RESOLUTION NO. 46-2005

Adopted March 15, 2005

ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE SCHEMATIC DESIGN FOR MISSION CREEK PARK OPEN SPACE PARCELS NP4 AND NP5 IN THE MISSION BAY NORTH REDEVELOPMENT PROJECT AREA PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC; MISSION BAY NORTH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 185-98, the Redevelopment Agency of the City and County of San Francisco (the "Agency") approved a proposed Redevelopment Plan for the Mission Bay North Redevelopment Project Area (the "Plan"). On the same date, the Agency adopted related documents, including Resolution No. 188-98 authorizing execution of an Owner Participation Agreement (the "North OPA") and related documents between Catellus Development Corporation ("Catellus") and the Agency. On October 26, 1998, the Board of Supervisors by Ordinance 327-98 adopted the Plan. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents".

2. The Agency and the San Francisco Planning Department, together acting as co-lead agencies for conducting environmental review for the Plan, the North OPA and other permits, approvals and related and collateral actions (the "Project"), prepared and certified a Final Subsequent Environmental Impact Report ("FSEIR"). On September 17, 1998, the Agency Commission adopted Resolution No. 182-98 which certified the FSEIR for the Project, and adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), pursuant to the California Environmental Quality Act ("CEQA") and state CEQA Guidelines in connection with the approval of the Plan, the North OPA, and other Project approvals.

3. The San Francisco Planning Commission certified the FSEIR by Resolution No. 14696 on September 17, 1998.

4. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the San Francisco Planning Commission and the Agency Commission, and Resolution No. 854-98 adopting environmental findings (and a statement of overriding considerations).
5. An Addendum to the FSEIR dated March 9, 2004 (the “Addendum”) was prepared in relation to an amendment to the Mission Bay South Design for Development which was approved by the Agency Commission on March 16, 2004 by Resolution No. 34-2004.

6. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, Attachment G to the North OPA (the “DRDAP”) provide that the Basic Concept Design Plans for Open Space Blocks NP4 and NP5 shall be submitted with a Major Phase submittal for the earlier of Block N4 or N5. Though the Basic Concept Design for Mission Creek Park covers the Mission Creek parcels located in Mission Bay North as well as those located in Mission Bay South, only the Open Space Blocks NP4 and NP5 in the north are covered in this resolution.

7. The North OPA, including the Scope of Development, Attachment B to the North OPA (the “Scope of Development”) provides that a Channel Edge Plan shall be submitted. This plan, covering the portions of the blocks denoted “NP” on the Site Plan from the top of the north Channel bank toward the Channel to the mean low tide line, shall be a concept plan which describes concepts for vegetation and, where necessary, bank stabilization techniques.

8. Pursuant to the Plan and Plan Documents, including the Scope of Development, Catellus submitted a Channel Edge Plan for Parcels NP1, NP2, NP3, NP4, and NP5 (the “Mission Creek Channel Enhancement Plan”) concurrently with the Block 26-28 Major Phase submission. The Mission Creek Channel Enhancement Plan was deemed complete on January 7, 2000.

9. Agency staff reviewed the Basic Concept Design for Mission Creek Park and the Mission Creek Channel Enhancement Plan as provided in the DRDAP. Pursuant to the DRDAP, other City agencies have completed review of portions of the Basic Concept Design for Mission Creek Park and the Mission Creek Channel Enhancement Plan within their respective jurisdictions. The Agency approved the Basic Concept Design for Mission Creek Park on March 21, 2000 by Resolution No. 40-2000.

10. Catellus, the original master developer of the Mission Bay North and South Redevelopment Project Areas, has sold its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC, a Delaware limited liability company (“FOCIL-MB”), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. FOCIL-MB has assumed all of Catellus’s obligations under the North OPA and the Agency’s OPA for Mission Bay South (together, 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, design review process, and the infrastructure improvement plans including open space.
11. Pursuant to the North OPA and DRDAP, FOCIL-MB has submitted a Mission Creek Park Schematic Design packet for Parcels NP4 and NP5 on February 17, 2005.

12. The San Francisco 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, and provide advisory review of landscape design of parks in Mission Bay not held under the jurisdiction of the Port Commission. The Arts Commission approved the Schematic Design for NP4 and NP5 on March 7, 2005.

13. The FSEIR is a program EIR under state CEQA Guidelines Section 15168 and a redevelopment plan EIR under state CEQA Guidelines Section 15180. Approval of the Schematic Design for Mission Creek Park Open Space Parcels NP4 and NP5 is an undertaking pursuant to and in furtherance of the Plan in conformance with Section 15180 (the “Implementing Action”).

14. In accordance with the Plan and Plan Documents, including the DRDAP, Agency staff has reviewed the Schematic Design for Mission Creek Park Open Space Parcels NP4 and NP5, as well as the FSEIR, the Addendum, and other information contained in the Agency’s files, finds them to be acceptable and recommends approval of the Schematic Design for Mission Creek Park Open Space Parcels NP4 and NP5 subject to the resolution of certain design concerns.

FINDINGS

The Agency finds and determines that the Implementing Action is within the scope of the Project analyzed in the FSEIR and is exempt from additional environmental review requirements pursuant to state CEQA Guidelines Sections 15180, 15162 and 15163 for the following reasons:

A. The Implementing Action is within the scope of the Project analyzed in the FSEIR, and no FSEIR revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

B. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the FSEIR was undertaken which 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.

C. No new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate any of the following: (i) the Implementing Action 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.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco (1) that it has reviewed and considered the FSEIR together with the Addendum and hereby adopts the Findings set forth herein; and (2) that the Mission Creek Park Schematic Design for Parcels NP4 and NP5 dated February 17, 2005 is hereby approved pursuant to the Mission Bay North Owner Participation Agreement with FOCIL-MB, LLC, a Delaware limited liability company, subject to resolution of the following design concerns to Agency staff’s satisfaction at the next phase of design:

1. The banded paving pattern across the park is a significant design statement and the quality of the materials used is important to the success of the open space. Therefore, additional review of the paving materials and the paving pattern will be necessary.

2. Some of the fixtures within the park are not currently at their optimal location and their design has not been finalized. Staff shall review and approve the final locations of all park fixtures and the design of the fixture products including furniture, water fountains, railing, fences, and bridges.

3. Both the park lighting and signage systems require further study. Staff will need to review more detailed lighting plans to determine the appropriate lighting levels for the sports courts in the evenings and general park safety throughout the night. Additionally, staff is not satisfied with the signage plan for the park and will review and approve revised signage designs during the next stage of design.

APPROVED AS TO FORM:

[Signature]

James B. Morales
Agency General Counsel