

1 [Mission Bay - Park P21 Improvements.]

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3 **Ordinance designating a portion of State Trust Parcel 5 east of future Terry A. Francois**
4 **Boulevard at future Mission Bay Boulevard for public open space and park purposes;**
5 **naming the new park “Bayfront Park”; accepting the irrevocable offer for the**
6 **acquisition facilities; designating said facilities to public open space and park**
7 **purposes and accepting for maintenance responsibilities and liability purposes;**
8 **adopting environmental findings and findings that such actions are consistent with the**
9 **City’s General Plan, priority policy findings of City Planning Code section 101.1, and**
10 **the Mission Bay South Redevelopment Plan; accepting Department of Public Works**
11 **Order No. 178,379 and authorizing official acts in connection with this Ordinance.**

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 Clerk of the
22 Board of Supervisors File No. 981441.

23 (b) The San Francisco Redevelopment Agency, in a letter dated January 17, 2007,
24 determined that the acceptance of the Mission Bay Block P21 Landscape Improvements,
25 constructed pursuant to Permit No. 02IE-267, dated June 4, 2002 (the “Project”), and other
actions herein set forth are consistent with the Mission Bay South Redevelopment Plan

1 (“Plan”) and Plan Documents described therein and recommends Board of Supervisors
2 acceptance. A copy of the Redevelopment Agency letter is on file with the Clerk of the Board
3 of Supervisors in File No. _____ and is incorporated by reference by reference as
4 though fully set forth herein.

5 (c) The City Planning Department, in a letter dated July 31, 2006, determined that
6 the acceptance of the Project Improvements and other actions herein set forth are in
7 conformance with the General Plan consistency findings of Case No. 2006.0879R, the eight
8 priority policies of Planning Code Section 101.1 and the contemplated actions do not trigger
9 the need for subsequent environmental review pursuant the California Environmental Quality
10 Act ("CEQA") (California Public Resources Code Sections 21000 et seq.). A copy of the
11 Planning Department letter is on file with the Clerk of the Board of Supervisors in File No.
12 _____ and is incorporated by reference as though fully set forth herein.

13 (d) The Port of San Francisco (“Port”) determined, in a letter dated September 9,
14 2009, that the Project improvements are acceptable and consistent with the Public Trust and
15 recommends Board of Supervisors acceptance. A copy of the Port letter is on file with the
16 Clerk of the Board of Supervisors in File No. _____ and is incorporated by reference
17 as though fully set forth therein.

18 (e) In DPW Order No. 178,379, dated October 19, 2009, the DPW Director
19 certified that: Park P21 (a) is currently a State Trust Parcel subject to Port jurisdiction, (b) has
20 been inspected, was certified as complete by the Department of Public Works on July 11,
21 2006, has been constructed in accordance with the Project Plans and Specifications and all
22 City codes, regulations, standards and Mission Bay South Redevelopment Plan and Plan
23 Documents governing this Project, and such improvements are ready for their intended use,
24 (c) is recommended to the Board of Supervisors for formal acceptance of acquisition facilities,
25 and acceptance for maintenance and liability purposes on behalf of the Port. A copy of the

1 DPW Order is on file with the Clerk of the Board of Supervisors in File No. _____
2 and is incorporated by reference as though fully set forth herein.

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4 Section 2. Adoptions, Approvals.

5 (a) The Board of Supervisors adopts as its own the consistency findings of the
6 Redevelopment Agency in connection with the acceptance of the Park P21 Improvements and
7 other actions specified herein.

8 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
9 findings of the Planning Department in regard to the acceptance of the Park P21
10 Improvements and other actions specified herein.

11 (c) The Board of Supervisors adopts as its own the Port's Public Trust consistency
12 finding with regard to the acceptability of the Park P21 Improvements.

13 (d) The Board of Supervisors has reviewed and approves the DPW Director's
14 certification and recommendation concerning the acceptance of the FOCIL-MB ("FOCIL")
15 irrevocable offer of improvements, dated November 3, 2009, of the Park P21 Improvements
16 and maintenance and liability responsibilities for said facilities and open space on behalf of
17 the Port.

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19 Section 3. Designation of Park Name, Acceptance of New Acquisition Facilities, and
20 Assumption of Maintenance and Liability Responsibilities.

21 (a) Pursuant to the Acquisition Agreement dated June 1, 2001 by and between the
22 Redevelopment Agency and Catellus Development Corporation, the DPW Order No. 178,379,
23 dated October 19, 2009, and pursuant to California Streets and Highways Code Section 1806
24 and San Francisco Administration Code Sections 1.52 et seq., the Board of Supervisors
25 hereby accepts the FOCIL irrevocable Offer of the Park P21 Improvements dated November

1 3, 2009 and designates such facilities for public open space and park use. The Board also
2 accepts said facilities for maintenance and liability purposes on behalf of the Port, subject to
3 the conditions listed in subsection (c). A copy of said Offer is on file with the Clerk of the
4 Board of Supervisors in File No. _____ and is incorporated herein by reference.

5 (b) The Board of Supervisors designates that portion of the State Trust Parcel 5, as
6 shown on Exhibit "A-1" of the Offer of Improvements, for public open space and park use and
7 designates the park name as "Bayfront Park".

8 (c) The Board's acceptance of improvements on behalf of the Port pursuant to
9 Subsection (a) are for the Park P21 Improvements only, excluding any encroachments that
10 are permitted, not permitted, or both. The acceptance is subject to i) FOCIL's warranty
11 obligations under the Park P21 Project Permit No. 02IE-267, ii) the maintenance obligations of
12 the Redevelopment Agency and the Port contained in the 2nd Amendment to the Agency
13 Ground Lease.

14 (d) The Board's action to accept the improvement for maintenance and liability
15 purposes is on behalf of the Port only. The City shall incur neither maintenance responsibility
16 nor liability for said improvements.

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18 Section 5. The Mayor, Clerk of the Board, Director of Property, and Director of Public
19 Works are hereby authorized and directed to take any and all actions that they or the City
20 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
21 this Ordinance.

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: _____
Edward D. Reiskin
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, PE, PLS, LEED AP
City Engineer and
Deputy Director of Engineering