RESOLUTION NO. 8-2012
Adopted June 11, 2012

ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING A COMBINED BASIC CONCEPT AND SCHEMATIC DESIGN FOR A NEW PUBLIC PLAZA AND PEDESTRIAN AND BICYCLE FACILITIES ON BLOCKS 36-37 AND THE 4TH STREET RIGHT-OF-AWAY IN MISSION BAY TO SERVE THE FUTURE UNIVERSITY OF CALIFORNIA, SAN FRANCISCO MEDICAL CENTER PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC

WHEREAS, On September 17, 1998, the Commission of the Redevelopment Agency of the City and County of San Francisco ("Redevelopment Commission") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan") by Resolution No. 190-98, following certification of the Final Subsequent Environmental Impact Report ("FSEIR") for the Mission Bay North and South Redevelopment Plans and adoption of CEQA Findings and a Statement of Overriding Considerations pursuant to the California Environmental Quality Act ("CEQA") and State CEQA Guidelines by Resolution No. 182-98 and adopted CEQA Findings and a Statement of Overriding Considerations by Resolutions Nos. 182-98 and 183-98, respectively. On the same date, the 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"), affirmed the certification of the FSEIR by Motion 98-132, adopted CEQA Findings and a Statement of Overriding Considerations by Resolution No.854-98 and 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, The Redevelopment Commission has issued various addenda to the FSEIR, including Addendum #6, dated September 8, 2008, which concluded that revisions proposed by The Regents of the University of California ("The Regents") to the University of California San Francisco ("UCSF") Medical Center at Mission Bay ("MCMB") did not result in any new significant impacts or increase the severity of previously identified impacts in the FSEIR; and,

WHEREAS, The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, Attachment G to the South OPA ("DRDAP"), obligate a review process for the approval of schematic designs for public open spaces in Mission Bay; and,
WHEREAS, On March 17, 2005, The Regents certified a Final Environmental Impact Report for Long Range Development Plan Amendment #2 – Hospital Replacement Program (“LRDP Amendment #2 FEIR”). The LRDP Amendment #2 FEIR considered the environmental impacts of a number of potential hospital replacement scenarios, including two sites in Mission Bay. On the same date, The Regents approved an amendment to its Long Range Development Plan (“LRDP”) which stated that the initial phase of hospital replacement will be the development of an approximately 210-bed specialty hospital in the Mission Bay South Project Area; and,

WHEREAS, On November 1, 2005 the Redevelopment Commission approved a Memorandum of Understanding with The Regents (“MOU”) to address the fiscal and design implications of UCSF’s development of a hospital on Blocks 36 to 39. Also on November 1, 2005, the Commission approved a Second Amendment to the South OPA with Catellus Operating Limited Partnership and FOCLIL-MB, LLC, to allow for the transfer of Blocks 36 to 39 to the Regents. In approving the MOU and amended OPA, the Commission acted as a “responsible” agency relied on the LRDP Amendment #2 FEIR and its accompanying mitigations to adopt environmental findings; and,

WHEREAS, On September 18, 2008, The Regents certified a Final Environmental Impact Report for a revised hospital plan for Mission Bay South on Blocks 36-39 and X3 (“MCMB FEIR”), which included the development of a hospital in Mission Bay of up to a 289 beds in Phase I, with additional 261 beds in Phase II. At the same time, The Regents adopted CEQA Findings, including a Statement of Overriding Considerations, and approved the Phase I hospital; and,

WHEREAS, Subsequently, on April 22, 2009, The Regents certified a Final Supplemental Environmental Impact Report to analyze a Residential Sound Reduction related to the operations of a helipad at the Medical Center Program (“Final UCSF Helipad SEIR”), adopted CEQA Findings and approved operation of a helipad at the MCMB; and,

WHEREAS, On March 2, 2010, the Redevelopment Commission approved an amendment to the MOU with The Regents to incorporate X3 in the hospital plan. In approving the Amended MOU, the Commission acted as a “responsible” agency and used the MCMB FEIR, the Final UCSF Helipad SEIR, and accompanying mitigations to adopt environmental findings; and,

WHEREAS, Under Assembly Bill No. X1 26 (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. S194861, the Redevelopment Agency, together with all other redevelopment agencies in the State of California, dissolved by operation of law on February 1, 2012; and,
WHEREAS, Consistent with AB 26, on January 24, 2012 the City's Board of Supervisors approved and on January 26, 2012 the Mayor signed Resolution No. 11-12 (the "Board of Supervisors Resolution"), providing for the City to become the successor agency of the Redevelopment Agency ("Successor Agency"), and to acquire its housing and non-housing assets, funds and enforceable obligations, and to fulfill its rights and duties as successor agency to the Redevelopment Agency under AB 26; and,

WHEREAS, AB 26 places successor agencies' performance of their duties under the supervision of newly established oversight boards, which are different from the local legislative bodies and which will oversee the fiscal management of future successor agency activities regarding the enforceable obligations; and,

WHEREAS, The Mayor (with confirmation by the Board of Supervisors) and the taxing entities have appointed members to the oversight board of the City and County of San Francisco (the "Oversight Board"); and,

WHEREAS, In addition to the duties that AB 26 places on this Oversight Board, the City delegated to this Oversight Board, through the Board of Supervisors Resolution, certain authority and responsibility regarding the implementation of the Mission Bay Project; and,

WHEREAS, The City delegation to this Oversight Board included the authority to grant approvals under specified land use controls for the Mission Bay Project consistent with the approved Plan and enforceable obligations, in place of the commission of the former Redevelopment Agency, with delegation to City staff ("Successor Agency staff") consistent with the former Redevelopment Agency's policies and procedures; and,

WHEREAS, UCSF has proposed the development of a public plaza on the UCSF Medical Center site and on the adjacent City 4th Street right-of-way property between 16th and Mariiposa Streets ("4th Street Public Plaza"). 4th Street currently terminates at 16th Street. 4th Street adjacent to the UCSF Medical Center site has been planned as a City street but has not yet been constructed. The 4th Street Public Plaza is designed to provide a safe east/west connection between UCSF's facilities on either side of 4th Street, and accommodation through access on Fourth Street from 16th to Mariiposa Streets for pedestrians and bicycles and for emergency vehicles. The plaza will contain plantings, benches, pathways for pedestrians and bicycles, and an amphitheater. If UCSF approves Phase II of the UCSF Medical Center, two enclosed pedestrian bridges are proposed between the UCSF medical center buildings on either side of 4th Street; and,

WHEREAS, On May 18, 2012, The Regents certified the Final Environmental Impact Report for the University of California, San Francisco Campus Medical Center at Mission Bay – 4th Street Public Plaza Project ("Project FEIR") and adopted environmental findings pursuant to CEQA. The Project FEIR analyzes the environmental effects of having the University construct and
maintain a public plaza on Fourth Street between 16th Street and Mariposa Street; it also analyzes the effects of implementing eight traffic improvement measures identified by the University, some of which are necessary to avoid significant traffic effects if the University approves and implements the second phase of the UCSF Medical Center at Mission Bay. As evaluated in the FEIR, development of the 4th Street Public Plaza will not result in any significant and unavoidable impacts. Further the Project FEIR did not identify any project specific mitigation measures; however, the Project incorporates mitigation into its description and The Regents established a Mitigation Monitoring and Reporting Program that includes all of the mitigation measures identified in the LRDP Amendment #2 FEIR and MCMB FEIR incorporated as part of the project, as described in the Project Description of the Project FEIR; and,

WHEREAS, UCSF, as a State agency, is exempt from local land use controls. However, for the portions of the 4th Street Public Plaza within the 4th Street public right-of-way, UCSF has committed itself to be subject to the Mission Bay design process outlined in the Plan and Plan Documents. This will be memorialized as part of a Master Agreement that will be approved by the Board of Supervisors; and,

WHEREAS, Pursuant to the DRDAP, UCSF submitted a final Combined Basic Concept and Schematic Design packet for the 4th Street Public Plaza dated May 29, 2012 (Schematic Design”); and,

WHEREAS, Agency staff has reviewed the Combined Basic Concept and Schematic Design packet for purposes of compliance with CEQA; and,

WHEREAS, Successor Agency staff has reviewed the Combined Basic Concept and Schematic Design for the 4th Street Public Plaza and finds that the Oversight Board can consider approval pursuant to CEQA Guidelines Section 15096, relying on the Project FEIR as a responsible agency as defined by CEQA Guidelines Section 15381. Successor Agency staff has prepared findings in accordance with CEQA, the CEQA Guidelines, and San Francisco Administrative Code Chapter 31 (“Chapter 31”), for consideration by the Oversight Board with respect to its approval of the Project (the "CEQA Findings"), which findings are found in Attachment A to this Resolution, and Exhibit 1, the Mitigation Monitoring and Reporting Program for the Project. As explained in the findings, Oversight Board approval will not change the scope of the project analyzed in the Project FEIR and no major revisions are required due to new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the FEIR, that no substantial changes have occurred with respect to the circumstances under which the project would be undertaken, and that no new information of substantial importance to the project analyzed in the FEIR has become available; and,

WHEREAS, Successor Agency staff, in making the necessary findings for the approval action contemplated herein, considered and reviewed the Project FEIR,
and has made documents related to the Schematic Design and the FEIR files available for review by the Oversight Board and the public, and these files are part of the record before the Oversight Board; and,

WHEREAS, Successor Agency staff has reviewed the and Schematic Design and finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions; now, therefore, be it

RESOLVED, That the Oversight Board finds and determines that the Combined Basic Concept and Schematic Design submission is an Implementing Action within the scope of the project analyzed in the Project FEIR and requires no additional environmental review pursuant to State CEQA Guidelines Sections 15096, 15162 and 15163 for the following reasons:

1. The Project FEIR, prepared and certified as adequate by The Regents and the University, has been made available for review by the Oversight Board and the public and this document is part of the record before the Oversight Board.

2. The Oversight Board has reviewed and considered the Project FEIR and the record as a whole, finds that the Project FEIR is adequate for its use as the decision-making body for the approval of the project under California Public Resources Code Section 21161.5 and hereby adopts and incorporates into this resolution by this reference the CEQA Findings in Attachment A, including Exhibit 1.

3. The Oversight Board finds that the approval of the Schematic Design for the project is within the scope of the project analyzed in the Project FEIR.

4. The Oversight Board finds that since The Regents certified the Project FEIR, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the Project FEIR due to the involvement of the new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Project FEIR.

5. The Oversight Board has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environmental; and, now, be it further
RESOLVED, That the Oversight Board has reviewed and considered the Project FEIR findings and hereby adopts the CEQA findings set forth in Attachment A, including Exhibit 1, which are incorporated herein; and, be it further

RESOLVED, That Oversight Board approves the Combined Basic Concept and Schematic Design for the 4th Street Public Plaza, subject to the following conditions:

1. The approval of the Combined Basic Concept and Schematic Design is contingent on approval of the Minor Mission Bay South Infrastructure Plan amendment by the Mayor and Director of the Department of Public Works, as well as the approval by the San Francisco Board of Supervisors of all the related legislation required to implement the 4th Street Public Plaza by UCSF.

2. Staff shall review and approve the final furnishings for the 4th Street Public Plaza, including bike racks, benches, signage, and light poles during design development. UCSF shall consider the long-term durability, maintenance requirements, and the sustainability of the materials when selecting furnishings.

3. Final hardscape materials for the 4th Street Public Plaza, including all paving materials and patterns, shall be reviewed and approved by staff during the design development. Attention will be given to the shared pedestrian/bicycle promenade, as well as to the pedestrian and vehicle interface at the drop-off, to ensure safe and compatible use by all modes of transportation.

4. A final planting plan for the 4th Street Public Plaza, including all new trees, planting palette, stormwater treatment basins, amphitheater, and tree grove area, shall be reviewed by staff for approval during design development.

5. The lighting plan, including lighting fixtures and locations, shall be reviewed and approved by staff during design development to ensure that the lighting plan promotes the public character of the plaza, as well as defines the promenade as a major north-south public thoroughfare for pedestrians and bicyclists. Attention shall be given to the proposed building parapet flood lights to ensure that they do not overly light the plaza and affect the adjacent neighborhood.

6. Once UCSF completes final designs for Phase 2 of the UCSF Mission Bay Medical Center, UCSF shall work with Successor Agency and City staff to revisit the 4th Street Public Plaza design to determine what modifications, if any, to the plaza may be necessary to accommodate the final design of Phase 2 of the Medical Center. Specific attention will be given to minimizing the size of the drop-offs and retaining a safe movement of pedestrian,
bicycle, and emergency vehicles. The approval process for the Phase 2 plaza improvements shall be subject to the Mission Bay South Design Review and Document Approval Procedures, or an alternative City design review process if the Mission Bay South Redevelopment Plan has already expired.

7. The project boundaries shown on Pages 4 and 5 of the Combined Basic Concept and Schematic Design are identified for purposes of developing the Combined Basic Concept and Schematic Design only. The actual project boundaries for purposes of construction and permitting will be determined by Department of Public Works staff.

8. Approval of the Combined Basic Concept and Schematic Design does not constitute approval of the various technical studies completed by UCSF for the preparation of the overall plaza design.

I hereby certify that the foregoing resolution was adopted by the Oversight Board at its meeting of June 11, 2012.

Natalie Jones
Board Secretary