

1 [Mission Bay - Park P1 Improvements]

2

3 **Ordinance designating a portion of State Trust Parcel 2 and Parcel 7 adjacent to**  
 4 **Channel for public open space and park purposes; naming the new park “Mission**  
 5 **Creek Park”;** **designating sidewalk width; 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 findings that such actions are consistent with the City’s General Plan, priority**  
 9 **policy findings of City Planning Code section 101.1, and the Mission Bay South**  
 10 **Redevelopment Plan; accepting Department of Public Works Order No. 174,861 and**  
 11 **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.  
 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Findings.

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

22 (b) The San Francisco Redevelopment Agency, in a letter dated June 16, 2004,  
 23 determined that the acceptance of the Park P1 Improvements, constructed pursuant to Permit  
 24 No. 011E-455, dated September 28, 2001 (the “Project”), and other actions herein set forth are  
 25 consistent with the Mission Bay South Redevelopment Plan (“Plan”) and Plan Documents

1 described therein and recommends Board of Supervisors acceptance. A copy of the  
2 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.  
3 \_\_\_\_\_ and is incorporated by reference by reference as though fully set forth herein.

4 (c) The Redevelopment Agency on June 16, 2004, signed and accepted the  
5 Catellus Conditional Assignment of Warranties and Guaranties. A copy of the Assignment is  
6 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
7 incorporated by reference as though fully set forth herein.

8 (d) The City Planning Department, in a letter dated April 16, 2004, determined that  
9 the acceptance of the Park P1 Improvements and other actions herein set forth are in  
10 conformance with the General Plan consistency findings of Case No. 96.771R, the eight  
11 priority policies of Planning Code Section 101.1 and the contemplated actions do not trigger  
12 the need for subsequent environmental review pursuant the California Environmental Quality  
13 Act ("CEQA") (California Public Resources Code Sections 21000 et seq.). A copy of the  
14 Planning Department letter is on file with the Clerk of the Board of Supervisors in File No.  
15 \_\_\_\_\_ and is incorporated by reference as though fully set forth herein.

16 (e) In DPW Order No. 174,861, dated June 16, 2004, including the attached  
17 Drawing No. Q-20-550, dated November 20, 2003 and entitled "Drawing Showing the  
18 Sidewalk Widths of Park P1, the DPW's Director certified that: Park P1, (a) is currently a State  
19 Trust Parcel subject to City jurisdiction, (b) has been inspected and was certified as complete  
20 on May 24, 2004 and that the Project has been constructed in accordance with the Project  
21 Plans and Specifications and all City codes, regulations, standards and Mission Bay South  
22 Redevelopment Plan and Plan Documents governing this Project, and that such  
23 improvements are ready for their intended use, (c) is recommended for formal acceptance of  
24 acquisition facilities, designation of sidewalk widths, and acceptance for maintenance and  
25 liability purposes. A copy of the DPW Order is on file with the Clerk of the Board of

1 Supervisors in File No. \_\_\_\_\_ and is incorporated by reference as though fully set  
2 forth herein.

3 Section 2. Adoptions, Approvals.

4 (a) The Board of Supervisors adopts as its own the consistency findings of the  
5 Redevelopment Agency in connection with the acceptance of the Park P1 Improvements, and  
6 other actions specified herein.

7 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA  
8 findings of the Planning Department in regard to the acceptance of the Park P1 Improvements  
9 and other actions specified herein.

10 (c) The Board of Supervisors has reviewed and approves the City Engineer's  
11 certification and DPW's Director recommendation concerning the acceptance of the Catellus  
12 Land and Development Corporation ("Catellus") irrevocable offer of improvements, dated  
13 February 26, 2004 of the Park P1 Improvements, and maintenance and liability  
14 responsibilities for said facilities and open space.

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

17 (a) The Board of Supervisors designates that portion of the State Trust Parcel 2 and  
18 Parcel 7, as shown on Exhibit "A" of the Offer of Improvements, for public open space and  
19 park use and designates the park name as "Mission Creek Park".

20 (b) Pursuant to the Acquisition Agreement dated June 1, 2001 by and between the  
21 Redevelopment Agency and Catellus Development Corporation, the DPW Order No. 174,861,  
22 dated June 16, 2004, and pursuant to California Streets and Highways Code Section 1806  
23 and San Francisco Administration Code Section 1.52 et seq. the Board of Supervisors hereby  
24 accepts the Catellus irrevocable Offer of the Park P1 Improvements dated February 26, 2004  
25 and designates such facilities for public open space and park use, maintenance and liability

1 purposes, subject to the conditions listed in subsection (c). A copy of said Offer is on file with  
2 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

3 (c) The Board's acceptance of improvements pursuant to Subsection (a) are for the  
4 Park P1 Improvements only, are subject to Catellus' warranty obligations under the Park P1  
5 Project Permit No. 02IE-031 and are subject to the maintenance obligations of the  
6 Redevelopment Agency subject to the Agency Ground Lease and Redevelopment Agency  
7 and Port as set forth in a Memorandum of Agreement, to be developed between the  
8 respective agencies, a copy of the warranties and guaranties is on file with the Clerk of the  
9 Board of Supervisors in File No. \_\_\_\_\_.

10 (d) The Park P1 Improvements accepted by the Board pursuant to Subsection (a)  
11 and (b) are subject to the following: (1) acceptance is for the Project infrastructure only, (2)  
12 any privately maintained storm drain and sewer facilities within the park area specifically  
13 constructed outside of this Project, including but not limited to the facilities for the adjacent  
14 Giants parking lot are excluded, (3) encroachments that are permitted, not permitted, or both  
15 are excluded from acceptance, (4) subject to the limitation that the designation of the sidewalk  
16 width does not obviate, amend, alter, or in any other way affect existing maintenance  
17 obligations of the adjacent property owners and (5) acceptance is subject to Catellus'  
18 warranty obligations under the Project Permit.

19 (e) The Board of Supervisors hereby acknowledges Catellus' Conditional  
20 Assignment of all warranties and guaranties related to the construction of the above listed  
21 Improvements.

22 (f) Authority is hereby delegated to the Director of Property in consultation with the  
23 Director of Public Works to grant PG&E and SBC respective easements for their utilities within  
24 the park boundary and record the same in the Office of the Recorder.

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Section 4. Designation of Street Sidewalk Width.

(a) In accordance with the recommendation in Department of Public Works Order No. \_\_\_\_\_, Board of Supervisors Ordinance No. 1061, entitled “Regulating the Width of Sidewalks”, a copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to read as follows:

Section 15 . The 12.00-foot wide sidewalk on the north side of Channel, from the temporary connector road construction line, east to Fourth Street adjacent to Park P1 shall be designated as shown on Department of Public Works Drawing No. Q-20-550.

(b) The sidewalk width designated by the Board pursuant to Subsection (a) is for the south side of Mission Creek Park adjacent to Channel, and does not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners.

(c) The designated sidewalk is wholly contained within Mission Creek Park, as shown on the Department of Public Works Drawing No. Q-20- 550 and is not part of the Channel Right-of-Way.

(d) The Board of Supervisors hereby directs the DPW to add this sidewalk segment to its Official Street Grade Maps in accordance with this Ordinance.

Section 5. All actions heretofore taken by the officers of the City with respect to such Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of Property, and DPW’s Director are hereby authorized and directed to take any and all actions that they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

RECOMMENDED:  
DEPARTMENT OF PUBLIC WORKS  
By: \_\_\_\_\_  
EDWIN M. LEE  
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: \_\_\_\_\_  
HARLAN L. KELLY, JR.  
City Engineer