

1 [Mission Bay South - Storm Water Pump Station No. 4 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. 4 including acquisition**  
5 **facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting**  
6 **said facilities for City maintenance and liability purposes; adopting environmental**  
7 **findings and findings that such actions are consistent with the City’s General Plan**  
8 **eight priority policy findings of Planning Code Section 101.1, and the Mission Bay**  
9 **South Redevelopment Plan; accepting a Department of Public Works Order; and**  
10 **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 16, 2011,  
23 determined that the acceptance of the Mission Bay Storm Water Pump Station No. 4 Public  
24 Infrastructure Improvements constructed pursuant to Street Improvement Permit #08IE-0654,  
25 dated October 9, 2008 and Department of Building Inspection Permit #200809091047 dated

1 March 3, 2009 (the "Project") and other actions herein set forth are consistent with the Mission  
2 Bay South Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of  
3 the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File  
4 No. \_\_\_\_\_ and is incorporated herein by reference.

5 (c) The City Planning Department, in a letter dated October 17, 2011 determined that  
6 the acceptance of the Mission Bay Storm Water Pump Station No. 4 Public Infrastructure  
7 Improvements and other actions herein set forth are within the scope of the General Plan  
8 consistency findings of Case No. 2011.1094R, the Eight Priority Policies of Planning Code  
9 Section 101.1 and the contemplated actions do not trigger the need for subsequent  
10 environmental review pursuant to the California Environmental Quality Act (CEQA) (California  
11 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is  
12 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
13 incorporated herein by reference.

14 (d) The San Francisco Public Utilities Commission on May 27, 2010 signed and  
15 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties  
16 regarding the Mission Bay Storm Water Pump Station No. 4 Improvements. A copy of said  
17 Conditional Assignment of Warranties and Guaranties is on file with the Clerk of the Board of  
18 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

19 (e) The San Francisco Public Utilities Commission on July 7, 2011 acknowledged the  
20 acceptance of the Determination of Completeness for the Mission Bay Stormwater Pump  
21 Station No. 4.

22 (f) In DPW Order No. 179,667 dated October 21, 2011, the Director and the City  
23 Engineer certified that: (a) FOCIL-MB, LLC ("Focil") made an irrevocable offer of the Project  
24 Improvement facilities to the City ("Offer"), (b) the Mission Bay Storm Water Pump Station No.  
25 4 Public Infrastructure Improvements have been inspected and were certified as complete on

1 July 13, 2011; the Project has been constructed in accordance with the Project Plans and  
2 Specifications and all City codes, regulations, standards and Mission Bay South Plan and  
3 Plan Documents governing this project; and such improvements are ready for their intended  
4 use, (c) the facilities are recommended for acceptance as acquisition facilities and for City  
5 maintenance and liability purposes. A copy of the DPW Order and Offer are on file with the  
6 Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and are incorporated herein by  
7 reference.

8 Section 2. Adoptions and Approvals.

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

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

15 (c) The Board of Supervisors has reviewed and approves the City Engineer's  
16 certification and Director's recommendation concerning the acceptance of the Focil Offer  
17 dated May 18, 2010 for the Project; acceptance of said facilities for City maintenance and  
18 liability responsibilities; and other related actions.

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

21 (a) The Board of Supervisors accepts the Focil Offer for the Mission Bay Storm Water  
22 Pump Station No. 4 located on and under portions of Mission Bay South Park P8, known as  
23 Mission Creek Park along Mission Bay Boulevard.

24 (b) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the  
25 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the

1 City and County of San Francisco and Catellus Development Corporation, and the  
2 Department of Public Works Order No. 179,667 dated October 21, 2011, the Board of  
3 Supervisors hereby dedicates the facilities described in the Focil Offer for public use and  
4 accepts such facilities for City maintenance and liability purposes. The Board's acceptance of  
5 improvements pursuant to this Subsection is for the Mission Bay Storm Water Pump Station  
6 No. 4 Improvements only and is subject to the warranty obligations under the Stormwater  
7 Pump Station No. 4 Street Improvement Permit No. 08IE-0654 and Department of Building  
8 Inspection Permit No. 200809091047.

9 (c) The Board of Supervisors hereby acknowledges Focil's conditional assignment of  
10 guaranties and warranties in accordance with the related Street Improvement Permit and the  
11 Mission Bay South Acquisition Agreement.

12 Section 7. Authorization for Implementation.

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

6 Director of Public Works

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9 APPROVED AS TO FORM:

10 Dennis J. Herrera

11 City Attorney

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13 By: \_\_\_\_\_

14 John D. Malamut

15 Deputy City Attorney

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DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: \_\_\_\_\_

Fuad S. Sweiss

Deputy Director of Engineering

and City Engineer