

RESOLUTION NO. 134-2008

Adopted November 18, 2008

CONDITIONALLY APPROVING THE SCHEMATIC DESIGN FOR MISSION CREEK PARK OPEN SPACE PARCELS P2, P8 AND P10 IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB; LLC AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 190-98, the Commission of the Redevelopment Agency of the City and County of San Francisco ("Agency Commission") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency Commission adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation, a Delaware corporation ("Catellus"), and the Agency. On November 2, 1998, the San Francisco Board of Supervisors ("Board of Supervisors"), by Ordinance No. 335-98, adopted the Plan. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."
2. On September 17, 1998, the Agency Commission adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report ("FSEIR") as a program EIR for Mission Bay North and South pursuant to the California Environmental Quality Act ("CEQA") and State CEQA Guidelines Section 15180. On the same date, the Agency Commission also adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), in connection with the approval of the Plan and other Mission Bay project approvals. The San Francisco Planning Commission ("Planning Commission") certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting environmental findings and a statement of overriding considerations.
3. Subsequent to certification of the FSEIR, the Agency has issued several addenda to the FSEIR, as described in Recital 4 below. The addenda do not identify any substantial new information or new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the FSEIR. Hereinafter, the Final Subsequent Environmental Impact

4. The first Addendum, dated March 21, 2000, analyzed temporary parking lots to serve the ballpark. The second, dated June 20, 2001, analyzed revisions to 7th Street bike lanes and relocation of a storm drain outfall provided for in the Mission Bay South Infrastructure Plan, a component of the South OPA. The third, dated February 10, 2004, analyzed revisions to the Mission Bay South Design for Development with respect to the maximum allowable number of towers, tower separation and required step-backs. The fourth, dated March 9, 2004, analyzed the Mission Bay South Design for Development with respect to the permitted maximum number of parking spaces for bio-technical and similar research facilities and the North OPA with respect to changes to reflect a reduction in permitted commercial development and associated parking. The fifth, dated October 4, 2005, analyzed the University of California San Francisco ("UCSF") proposal to establish a Phase I 400-bed hospital in Mission Bay South on Blocks 36-39 and X-3. The sixth, dated September 10, 2008, analyzed the UCSF proposal to establish a medical center with 289 beds in Phase I and an additional 261 beds in Phase II in Mission Bay South on Blocks 36-39 and X-3.
5. Catellus, the original master developer of the Mission Bay North and South Redevelopment Project Areas, has sold most of its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC ("FOCIL-MB"), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. The sale encompasses approximately 71 acres of land in Mission Bay, and the remaining undeveloped residential parcels in Mission Bay South. FOCIL-MB has assumed all of Catellus's obligations under the South OPA and the Agency's Owner Participation Agreement for Mission Bay North (collectively, the "OPAs"), as well as all responsibilities under the related public improvement agreements and land transfer agreements with the City and County of San Francisco. FOCIL-MB will be bound by all terms of the OPAs and related agreements, including the requirements of the affordable housing program, equal opportunity program, and design review process.
6. The Plan and the Plan Documents, including the Mission Bay South Infrastructure Plan and the Design Review and Document Approval Procedure, Attachment G to the South OPA ("DRDAP") provide that FOCIL-MB designate Open Space Parcels at the ratio of 0.45 acres of open space for each acre of FOCIL-MB's developable land within each Major Phase. The DRDAP further states that plans for Open Space Parcels P2 and P8 shall be submitted with the first Major Phase submittal in the Mission Bay South Redevelopment Project Area and that Open Space Parcel P10 will be submitted concurrently with the submittal of Concept Plans for the adjacent street improvements.
7. The Agency Commission adopted Resolution No. 40-2000 approving an illustrative design concept for Mission Creek Park on March 21, 2000, which included Open Space Parcels P2 and P8.
8. On September 18, 2007, the Agency Commission adopted Resolution No. 101-2007, which approved the Major Phase for Blocks 11-12 and Concept Design for Parks P2, P8, P10, P11 and P12.

9. Pursuant to the South OPA and DRDAP, FOCIL-MB submitted a final Schematic Design packet for Open Space Parcels P2, P8 and P10 ("Open Space Parcels") dated November 5, 2008. Agency staff has determined that the Schematic Design for Open Space Parcels P2, P8 and P10 is generally consistent with the Concept Design for Parks P2, P8, P10, P11 and P12.
10. Agency staff has reviewed the Schematic Design submitted by FOCIL-MB and finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions.
11. Certain portions of Mission Creek Park are under the jurisdiction of the Port of San Francisco, including P2 and P8. Pursuant to the South OPA and the Interagency Cooperation Agreement, the Port Commission has the right to review and approve schematic designs for public open space under their jurisdiction. The Port Commission approved the illustrative design concept for Mission Creek Park on March 14, 2000, and approved the proposed Schematic Design for P2 and P8 on September 11, 2007.
12. The San Francisco Arts Commission ("Arts Commission") has the right under the Memorandum of Understanding between the Agency and the Arts Commission to approve the design of all structures within parks. The Arts Commission approved the schematic design of Storm Water Pump Station No. 4, to be located on Open Space Parcel P8, on June 19, 2006.
13. On December 12, 2000, the San Francisco Bay Conservation and Development Commission, which also has jurisdiction over the portions of the site within 100 feet of the creek, approved a master permit for all the Mission Bay open space within its jurisdiction (Permit 5-00). It has since reviewed and approved the schematic designs for P2 and P8.
14. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Schematic Design is an undertaking pursuant to and in furtherance of the Plan in conformance with CEQA Section 15180 ("Implementing Action").
15. Agency staff, in making the necessary findings for the Implementing Action contemplated herein, considered and reviewed the FSEIR and has made documents related to the Implementing Action and the FSEIR files available for review by the Agency Commission and the public, and these files are part of the record before the Agency Commission.
16. The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Agency Commission by Resolution No. 183-98 dated September 17, 1998 were and remain adequate, accurate and objective and are incorporated herein by reference as applicable to the Implementing Action.

FINDINGS

The Agency finds and determines that the Schematic Design submission is an Implementing Action within the scope of the project analyzed in the FSEIR and requires no additional environmental review pursuant to State CEQA Guidelines Sections 15180, 15162 and 15163 for the following reasons:

1. The Implementing Action is within the scope of the project analyzed in the FSEIR and no major revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the FSEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project analyzed in the FSEIR was undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.
3. No new information of substantial importance to the project analyzed in the FSEIR has become available which would indicate that (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

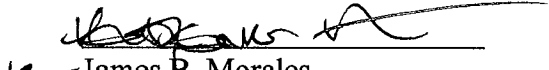
RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that (1) it has reviewed and considered the FSEIR findings and statement of overriding considerations and hereby adopts the CEQA findings set forth in Resolution No. 183-98 incorporated herein and those set forth above; and (2) that the Schematic Design for Mission Bay Parks Open Space Parcels P2, P8 and P10 is hereby approved pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB, subject to the following conditions:

1. Final hardscape materials for Open Space Parcels P2 and P8, including all paving materials, paving patterns, and path materials shall be reviewed and approved by staff during the design development. Strong efforts shall be made to use permeable pavers and other sustainable materials whenever possible.
2. Staff shall review and approve the final furnishings for all three parks during the design development phase. Furnishings include but are not limited to benches, drinking fountains, tables, signage, and fences. FOCIL-MB shall consider the long-term durability, maintenance requirements and the sustainability of the materials when selecting furnishings.

3. A final planting plan for all three parks, including all new trees, shall be reviewed by staff, in consultation with the Mission Creek Harbor Association, for approval during design development.

APPROVED AS TO FORM:


James B. Morales
Agency General Counsel