

1 [Public Infrastructure Improvements - Mission Bay South-Sanitary Sewer Pump Station]

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3 **Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements**  
4 **associated with Mission Bay Sanitary Sewer Pump Station, including acquisition**  
5 **facilities located on and under portions of State Trust Parcel 2; 2) accepting said**  
6 **facilities for City maintenance and liability purposes; 3) 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; 4) accepting a Department of Public Works Order; and 5)**  
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 City Planning Department, in a letter dated November 14, 2011 determined  
23 that the acceptance of the Mission Bay Sanitary Sewer Pump Station Public Infrastructure  
24 Improvements and other actions herein set forth are within the scope of the General Plan  
25 consistency findings of Case No. 2011.1224R, the Eight Priority Policies of Planning Code

1 Section 101.1 and the contemplated actions do not trigger the need for subsequent  
2 environmental review pursuant to the California Environmental Quality Act (CEQA) (California  
3 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is  
4 on file with the Clerk of the Board of Supervisors in File No. 120256 and is incorporated herein  
5 by reference.

6 (c) The San Francisco Redevelopment Agency, in a letter dated January 30, 2012  
7 determined that the acceptance of the Mission Bay Sanitary Sewer Pump Station Public  
8 Infrastructure Improvements constructed pursuant to Street Improvement Permit No. 08IE-  
9 0757, dated November 26, 2008 and Department of Building Inspection Permit No. 1174143  
10 dated December 12, 2008 and Permit No. 1212952 dated May 28, 2010 (the "Project") and  
11 other actions herein set forth are consistent with the Mission Bay South Redevelopment Plan  
12 ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency letter  
13 is on file with the Clerk of the Board of Supervisors in File No. 120256 and is incorporated  
14 herein by reference.

15 (d) The San Francisco Public Utilities Commission on October 4, 2011 signed and  
16 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties  
17 regarding the Mission Bay Sanitary Sewer Pump Station Improvements. A copy of said  
18 Conditional Assignment of Warranties and Guaranties is on file with the Clerk of the Board of  
19 Supervisors in File No. 120256 and is incorporated herein by reference.

20 (e) The San Francisco Public Utilities Commission on January 5, 2012 acknowledged  
21 the acceptance of the Determination of Completeness for the Mission Bay Sanitary Sewer  
22 Pump Station.

23 (f) In DPW Order No. 180,043 dated March 8, 2012, the Director and the City  
24 Engineer certified that: (a) FOCIL-MB, LLC ("Focil") has made an irrevocable offer of the  
25 Project Improvement facilities to the City ("Offer"), (b) the Mission Bay Sanitary Sewer Pump

1 Station Infrastructure Improvements have been inspected and were certified as complete on  
2 October 4, 2011; 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. 120256 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 Offer  
18 dated February 16, 2011 for the Project; acceptance of said facilities for City maintenance and  
19 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 Offer for the Mission Bay Sanitary  
23 Sewer Pump Station located on and under portions of Mission Bay South Park P15, known as  
24 Mission Bay Commons Park along Mission Bay Boulevard North.

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1 (b) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the  
2 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the  
3 City and County of San Francisco and Catellus Development Corporation, and the  
4 Department of Public Works Order No. 180,043 dated March 8, 2012, the Board of  
5 Supervisors hereby dedicates the facilities described in the Focil Offer for public use and  
6 accepts such facilities for City maintenance and liability purposes. The Board's acceptance of  
7 improvements pursuant to this Subsection is for the Mission Bay Sanitary Sewer Pump  
8 Station Improvements only and is subject to the warranty obligations under the Sanitary  
9 Sewer Pump Station Street Improvement Permit No. 08IE-0757 and the Department of  
10 Building Inspection Permits No. 1174143 and No. 1212952

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,  
13 Department of Building Inspection Permits and the Mission Bay South Acquisition Agreement.

14 Section 4. 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.

21 Section 5. Effective Date. This Ordinance shall become effective 30 days from the date  
22 of passage.

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

14  
15 By: \_\_\_\_\_  
16 John D. Malamut  
17 Deputy City Attorney

DESIGNATION CERTIFIED BY:  
DEPARTMENT OF PUBLIC WORKS

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

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