RESOLUTION NO. 162-2005

Adopted October 18, 2005

ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE SCHEMATIC DESIGN FOR MISSION BAY OPEN SPACE PARCELS P18, P19 AND P20 IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 190-98, the Redevelopment Agency of the City and County of San Francisco (the “Agency”) approved a proposed Redevelopment Plan for the Mission Bay South Redevelopment Project Area (the “Plan”). On the same date, the Agency adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement (the “South 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. 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 (the “City”). 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.

3. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, Attachment G to the South OPA (the “DRDAP”) provide that the Basic Concept Design Plans for Open Space Parcels P18 and P19 be submitted with a Major Phase submittal for any residential block in the Mission Bay South Plan Area (the “South Plan Area”).

4. On February 17, 2004, the Agency Commission adopted Resolution No. 25-2004, which found that the potential environmental impacts of the Blocks 8 – 10a Major Phase were within the scope of impacts discussed in the Final Subsequent
Environmental Impact Report (including addenda thereto, collectively referred to as the “FSEIR”) certified on September 17, 1998, by the Agency (Resolution No. 182-98) and the City Planning Commission (San Francisco Planning Commission Resolution No. 14696) and approved the Blocks 8 – 10a Major Phase submission which included Basic Concept Designs for Open Space Parcels P18, P19, and P20.

5. The Mission Bay South Infrastructure Plan, agreed to by the Agency and multiple City agencies on November 16, 1998, requires that the master developer satisfy Mitigation Measure K-4 in the FSEIR by constructing a separate storm water treatment system in the South Plan Area. This requires locating a storm water pump station within the Open Space Parcel P18. The San Francisco Public Utilities Commission (“PUC”) determined that this pump station necessitates two above ground buildings to house a pump station control room and an emergency generator (Pump Station #6).

6. The San Francisco Arts Commission (the “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 Civic Design Committee first reviewed the design for Open Space Parcel P18 and Pump Station #6 on March 7, 2005 and again on April 18, 2005, where they requested that Pump Station #6 be redesigned due to its prominent position along the waterfront. A revised design was recommended for approval by the Civic Design Committee on September 19, 2005. The full Arts Commission approved the Schematic Design for Pump Station #6 on October 3, 2005.

7. The Basic Concept Design for Open Space Parcel P18 was altered to accommodate and respond to the revised Pump Station #6 design. Designs for Open Space Parcels P18 and P20 were also altered. Pursuant to the South OPA and DRDAP, FOCIL-MB has submitted a revised Schematic Design packet for Open Space Parcels P18, P19, and P20 on October 14, 2005.

8. The Agency Commission previously adopted on October 4, 2005 by Resolution No. 154-2005, findings pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, which findings are hereby incorporated herein by this reference as if fully set forth.

9. 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 for Mission Bay Open Space Parcels P18, P19, and P20 is an undertaking pursuant to and in furtherance of the Plan in conformance with Section 15180 (the “Action”).
10. In accordance with the Plan and Plan Documents, including the DRDAP, Agency staff has reviewed and considered the Schematic Design for Mission Bay Open Space Parcels P18, P19, and P20, as well as the FSEIR and other information contained in the Agency’s files, finds them to be acceptable and recommends approval of the Schematic Design for Mission Bay Open Space Parcels P18, P19, and P20.

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 and hereby adopts the Findings set forth in Resolution No. 154-2005; and (2) that the Schematic Design of Mission Bay Open Space Parcels P18, P19, and P20 dated October 14, 2005 is hereby approved pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB, LLC, a Delaware limited liability company.

APPROVED AS TO FORM:

[Signature]

James B. Morales
Agency General Counsel