

Commission on Community Investment and Infrastructure

RESOLUTION NO. 12-2013

**Adopted April 30, 2013**

RESOLUTION ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING A REVISED SCHEMATIC DESIGN FOR PARK P6, A CHILDREN'S PARK IN MISSION BAY SOUTH, PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC; MISSION BAY SOUTH REDEVELOPMENT AREA

WHEREAS, On September 17, 1998, by Resolution No. 190-98, the Commission of the former Redevelopment Agency of the City and County of San Francisco ("Redevelopment Agency") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Redevelopment Agency Commission ("Redevelopment 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 Redevelopment 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"; and,

WHEREAS, On September 17, 1998, the Redevelopment 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 Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). On the same date, the Redevelopment 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 "Mission Bay Project"). 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 Redevelopment Agency, and Resolution No. 854-98 adopting environmental findings and a statement of overriding considerations for the Mission Bay Project; and,

WHEREAS, Subsequent to certification of the FSEIR, the Redevelopment Agency has issued several addenda to the FSEIR, as described 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 Report, including any addenda thereto, shall be collectively referred to as the "FSEIR"; and,

WHEREAS, The first addendum, dated March 21, 2000, analyzed temporary parking lots to serve the AT&T Ballpark. The second addendum, 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 addendum, dated February 10, 2004, analyzed revisions to the Mission Bay South Design for Development (“Design for Development”) with respect to the maximum allowable number of towers, tower separation and requires step-backs. The fourth addendum, dated March 9, 2004, analyzed the Design for Development with respect to the permitted maximum number of parking spaces for bio-technical and similar research facilities and the Mission Bay North OPA with respect to changes to reflect a reduction in permitted commercial development and associated parking. The fifth addendum, dated October 4, 2005, analyzed the UCSF proposal to establish a Phase I 400-bed hospital in the Mission Bay South Redevelopment Project Area (“Mission Bay South”) on Blocks 36-39 and X-3. The sixth addendum, dated September 10, 2008, addressed revisions of the UCSF Medical Center at Mission Bay. The seventh addendum, dated January 7, 2010, addressed the construction of a Public Safety Building on Block 8 in Mission Bay South; and,

WHEREAS, 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 encompassed approximately 71 acres of land in Mission Bay, and the remaining undeveloped residential parcels in Mission Bay South. FOCIL-MB assumed all of Catellus’s obligations under the South OPA and the Redevelopment 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 (“City”). FOCIL-MB is 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; and,

WHEREAS, Under California Assembly Bill No. 1X26 (Chapter 5, Statutes of 2011-12, First Extraordinary Session) (“AB 26”) and the California Supreme Court’s decision in California Redevelopment Association v. Matosantos, No. 5194861, all redevelopment agencies in the State of California (the “State”), including the Redevelopment Agency, were dissolved by operation of law as of February 1, 2012, and their non-affordable housing assets and obligations were transferred to certain designated successor agencies; and,

WHEREAS, Under the provisions of AB 26, the City was designated as the successor agency to the Redevelopment Agency (“Successor Agency”) to receive the assets of the Redevelopment Agency; and,

WHEREAS, In June of 2012, the California legislature adopted Assembly Bill 1484 (“AB 1484”) amending certain provisions of AB 26, and the Governor of the State signed the bill and it became effective on June 27, 2012. Among other things, AB 1484 provided that a successor agency is a separate public entity from the public agency that provides for its governance; and,

WHEREAS, Subsequent to the adoption of AB 1484, on October 2, 2012 the Board of Supervisors of the City, acting as the legislative body of the Successor Agency, adopted Ordinance No. 215-12 (the “Implementing Ordinance”), which Implementing Ordinance was signed by the Mayor on October 4, 2012, and which, among other matters: (a) acknowledged and confirmed that, as of the effective date of AB 1484, the Successor Agency is a separate legal entity from the City, and (b) established this Successor Agency Commission (“Commission”) and delegated to it the authority to (i) act in place of the Redevelopment

Commission to, among other matters, implement, modify, enforce and complete the Redevelopment Agency's enforceable obligations, (ii) approve all contracts and actions related to the assets transferred to or retained by the Successor Agency, including, without limitation, the authority to exercise land use, development, and design approval, consistent with applicable enforceable obligations, and (iii) take any action that the Redevelopment Dissolution Law (AB 26 and AB 1484, as amended in the future) requires or authorizes on behalf of the Successor Agency and any other action that this Successor Agency Commission deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such obligations; and,

WHEREAS, The Board of Supervisors' delegation to this Commission, commonly known as the Commission on Community Investment and Infrastructure, includes the authority to grant approvals under specified land use controls for the Mission Bay Project consistent with the approved Plan and enforceable obligations; and,

WHEREAS, The City and County of San Francisco, through its Arts Commission of the City and County of San Francisco (the "Arts Commission"), and the Redevelopment Agency entered into a memorandum of understanding, dated January 4, 1999, setting forth the nature and scope of the Arts Commission's design review authority as to structures and art in Mission Bay South (the "Memorandum of Understanding"); and,

WHEREAS, The Arts Commission has the right under the Memorandum of Understanding to approve the design of all structures within parks in Mission Bay South not held under the jurisdiction of the Port Commission. The Arts Commission, through its Art Commission Civic Design Committee, recommended approval of the Revised Schematic Design for Park P6 on April 15, 2013; and,

WHEREAS, The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as 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 Park P6 may be submitted with a Major Phase submittal for any residential block in the Mission Bay South Plan Area. The Design for Development provides that Park P6 be designed as a children's park; and,

WHEREAS, A Major Phase Application for Blocks 2-7 and 13 ("Major Phase") included a basic concept design for Park P6, and was approved by the Redevelopment Commission on November 1, 2005 (Resolution No. 178-2005); and,

WHEREAS, On November 1, 2005 by Resolution No. 179-2005, the Schematic Design for Park P6 was approved by the Redevelopment Commission ("2005 Schematic Design"); and,

WHEREAS, The number of families with children residing in Mission Bay has increased significantly since the 2005 Schematic Design was approved. Since Park P6 will be the only children's park in Mission Bay, FOCIL-MB and staff of the Successor Agency (commonly known as the Office of Community Investment and Infrastructure, or "OCII") determined it was important to engage the new community of Mission Bay families in refining the layout of the 2005 Schematic Design and revise the selection of play equipment to address community concerns; and,

- WHEREAS, Based on community input, a revised Schematic Design for Park P6 (“Revised Schematic Design”) was prepared by FOCIL-MB and submitted to OCII for approval; and,
- WHEREAS, OCII staff has reviewed the Park P6 Schematic Design for purposes of compliance with CEQA and the State CEQA Guidelines; and,
- WHEREAS, The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Revised Schematic Design is an undertaking pursuant to and in furtherance of the Plan in conformance with CEQA Section 15180 (“Implementing Action”); and,
- WHEREAS, OCII 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 Commission and the public, and these files are part of the record before the Commission; and,
- WHEREAS, The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Redevelopment Commission by Resolution No. 183-98 dated September 17, 1998, reflected the independent judgment and analysis of the Redevelopment Agency, were and remain adequate, accurate and objective and were prepared and adopted following the procedures required by CEQA, and the findings in said resolutions are incorporated herein by reference as applicable to the Implementing Action; and,
- WHEREAS, OCII staff has reviewed the Revised Schematic Design submitted by FOCIL-MB, and finds it acceptable and recommends approval thereof; now, therefore, be it
- RESOLVED, That the Commission finds and determines that the Revised 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;

and, be it further

RESOLVED, That the Commission has reviewed and considered the FSEIR findings and statement of overriding considerations and hereby adopts the CEQA findings set forth in Redevelopment Commission Resolution No. 183-98, which are incorporated herein, and those set forth above; and, be it further

RESOLVED, That the Commission approves the Revised Schematic Design pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB subject to the following conditions:

1. Staff will ensure consistency with the materials and finishes with the Revised Schematic Design for Park P6 during design development. Furnishings include, but are not limited to, playground equipment, benches, fencing, drinking fountains, tables, park signage, and light poles (both with and without electrical outlets), and fences. FOCIL-MB shall consider the long-term durability, maintenance requirements, and the sustainability of the materials when selecting furnishings.
2. Staff shall review and approve the final lighting plan for Park P6 to ensure adequate illumination along the pathways and within the playground to ensure public safety.
3. Final hardscape materials for Park P6, including the final extent of paved areas, all paving materials, paving patterns, and path materials shall be reviewed and approved by staff during the design development. A final planting plan for both Park P6, including all new trees, planting palette, swales and bioretention areas shall be reviewed by staff for approval during Design Development.
4. Final landform plans for the Park P6, including the bioswales, unprogrammed and nature play zones shall be reviewed and approved by staff during the design development. The landscape forms design shall ensure durability and public safety, meet American with Disabilities Act (ADA) requirements, provide appropriate drainage and provide adequate visibility through the park.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of April 30, 2013.

  
\_\_\_\_\_  
Commission Secretary