

BOARD of SUPERVISORS



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MEMORANDUM

TO: Kanishka Karunaratne Cheng, Liaison to the Board of Supervisors, Mayor's Office
Mohammed Nuru, Director, Public Works
John Rahaim, Director, Planning Department
Nadia Sesay, Executive Director, Office of Community Investment and Infrastructure
Andrico Penick, Director, Real Estate Department

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: March 6, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Haney on February 26, 2019:

File No. 190215

Ordinance dedicating property under City jurisdiction and located on a portion of State Trust Parcel 2, commonly known as Mission Bay Park P5, adjacent to El Dorado Street North and El Dorado Street South between Channel Street and Long Bridge Street, as open public right-of-way in Mission Bay South; naming the new park "Mission Bay Dog Park;" accepting an irrevocable offer for the acquisition facilities that comprise the park improvements; designating said facilities for public open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations, as defined herein; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; approving a Public Works Order; and authorizing official acts in connection with this Ordinance, as defined herein.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Rebecca Peacock, Mayor's Office
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Scott Sanchez, Planning Department
Corey Teague, Planning Department
Lisa Gibson, Planning Department
Devyani Jain, Planning Department
AnMarie Rodgers, Planning Department
Dan Sider, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Laura Lynch, Planning Department

1 [Mission Bay South - Mission Bay Park P5 Acceptance and Naming Mission Bay Dog Park]

2
3 **Ordinance dedicating property under City jurisdiction and located on a portion of State**
4 **Trust Parcel 2, commonly known as Mission Bay Park P5, adjacent to El Dorado Street**
5 **North and El Dorado Street South between Channel Street and Long Bridge Street, as**
6 **open public right-of-way in Mission Bay South; naming the new park “Mission Bay Dog**
7 **Park;” accepting an irrevocable offer for the acquisition facilities that comprise the**
8 **park improvements; designating said facilities for public open space and park**
9 **purposes; accepting the Park for maintenance and liability purposes, subject to**
10 **specified limitations, as defined herein; adopting findings under the California**
11 **Environmental Quality Act; making findings of consistency with the General Plan, the**
12 **eight priority policies of Planning Code, Section 101.1, and the Mission Bay South**
13 **Redevelopment Plan; approving a Public Works Order; and authorizing official acts in**
14 **connection with this Ordinance, as defined herein.**

15 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
16 **Additions to Codes** are in *single-underline italics Times New Roman font*.
17 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
18 **Board amendment additions** are in double-underlined Arial font.
19 **Board amendment deletions** are in ~~strikethrough Arial font~~.
20 **Asterisks (* * * *)** indicate the omission of unchanged Code
21 subsections or parts of tables.

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

23 Section 1. **Background and Findings.**

24 (a) All capitalized terms in this ordinance relating to Mission Bay have the definitions
25 ascribed to them under the Mission Bay South Redevelopment Plan and Plan Documents

1 described therein, which the City approved in 1998 in Ordinance No. 335-98, a copy of which
2 is on file with the Clerk of the Board of Supervisors in File No. 981441.

3 (b) The Successor Agency to the San Francisco Redevelopment Agency, the Office of
4 Community Infrastructure and Investment ("OCII"), in a letter dated February 4, 2019 (the
5 "OCII Letter"), determined that the acceptance of the Mission Bay Park P5 Public
6 Infrastructure Improvements, constructed pursuant to Permit No. 16IE-0176, dated March 2,
7 2016 (the "Park Improvements"), and other actions set forth in this ordinance, are consistent
8 with the Mission Bay South Redevelopment Plan (the "Plan") and Plan Documents described
9 in the OCII Letter. The Park Improvements are located adjacent to El Dorado Street North
10 and El Dorado Street South between Channel Street and Long Bridge Street in Mission Bay
11 South. The OCII Letter also recommended that the Board of Supervisors accept the Park
12 Improvements. A copy of the OCII Letter is on file with the Clerk of the Board of Supervisors in
13 File No. 190215 and is incorporated herein by reference.

14 (c) The Planning Department, in a letter dated September 28, 2015 (the "Planning
15 Department Letter"), determined that the acceptance of the Park Improvements and other
16 actions set forth in this ordinance are, on balance, in conformance with the General Plan and
17 the eight priority policies of Planning Code Section 101.1. In that letter, the Planning
18 Department also found that the contemplated actions do not trigger the need for subsequent
19 environmental review pursuant to the California Environmental Quality Act ("CEQA")
20 (California Public Resources Code Sections 21000 et seq.). A copy of the Planning
21 Department Letter is on file with the Clerk of the Board of Supervisors in File No. 190215 and
22 is incorporated herein by reference.

23 (d) In Public Works ("PW") Order No. 200676, dated February 21, 2019, including Map
24 No. A-17-181 of the same date, the City Engineer certified and the Public Works Director
25 ("PW Director) determined that: (1) Mission Bay Park P5 is currently a portion of property

1 under City jurisdiction and located on a portion of State Trust Parcel 2 in Mission Bay South;
2 (2) FOCIL-MB, LLC (“FOCIL”), has irrevocably offered the Park Improvements facilities to the
3 City as set forth in the FOCIL Irrevocable Offer of the Mission Bay Park P5 Improvements,
4 dated December 19, 2018 (“FOCIL Offer”); and (3) the creation of Mission Bay Park P5 is
5 consistent with the State Trust. In addition, PW inspected the facilities; determined them to be
6 complete as of December 21, 2018; certified that they have been constructed in accordance
7 with the Plans and Specifications and all City codes, regulations, and standards, and the
8 Mission Bay South Redevelopment Plan and Plan Documents governing the Park
9 Improvements; and determined that they are ready for their intended use. In the PW Order,
10 the PW Director also recommended to the Board of Supervisors that it accept the Park
11 Improvements as acquisition facilities, dedicate them to public use as public right-of-way,
12 designate them for public park and open space purposes, and accept them for City
13 maintenance and liability purposes subject to OCII’s maintenance responsibility for the term of
14 the Mission Bay South Redevelopment Plan. In addition, the PW Director recommended that
15 Park P5 be named the “Mission Bay Dog Park.” A copy of the PW Order and FOCIL Offer are
16 on file with the Clerk of the Board of Supervisors in File No. 190215 and are incorporated
17 herein by reference.

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19 **Section 2. Adoptions and Approvals.**

20 (a) The Board of Supervisors adopts as its own the CEQA findings, the General Plan
21 consistency findings, and the eight priority findings of Planning Code Section 101.1 in the
22 Planning Department Letter in connection with the acceptance of the Mission Bay Park P5.

23 (b) The Board of Supervisors adopts as its own the Mission Bay South Redevelopment
24 Plan consistency findings in the OCII Letter in connection with the acceptance of the Mission
25 Bay Park P5.

1 (c) The Board of Supervisors approves PW Order No. 200676, including the City
2 Engineer's certification and PW Director's recommendation concerning the acceptance of the
3 FOCIL Offer, Mission Bay Park P5, and other actions set forth in section 1(d) of this
4 ordinance.

5
6 **Section 3. Acceptance of New Acquisition Facilities, Assumption of Maintenance
7 and Liability Responsibilities, and Naming the Park.**

8 (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco
9 Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1, 2001 by
10 and between the San Francisco Redevelopment Agency and Catellus Development
11 Corporation, and PW Order No. 200676, the Board of Supervisors hereby accepts the FOCIL
12 Offer and dedicates the Park Improvements for public use.

13 (b) The Board of Supervisors approves Map No. A-17-181 and designates the areas
14 shown hatched on said Map No. A-17-181 as open public right-of-way for open space and
15 park purposes.

16 (c) The Board of Supervisors accepts Mission Bay Park P5 for City maintenance and
17 liability purposes on behalf of the City and OCII, subject to the conditions listed in subsections
18 (e) and (f).

19 (d) The Board of Supervisors names Mission Bay Park P5 the "Mission Bay Dog
20 Park."

21 (e) The Board's acceptance of Park Improvements is for the Mission Bay Park P5
22 Improvements only, excluding any encroachments that are permitted, not permitted, or both.

23 (f) The Board of Supervisors hereby acknowledges FOCIL's conditional assignment of
24 all warranties and guaranties to OCII related to the construction of the above listed Park
25

1 Improvements and the obligation of OCII to maintain the Park Improvements until termination
2 of the Redevelopment Plan.

3 (g) The Board of Supervisors directs the PW Director to revise the official City public
4 right-of-way maps in accordance with this ordinance.

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6 **Section 4. Authorization for Implementation.**

7 The Mayor, Clerk of the Board of Supervisors, Director of Real Estate, and PW Director
8 are hereby authorized and directed to take any and all actions which they or the City Attorney
9 may deem necessary or advisable to effectuate the purpose and intent of this ordinance,
10 including, but not limited to, the filing of the ordinance and the A-17 Map in the Official
11 Records of the City and County of San Francisco.

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13 **Section 5. Effective Date.** This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

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19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:


22 JOHN D. MALAMUT
23 Deputy City Attorney

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LEGISLATIVE DIGEST

[Mission Bay South - Mission Bay Park P5 Acceptance and Naming Mission Bay Dog Park]

Ordinance dedicating property under City jurisdiction and located on a portion of State Trust Parcel 2, commonly known as Mission Bay Park P5, adjacent to El Dorado Street North and El Dorado Street South between Channel Street and Long Bridge Street, as open public right-of-way in Mission Bay South; naming the new park “Mission Bay Dog Park;” accepting an irrevocable offer for the acquisition facilities that comprise the park improvements; designating said facilities for public open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations, as defined herein; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; approving a Public Works Order; and authorizing official acts in connection with this Ordinance, as defined herein.

Existing Law

The Board of Supervisors adopted the Redevelopment Plan for the Mission Bay South Project Area in Ordinance No. 335-98 on November 2, 1998. This Ordinance and related Mission Bay legislation established a process by which the project developer (FOCIL - MB, LLC) would construct specified public improvements and the City would dedicate the completed improvements for public use, accept such improvements for City maintenance and liability purposes, and take other related actions.

Amendments to Current Law

This legislation would accept an offer of dedication for the Mission Bay Park P5 improvements in Mission Bay South; dedicate the improvements for public use; approve a Public Works A-17 map depicting the public right-of-way; designate the new right-of-way for public open space and park purposes; and accept the improvements for maintenance and liability purposes, subject to specified limitations, all in accordance with the procedures established for the Mission Bay South Redevelopment Plan and applicable local and State law. The legislation also would name Park P5 “Mission Bay Dog Park.” This Ordinance would make certain findings, including environmental findings and findings that the legislation is consistent with the Mission Bay South Redevelopment Plan, the General Plan, and the eight priority policy findings of the Planning Code Section 101.1.