

1 [Mission Bay South - Storm Water Pump Station No. 4 Public Infrastructure Improvements]

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3 **Ordinance accepting the irrevocable offer of public infrastructure improvements**
4 **associated with Mission Bay Storm Water Pump Station No. 4 including acquisition**
5 **facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting**
6 **said facilities for City maintenance and liability purposes; adopting environmental**
7 **findings and findings that such actions are consistent with the City's General Plan**
8 **eight priority policy findings of Planning Code Section 101.1, and the Mission Bay**
9 **South Redevelopment Plan; accepting a Department of Public Works Order; and**
10 **authorizing official acts in connection with this Ordinance.**

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12 Note: Additions are single-underline italics Times New Roman;
13 deletions are ~~strikethrough italics Times New Roman~~.
14 Board amendment additions are double underlined.
15 Board amendment deletions are ~~strikethrough normal~~.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Findings.

18 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to
19 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
20 therein, approved and adopted by the Board of Supervisors of the City and County of San
21 Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in the Clerk of
22 the Board of Supervisors File No. 981441.

23 (b) The San Francisco Redevelopment Agency, in a letter dated August 16, 2011,
24 determined that the acceptance of the Mission Bay Storm Water Pump Station No. 4 Public
25 Infrastructure Improvements constructed pursuant to Street Improvement Permit #08IE-0654,
dated October 9, 2008 and Department of Building Inspection Permit #200809091047 dated

1 March 3, 2009 (the "Project") and other actions herein set forth are consistent with the Mission
2 Bay South Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of
3 the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File
4 No. 111209 and is incorporated herein by reference.

5 (c) The City Planning Department, in a letter dated October 17, 2011 determined that
6 the acceptance of the Mission Bay Storm Water Pump Station No. 4 Public Infrastructure
7 Improvements and other actions herein set forth are within the scope of the General Plan
8 consistency findings of Case No. 2011.1094R, the Eight Priority Policies of Planning Code
9 Section 101.1 and the contemplated actions do not trigger the need for subsequent
10 environmental review pursuant to the California Environmental Quality Act (CEQA) (California
11 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is
12 on file with the Clerk of the Board of Supervisors in File No. 111209 and is
13 incorporated herein by reference.

14 (d) The San Francisco Public Utilities Commission on May 27, 2010 signed and
15 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties
16 regarding the Mission Bay Storm Water Pump Station No. 4 Improvements. A copy of said
17 Conditional Assignment of Warranties and Guaranties is on file with the Clerk of the Board of
18 Supervisors in File No. 111209 and is incorporated herein by reference.

19 (e) The San Francisco Public Utilities Commission on July 7, 2011 acknowledged the
20 acceptance of the Determination of Completeness for the Mission Bay Stormwater Pump
21 Station No. 4.

22 (f) In DPW Order No. 179,667 dated October 21, 2011, the Director and the City
23 Engineer certified that: (a) FOCIL-MB, LLC ("Focil") made an irrevocable offer of the Project
24 Improvement facilities to the City ("Offer"), (b) the Mission Bay Storm Water Pump Station No.
25 4 Public Infrastructure Improvements have been inspected and were certified as complete on

1 July 13, 2011; the Project has been constructed in accordance with the Project Plans and
2 Specifications and all City codes, regulations, standards and Mission Bay South Plan and
3 Plan Documents governing this project; and such improvements are ready for their intended
4 use, (c) the facilities are recommended for acceptance as acquisition facilities and for City
5 maintenance and liability purposes. A copy of the DPW Order and Offer are on file with the
6 Clerk of the Board of Supervisors in File No. 111209 and are incorporated herein by
7 reference.

8 Section 2. Adoptions and Approvals.

9 (a) The Board of Supervisors adopts as its own the Redevelopment Plan consistency
10 findings of the San Francisco Redevelopment Agency in connection with the acceptance of
11 the Project and other actions set forth herein.

12 (b) The Board of Supervisors adopts as its own the General Plan and Planning Code
13 Section 101.1 consistency findings and CEQA findings of the Planning Department in
14 connection with the Project and other actions set forth herein.

15 (c) The Board of Supervisors has reviewed and approves the City Engineer's
16 certification and Director's recommendation concerning the acceptance of the Focil Offer
17 dated May 18, 2010 for the Project; acceptance of said facilities for City maintenance and
18 liability responsibilities; and other related actions.

19 Section 3. Acceptance of New Acquisition Facilities and Assumption of Maintenance
20 Responsibilities.

21 (a) The Board of Supervisors accepts the Focil Offer for the Mission Bay Storm Water
22 Pump Station No. 4 located on and under portions of Mission Bay South Park P8, known as
23 Mission Creek Park along Mission Bay Boulevard.

24 (b) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
25 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the

1 City and County of San Francisco and Catellus Development Corporation, and the
2 Department of Public Works Order No. 179,667 dated October 21, 2011, the Board of
3 Supervisors hereby dedicates the facilities described in the Focil Offer for public use and
4 accepts such facilities for City maintenance and liability purposes. The Board's acceptance of
5 improvements pursuant to this Subsection is for the Mission Bay Storm Water Pump Station
6 No. 4 Improvements only and is subject to the warranty obligations under the Stormwater
7 Pump Station No. 4 Street Improvement Permit No. 08IE-0654 and Department of Building
8 Inspection Permit No. 200809091047.

9 (c) The Board of Supervisors hereby acknowledges Focil's conditional assignment of
10 guaranties and warranties in accordance with the related Street Improvement Permit and the
11 Mission Bay South Acquisition Agreement.

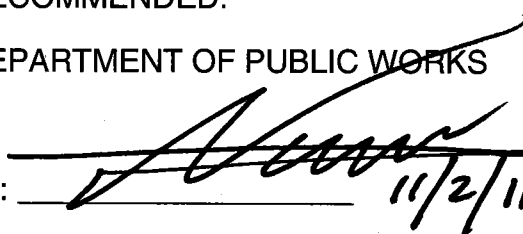
12 Section 7. Authorization for Implementation.

13 All actions heretofore taken by the officers of the City with respect to such Ordinance
14 are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, and Director
15 of Public Works are hereby authorized and directed to take any and all actions which they or
16 the City Attorney may deem necessary or advisable in order to effectuate the purpose and
17 intent of this Ordinance, including, but not limited to, the recordation of this Ordinance in the
18 Official Records of the City and County of San Francisco.

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RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

By:  11/2/11

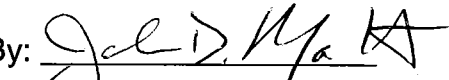
Mohammed Nuru

Director of Public Works

APPROVED AS TO FORM:

Dennis J. Herrera

City Attorney

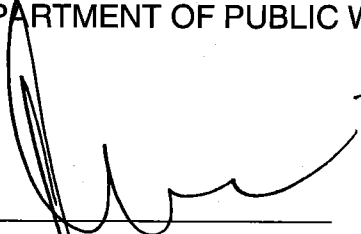
By: 

John D. Malamut

Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 

Fuad S. Sweiss

Deputy Director of Engineering
and City Engineer



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 111209

Date Passed: January 10, 2012

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance.

December 05, 2011 Land Use and Economic Development Committee - RECOMMENDED

December 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

January 10, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 111209

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
1/10/2012 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved