

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

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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.

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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  
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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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