

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 19-0174

WHEREAS, The SFPUC, by Resolution 98-0238, consented to the Mission Bay South Owner Participation Agreement and the Interagency Cooperation Agreement, entered into by the City and Catellus Development Corporation, now known as FOCIL-MB, LLC (FOCIL), pursuant to which the SFPUC anticipated dedication and acceptance of new water, stormwater and sewer infrastructure serving Mission Bay; and

WHEREAS, substantial issues have arisen regarding the appropriateness of some of the installed infrastructure, including water, stormwater and sewer facilities, that have delayed the use and enjoyment of such infrastructure, including some public rights of way; and

WHEREAS, The City, FOCIL and the Office of Community Investment and Infrastructure (OCII) have proposed to resolve outstanding issues regarding the infrastructure through the Letter Agreement dated July 29, 2019; and

WHEREAS, Under the agreement, FOCIL will delegate its responsibility to complete, modify, adjust or replace specified infrastructure, including water, stormwater and sewer facilities to the City; and

WHEREAS, Under the agreement, FOCIL and OCII will agree to provide acquisition funds available to the developer for constructing infrastructure to pay the City's costs of completing or replacing specified infrastructure, and in specified amounts; and

WHEREAS, the Board of Supervisors is considering legislation delegating its authority to accept for maintenance and liability infrastructure serving Mission Bay to the Public Works Director in order to expedite completion and acceptance of such infrastructure; and

WHEREAS, The Public Works Director will execute the Letter Agreement dated July 29, 2019, upon receipt of the Commission's consent; and

WHEREAS, A Final Subsequent Environmental Impact Report (FSEIR) was prepared for the Mission Bay North and Mission Bay South Redevelopment Plans and Various Other Actions Necessary to Implement Such Plans (Project); and

WHEREAS, On September 17, 1998, the Planning Commission certified the Final Subsequent Environmental Impact Report (FSEIR) for the Project by Motion No. 14696 as case file No. 96.771E, and in the same motion, the Planning Commission adopted environmental findings in accordance with the California Environmental Quality Act (CEQA Findings); and

WHEREAS, The Project files, including the FSEIR and the CEQA Findings have been made available for review by the SFPUC and the public and those files are part of the record before this Commission; and

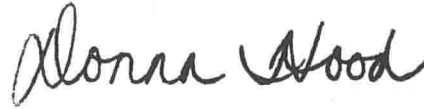
WHEREAS, This Commission has reviewed and considered the information contained in the FSEIR, the findings contained in Planning Commission Motion No. 14696, and all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project;]; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the FSEIR and record as a whole, finds that the FSEIR is adequate for its use as the decision—making body for the action taken herein and hereby adopts the CEQA Findings by incorporating the CEQA findings contained in Planning Commission Motion No. 14696 by this reference thereto as though set forth in this Resolution]; and be it

FURTHER RESOLVED, That this Commission hereby consents to the Public Works Director's execution of the Letter Agreement dated July 29, 2019 on file with the Commission Secretary; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to take any and all other steps he, in consultation with the City Attorney, deems necessary and advisable to effectuate the purpose and intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of August 27, 2019.



Secretary, Public Utilities Commission