

1 [Agreement - Mission Bay Parks and Open Spaces - Maintenance and Operations and
2 Termination of Ground Lease]

3 **Resolution authorizing an agreement with the Office of Community Investment and**
4 **Infrastructure (OCII), operating as the Successor Agency to the San Francisco**
5 **Redevelopment Agency, acting in its capacity as the legislative body of Community**
6 **Facilities District No. 5 (Mission Bay Maintenance District), for the City to receive**
7 **funding for its operation and maintenance of the Mission Bay Parks, and to authorize**
8 **the Port and the Recreation and Park Department to coordinate the operation and**
9 **maintenance; authorizing the termination of OCII’s Ground Lease to the Mission Bay**
10 **Parks; and to authorize the Port Executive Director and the Recreation and Park**
11 **Department General Manager to enter into amendments or modifications to the**
12 **agreement that do not materially increase the obligations or liabilities to the City and**
13 **are necessary to effectuate the purposes of the agreement or this Resolution.**

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15 WHEREAS, The City’s Board of Supervisors approved the Redevelopment Plan for the
16 Mission Bay North Project on October 26, 1998, by Ordinance No. 327-98, and the
17 Redevelopment Plan for the Mission Bay South Project on November 2, 1998, by Ordinance
18 No. 335-98 (collectively, the “Redevelopment Plans”); and

19 WHEREAS, The Redevelopment Plans and related plan documents provide for the
20 development of parks, public open spaces, and plazas on certain State Trust parcels that are
21 zoned for open space and primarily assigned to the jurisdiction of Public Works for permitting
22 purposes; and

23 WHEREAS, To implement the Redevelopment Plans, the Redevelopment Agency of
24 the City and County of San Francisco (“Former Agency”) entered into the Mission Bay North
25 Owner Participation Agreement and the Mission Bay South Owner Participation Agreement

1 (collectively, the “OPAs”) whereby Catellus Development Corporation and its successors (the
2 “Master Developer”) became obligated to develop these public open spaces, parks, and
3 plazas (the “Mission Bay Parks”); and

4 WHEREAS, Once the Master Developer completed any subset of Mission Bay Parks
5 improvements and the City accepted them, the Former Agency managed and maintained
6 them pursuant to its Ground Lease with the City dated for reference purposes as of
7 November 16, 2001, as amended (the “Agency Ground Lease”); and

8 WHEREAS, On December 21, 1999, by Resolution No. 217-99 (“Resolution of
9 Formation”), the Former Agency formed the City and County of San Francisco Community
10 Facilities District No. 5 (“CFD No. 5”) under the Mello-Roos Community Facilities Act of 1982,
11 Government Code, Sections 53311 et seq., and the qualified electors in CFD No. 5 approved
12 a special assessment to fund the ongoing operation, maintenance, and repair of specific Open
13 Space Parcels, as defined in the OPAs, until fiscal year 2043-44; and

14 WHEREAS, The OPAs and CFD No. 5 formation documents provide that the
15 maintenance costs of the Open Space Parcels shall be payable from the special assessments
16 and not from redevelopment tax increment; and

17 WHEREAS, In 2012, under the Redevelopment Dissolution Law, Cal. Health & Safety
18 Code, Sections 34170 et seq., and Board of Supervisors Ordinance No. 215-12, the
19 Successor Agency to the Redevelopment Agency of the City and County of San Francisco
20 (commonly known as the Office of Community Investment and Infrastructure or “OCII”)
21 succeeded to the role of the Former Agency and assumed certain rights and obligations under
22 the Redevelopment Plans, Plan Documents (as defined in the Redevelopment Plans), and the
23 Agency Ground Lease, subject to certain state requirements to complete and dispose of
24 redevelopment assets; and

1 WHEREAS, The Redevelopment Dissolution Law requires OCII to dispose of the
2 Former Agency’s real property interests, including the Agency Ground Lease; and

3 WHEREAS, The Oversight Board of the City and County of San Francisco approved,
4 by Resolution No. 14-2015 (Nov. 23, 2015), a long range property management plan for OCII
5 that requires OCII to terminate its leasehold interests in the Mission Bay Parks, but that
6 acknowledges OCII’s continuing administration of CFD No. 5 maintenance funds; and

7 WHEREAS, On December 7, 2015, the California Department of Finance approved
8 the Oversight Board’s action; and

9 WHEREAS, As the remaining Mission Bay Parks are completed and as OCII and City
10 prepare to terminate the Agency Ground Lease, they also wish to enter into an Agreement for
11 Maintenance and Operations of Mission Bay Parks and Open Spaces Agreement (“Mission
12 Bay Parks Agreement”), to ensure that CFD No. 5 will continue to fund the operation,
13 maintenance, and repair of the Mission Bay Parks, and to allow the Port of San Francisco
14 (“Port”) and Recreation and Park Department (“RPD”) to operate and maintain the Mission
15 Bay Parks in a coordinated and integrated manner; and

16 WHEREAS, Due to timing constraints, Port and RPD anticipate seeking a formal
17 jurisdictional transfer of the Mission Bay Parks from Public Works public right-of-way
18 jurisdiction by means of a separate Ordinance to be submitted to the Board of Supervisors in
19 early 2024; and

20 WHEREAS, City anticipates revenue of over \$1,000,000 from the Mission Bay Parks
21 Agreement, and the term of the Mission Bay Parks Agreement is longer than 10 years; and

22 WHEREAS, A copy of the Mission Bay Parks Agreement is on file with the Clerk of the
23 Board of Supervisors in File No. 231132; and

24 WHEREAS, As required by the Redevelopment Dissolution Law, OCII and City desire
25 to terminate the Agency Ground Lease as provided in the Mission Bay Parks Agreement; and

1 WHEREAS, By Resolution No. 32-2023 (Nov. 7, 2023), the Successor Agency
2 Commission, in its capacity as legislative body for the CFD No. 5, approved the Mission Bay
3 Parks Agreement; and

4 WHEREAS, The Port Commission on October 10, 2023 by Resolution No. 23-44 and
5 the Recreation and Park Commission on October 19, 2023 by Resolutions No. 2310-006,
6 recommended approval of the Mission Bay Parks Agreement; and

7 WHEREAS, Copies of these Resolutions are on file with the Clerk of the Board of
8 Supervisors in File No. 231132; and

9 WHEREAS, The Mission Bay Parks Agreement constitutes a joint community facilities
10 agreement under the Mello-Roos Community Facilities Act of 1982, Government Code,
11 Section 53316.2, which authorizes services to be provided by a public agency other than the
12 agency that created the community facilities district and further provides that such an
13 agreement may be entered into at any time to allow for an orderly transition of governmental
14 facilities and finances resulting from the Redevelopment Dissolution Law's reorganization and
15 limitation of redevelopment authority exercised by OCII; and

16 WHEREAS, Charter, Section 9.118, requires Board of Supervisors approval of a
17 contract having anticipated revenue of \$1,000,000 or more; now, therefore, be it

18 RESOLVED, That the Board of Supervisors approves the Mission Bay Parks
19 Agreement, including termination of the Agency Ground Lease, and authorizes the Port
20 Executive Director or his or her designee and the RPD General Manager or his or her
21 designee to execute the Mission Bay Parks Agreement in substantially the form on file with
22 the Clerk of the Board of Supervisors; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors authorizes the Port Executive
24 Director or his or her designee and the RPD General Manager or his or her designee to enter
25 into any additions, amendments, or other modifications to the Mission Bay Parks Agreement,

1 including with Public Works, that the Port Executive Director and the RPD General Manager,
2 in consultation with the City Attorney, determine, when taken as a whole, to be in the best
3 interest of the City, do not materially increase the obligations or liabilities of the City, and are
4 necessary or advisable to complete the transactions which this Resolution contemplates and
5 effectuate the purpose and intent of this Resolution, such determination to be conclusively
6 evidenced by the execution and delivery by the Port Executive Director and the RPD General
7 Manager of such documents; and, be it

8 FURTHER RESOLVED; That within thirty (30) days of the Mission Bay Parks
9 Agreement being fully executed by all parties, the Port and/or RPD shall provide copies of the
10 Mission Bay Parks Agreement to the Clerk of the Board for inclusion into the official file.

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