agreement relating to the Acquisition Facilities between FOCIL and the City, dated for reference purposes as of June 4, 2010.

This Conditional Assignment of Warranties and Guaranties (the “**Assignment**”) is being made in connection with Section 4.3(c) of that certain Acquisition Agreement dated as of June 1, 2001, by and between Catellus Development Corporation and the Redevelopment Agency of the City and County of San Francisco (“**Agency**”), as supplemented by that certain Supplement No. 1 to Acquisition Agreement dated as of October 1, 2002, as assigned to FOCIL pursuant to that certain Assignment, Assumption and Release Agreement (Mission Bay South) dated November 22, 2004, applicable to the Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 6 (Mission Bay South Public Improvements) (as may be further supplemented or amended from time to time, the “**Acquisition Agreement**”). SFPUC is the city agency that will have jurisdiction of and operate the Acquisition Facilities for the City, as contemplated in Section 4.2 of the Acquisition Agreement.

In this Assignment, FOCIL acknowledges that the City, as the owner of the Acquisition Facilities, will be entitled to exercise rights under certain indemnities, warranties or other commitments given by FOCIL under the Mission Bay Plan and Plan Documents or subsequent Permits (the “**Other Obligations**”), to the extent provided therein, and which are not affected by this Assignment. The Warranties and Other Obligations are listed on **Exhibit B**.

FOCIL represents that it: (1) will not and has not taken any action, and has not failed to take any required action or done anything that could limit the enforceability of the Warranties and Other Obligations; and (2) has followed all start-up and monitoring procedures required to keep the Warranties in effect.

Conditions

1. **Warranty Repairs.** FOCIL either has entered into a contract to provide repair services for the Acquisition Facilities while the Warranties are in effect, or has the right to demand that a contractor, manufacturer, or supplier make repairs while the applicable Warranties are in effect. Therefore, FOCIL and the City agree that:

a. In non-emergency circumstances, the City must provide notice to FOCIL at least ten (10) business days before the City exercises a right of repair, warranty, guaranty, or similar right with respect to Acquisition Facilities subject to a Warranty (the “**Warranty Notice Period**”). Within the Warranty Notice Period, FOCIL, at its option, without any requirement that

it do so, may enforce the Warranty directly, but, if it does so, FOCIL must provide notice to the City before the Warranty Notice Period expires. If FOCIL either fails to provide such notice to the City, or provides notice but then fails to pursue the Warranty diligently (as determined in the City's reasonable judgment), the City will have the sole right and privilege to enforce the Warranty.

b. In the event of emergency circumstances, the City will have the right to use any and all means it deems proper to repair the Acquisition Facilities without prior notice to FOCIL, and the City's actions will not impair its rights in relation to FOCIL under this Assignment or the Other Obligations. The City agrees to provide FOCIL with notice of emergency repairs and the costs of the repairs to be claimed under the applicable Warranties within 24 hours or, if not practicable, as soon as reasonably practicable. In the event the City fails to provide FOCIL with reasonable notice FOCIL will not be obligated to reimburse the City for expenses or costs not covered by the Warranties.

c. In all circumstances, FOCIL agrees to cooperate and assist the City with its efforts to enforce any Warranties.

2. Notices and Communications.

a. Any notice under this Assignment by any party to any other party will be sufficiently given or delivered if dispatched by hand or by registered or certified mail, postage prepaid, addressed as follows:

To the City:

Public Utilities Commission
1145 Market Street, 5th Floor
San Francisco, CA 94103
Attn: Real Estate Services
Facsimile No.: 415) 487-5200

with a copy to:

City Attorney's Office
City & County of San Francisco
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
Attention: Anita L. Wood
Facsimile No.: (415) 554-4757

To FOCIL:

FOCIL-MB, LLC
c/o Farallon Capital Management
One Maritime Plaza, Suite 2100
San Francisco, CA 94111
Attn: Joshua Dapice and Richard B. Fried
Facsimile No.: (415) 956-8852

with a copy to:

Mission Bay Development Group, LLC
255 Channel Street
San Francisco, CA 94158
Attn: Phil Owen, President
Facsimile No.: (415) 355-6696

b. Day-to-day communications should be directed to:

To FOCIL:

Joe Antonio
Mission Bay Development Group
email to: jantonio@mbaydevelopment.com
Mobile: (415) 373-8436

To the City: Chief on Watch, SFPUC Southeast Facility, Tel.: (415) 648-6882.

c. Any contact information for day-to-day communications, mailing address for notices, or facsimile number may be changed by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Assignment will be deemed given, received, made, or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt. For the convenience of the parties, copies of notices may also be given by facsimile. The effective time of a notice will not be affected by the receipt of a facsimile copy of the notice prior to receipt of the original.

3. General Provisions.

a. This Assignment may be executed in one or more counterparts, each of which will constitute an original and all of which will constitute one instrument.

b. The terms of this Assignment may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

c. The waiver or failure to enforce any provision of this Assignment will not operate as a waiver of any future breach of any such provision or any other provision hereof.

d. This Assignment will be binding upon and inure to the benefit of the successors and assigns of FOCIL and the City.

e. This Assignment will be governed by and construed and enforced in accordance with the laws of the State of California.

f. Nothing in this Assignment may be construed in any way to alter, amend or otherwise relieve FOCIL of its indemnity, warranty, and guaranty obligations with respect to any improvements under the Mission Bay Plan and Plan Documents or subsequent Permits.

g. Attached exhibits are incorporated into this Assignment by reference.

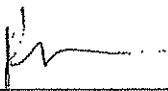
IN WITNESS WHEREOF, the parties have caused this Assignment to be executed as of June 4, 2010.

FOCIL:

FOCIL-MB, LLC,
a Delaware limited liability company

By: Farallon Capital Management, LLC,
a Delaware limited liability company

Its: Manager

By: 
Name: Richard B. Fried
Its: Managing Member

Accepted.

CITY:

THE CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation,
acting by and through the Public Utilities Commission

By: 
Ed Harrington
General Manager

APPROVED AS TO FORM:

DENNIS J. HERRERA,
City Attorney

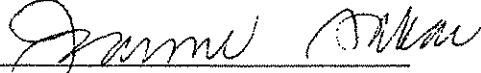
By: 
Joanne Sakai
Deputy City Attorney

EXHIBIT A

List of Acquisition Facilities

The facilities include the Mission Bay Stormwater Pump Station No. 6 – improvements and ancillary facilities constructed or installed by or on behalf of FOCIL pursuant to Street Improvement Permit #06IE-0170, dated April 6, 2006 for said improvements, and the improvement plans and specifications described therein (the “Improvements”), but excepting therefrom those portions of the Improvements which are identified on the as-built drawings as PG&E service conduits and vaults and SBC service conduits, which are facilities to be transferred to “private” joint trench participants. The list of facilities delivered to and on file with the City is as follows:

- 3601 - Site Preparation and demolition; including surface treatment.
- 3610 - Mechanical and Electrical Equipment Purchase.
- 3611 - Underground structures associated and including the pump station wet well, outfall structure, force main pipes, rip rap, including sheet piles, excavation, trenching, soil spoil screening, handling, hauling and stockpiling along with backfill and compaction.
- 3612 - Above and underground structures associated and including the control building, fuel storage tank, excavations, foundations, sheet piles, trenching, soil spoil screening, handling, hauling and stockpiling along with backfill and compaction.
- 3613 - Installation of the mechanical equipment including conduit, conductors; telemetry and other miscellaneous appurtenances including testing to deliver a pump station in working order along with all coordination with both Owner furnished materials and contractor provisions.
- 3614 - Installation of the electrical equipment including conduit, conductors; and other miscellaneous appurtenances including testing to deliver a pump station in working order along with all coordination with both Owner furnished materials and contractor provisions.

THIS LIST IS NOT INTENDED TO INCLUDE FACILITIES TO BE TRANSFERRED TO “PRIVATE” JOINT TRENCH PARTICIPANTS. THOSE WARRANTIES AND GUARANTEES ARE BEING ASSIGNED DIRECTLY TO THOSE PARTICIPANTS.

EXHIBIT B

Schedule of Warranties and Other Obligations

Warranties					
Warrantor	Coverage	Term	Began	Ends	Conditions
Kohler	Generator and Accessories	1 yr or 200 hours from startup	11/05/08	11/05/09	Startup notification to Kohler within 60 days after startup
ITT FGLYT	Defects in workmanship and material covering parts and labor on pump and accessories, excluding cutting plates and expellers	5 yrs or 10,000 hours from shipment by manufacturer	4/13/06	04/13/11	Declining percentage of labor and materials paid over time
Valentine Corp. guaranty bond	Defects in workmanship	2 yrs	9/21/09	9/20/11	Startup report and electrical system schematics required with claim
Valentine Corp. written guaranty	Defects in workmanship and materials	2 yrs	9/21/09	9/20/11	Excepts normal wear and tear, "unusual" neglect or abuse
Tesco	Defects in workmanship and material covering parts and labor on electrical control panels and accessories.	1 year from Startup	09/08/09	09/08/10	

Other Obligations			
Document	Coverage	Time Limits	Notes
OPA Art. 15	General indemnification	None stated, but see Acq. Agmt.	Hazardous Substances, Agency's willful misconduct or negligence excluded
Infrastructure Plan § I.A.2.c.ii.D	Monitoring-TSS removal rate of at least 40%	Monitoring to demonstrate 40% removal rate over 3 years	Goal to test 15-20 representative storms over a 3 year period
Owner's Consent to ICA § 3	Includes, e.g., noncompliance with laws and regulations and claims under third-party contracts	Survives termination of ICA, but see Acq. Agmt.	Hazardous Substances, noncompliance with new laws, City's willful misconduct or negligence excluded
Acq. Agmt. § 7.2	Negligent or defective construction, nonpayment of suppliers or contractors	Claims must be brought within 2 years after DOC	
PIA § 4(a)	Defects	1 yr from completion	Security limited to 10% of performance bond
SF Subdiv. Code § 1451(a)(b)	Release and indemnity to be included in Public Improvement Agreement		
SF Subdiv. Code § 1451.1(d)	City self-help rights, including all necessary costs to correct deficiencies that are not corrected within 12 months after completion		

Note: Coverages, time periods and notes are provided for convenience of reference only. Actual obligations are as provided in the referenced documents.

