

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 12-2017

CONDITIONALLY APPROVING, PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC, A SCHEMATIC DESIGN FOR BAYFRONT PARK P22, A 5.5 ACRE PARK IN MISSION BAY SOUTH, THAT IS WITHIN THE SCOPE OF AND ADEQUATELY DESCRIBED IN THE MISSION BAY REDEVELOPMENT PROJECT APPROVED UNDER THE MISSION BAY FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, A PROGRAM EIR, AND ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT 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 (“South Plan”). On the same date, the Redevelopment 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 (now succeeded by FOCIL MB, LLC, who is referred to herein as “Owner”), and the Redevelopment Agency. On November 2, 1998, the San Francisco Board of Supervisors (“Board of Supervisors”), by Ordinance No. 335-98, adopted the South Plan. The South Plan, as amended by the Successor Agency (as defined below) on May 21, 2013, and adopted by the Board of Supervisors on July 11, 2013 by Ordinance No. 143-13; the South OPA, as amended on February 17, 2004, November 1, 2005, May 21, 2013, June 4, 2013, and April 29, 2014; and other Plan Documents as defined in the South Plan, are referred to herein as the “South Plan Documents”; and,

WHEREAS, Pursuant to California Health and Safety Code §§ 34170 *et seq.* (the “Redevelopment Dissolution Law”), the Redevelopment Agency was dissolved as of February 1, 2012; and,

WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco (commonly known as the Office of Community Investment and Infrastructure) (the “Successor Agency” or “OCII”) is completing the enforceable obligations of the Former Agency in the South Plan area, including implementation of the South Plan Documents, under the authority of the Redevelopment Dissolution Law, and under San Francisco Ordinance No. 215-12 (Oct. 4, 2012) (establishing the Successor Agency Commission and delegating to it state authority under the Redevelopment Dissolution Law); and,

WHEREAS, The South OPA establishes several requirements of the Owner, including those of the Mission Bay South Infrastructure Plan (Attachment D to the South OPA), which requires the Owner to develop 35 acres of public open space within the South Plan

area. This open space includes Bayfront Park, which is described in the Infrastructure Plan as consisting of parks “P21” and “P22”, the former comprising two acres and the latter approximately 5.5 acres, each located on Terry Francois Boulevard; and,

WHEREAS, The South Plan and the South Plan Documents specifies that Bayfront Park P22 is to be constructed with a character that has open flexible-use lawn areas which can accommodate a variety of passive, active and major recreations uses, such as soccer or other field-related sports or informal performances areas. The design should encourage an accessory use such as a restaurant or a pavilion in areas und Port ownership with a recognition of the potential impact that this structure could have in the Park and from Mission Bay streets. The Park design should also provide pathways that link to city and regional pedestrian and bicycle systems such as the continuation of the Bay Trail along the length of the eastern edge; and,

WHEREAS, The San Francisco Bay Conservation and Development Commission Permit No. 5-00 (Issued December 12, 2000 and as amended through Amendment No. Four, dated November 10, 2010) calls for all bayfront development to be designed to enhance the pleasure of the viewer or user of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas and the Bay itself; and,

WHEREAS, OCII’s remaining discretionary approval for Bayfront Park P22 project consists of the approval of its Schematic Design; and,

WHEREAS, Based on community input, a Schematic Design for Bayfront Park P22 (“Schematic Design”) was prepared by the Owner and submitted to OCII for approval; and,

WHEREAS, On September 17, 1998, the Agency Commission adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report (“FSEIR”) for Mission Bay North and South Redevelopment Plans 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 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 Plans 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 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 issued several addenda to the FSEIR (the “Addenda”). The Addenda identify no 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; 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 Schematic Design is an undertaking pursuant to and in furtherance of the Plan in conformance with CEQA Section 15180 (“Implementing Action”); and,

WHEREAS, OCII has reviewed the Schematic Design for purposes of compliance with CEQA and the State CEQA Guidelines; and,

WHEREAS, OCII has made documents related to the Implementing Actions and the FSEIR files available for review by the Successor Agency Commission and the public, and these files are part of the record before the Successor Agency Commission; and,

WHEREAS, The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Redevelopment Agency 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 has reviewed the Schematic Design submitted by the Owner and finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions; now, therefore, be it

RESOLVED, That the Successor Agency Commission finds and determines that the Schematic Design submission is an Implementing Action within the scope of the Mission Bay Project analyzed in the FSEIR and requires no further environmental review beyond the FSEIR pursuant to the State CEQA Guidelines Section 15180, 15162 and 15163 for the following reasons:

- (1) the Implementation Action is consistent with the project analyzed in the FSEIR and does not require major revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; and,
- (2) no substantial changes have occurred with respect to the circumstances under which the Mission Bay Project analyzed in the FSEIR will be 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; and,
- (3) no new information of substantial importance relating to the development of Bayfront Park P22 has become available, which would indicate that (i) Bayfront Park P22 will have significant effects not discussed in the FSEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible, which would reduce one or more significant effects, have become feasible; or (iv) mitigation measures or alternatives, which are considerably different from those in the FSEIR, will

substantially reduce one or more significant effects on the environment that would change the conclusions set forth in the FSEIR; and, be it further

RESOLVED, The Successor Agency Commission has reviewed and considered all documents related to the Implementing Actions, the FSEIR and the Addenda, and hereby adopts the CEQA findings set forth in Redevelopment Agency Commission Resolutions No. 182-98 and No. 183-98 and hereby incorporates such findings by reference as though fully set forth in this Resolution; and be it further

RESOLVED, That the Successor Agency Commission approves the Schematic Design pursuant to the South OPA subject to the following conditions:

1. The Owner shall further study the design of the 16th Street Plaza including landscaping and the Shade Pavilion by considering: a) the location, species and number of trees, to ensure an attractive and usable plaza and b) the relation of the Shade Pavilion to the mass and appearance of the Event Center on Blocks 29-32.
2. OCII staff shall work with the Port on the design for the restaurant/café in Bayfront Park P22, including surrounding areas. The design shall include restrooms open to the general public and landscaping in order to achieve functional and visual intergration between Bayfront Park P22 and the restaurant/café.
3. A running trail or other significant element of Bayfront Park P22 shall be dedicated to Jennifer Matz, in consultation with OCII staff and Ms. Matz's family.
4. The Owner shall submit materials and finishes for Bayfront Park P22 during the Design Development phase to the Executive Director or her designee for review and approval, to ensure consistency with the approved Schematic Design. Furnishings include, but are not limited to, benches, fencing, drinking fountains, tables, park signage, and light poles (both with and without electrical outlets), and fences. The Owner shall consider the long-term durability, maintenance requirements, and the sustainability of the materials when selecting furnishings.
5. The Owner shall submit to the Executive Director or her designee for review and approval the final lighting plan for Bayfront Park P22 to ensure adequate illumination along the pathways and within the park to ensure public safety during the Design Development phase.
6. The Owner shall submit final hardscape materials for Bayfront Park P22, including the final extent of paved areas, all paving materials, paving patterns, and path materials for review and approval by OCII staff during the Design Development phase. A final planting plan for both Bayfront Park P22, including all new trees, planting palette, swales and bioretention areas

shall be reviewed by staff for approval by the Executive Director or her designee during the Design Development phase.

7. The Owner shall submit final landform plans for Bayfront Park P22, including the bioswales, unprogrammed play zones for review and approval by the Executive Director or her designee during the Design Development phase. 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 March 21, 2017.

Interim Commission Secretary