

1 [Mission Bay Park Block P16 - Improvements]

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 3 **Ordinance dedicating City property and portions of State Trust Parcels 4 and 5, known**
 4 **as Mission Bay Park Block P16, lying along Third Street, Mission Bay Boulevard North,**
 5 **and Mission Bay Boulevard South for public use and naming the new park “Mission**
 6 **Bay Commons Park;” accepting the irrevocable offer for the acquisition facilities;**
 7 **designating said facilities for open space and park purposes; accepting the Park for**
 8 **maintenance and liability purposes, subject to specified limitations; adopting**
 9 **environmental findings and findings that such actions are consistent with the City’s**
 10 **General Plan, priority policy findings of City Planning Code Section 101.1, and the**
 11 **Mission Bay South Redevelopment Plan; accepting a Department of Public Works**
 12 **Order; and authorizing official acts in connection with this Ordinance.**

13 Note: Additions are *single-underline italics Times New Roman*;
 14 deletions are ~~*strikethrough italics Times New Roman*~~.
 15 Board amendment additions are double underlined.
 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 August 22, 2011
 24 determined that the acceptance of the Mission Bay South Park P16 Public Infrastructure
 25 Improvements, constructed pursuant to Permit No. 09IE-0651, dated November, 12 2009 (the

1 "Project"), and other actions herein set forth are consistent with the Mission Bay South
2 Redevelopment Plan ("Plan") and Plan Documents described therein and recommends Board
3 of Supervisors acceptance. A copy of the Redevelopment Agency letter is on file with the
4 Clerk of the Board of Supervisors in File No. 110996 and is incorporated by reference by
5 reference as though fully set forth herein.

6 (c) The City Planning Department, in a letter dated April 29, 2010, determined that
7 the acceptance of the Project Improvements and other actions herein set forth are in
8 conformance with the General Plan consistency findings of Case No. 2010.0203R, and the
9 eight priority policies of Planning Code Section 101.1 and the contemplated actions do not
10 trigger the need for subsequent environmental review pursuant the California Environmental
11 Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.). A copy of
12 the Planning Department letter is on file with the Clerk of the Board of Supervisors in File No.
13 110996 and is incorporated by reference as though fully set forth herein.

14 (d) In Department of Public Works (DPW) Order No. 179,528, dated September 14,
15 2011, the City Engineer and Director certified that: (i) Park P16 is currently a portion of City
16 property, State Trust Parcel 4 subject to City jurisdiction and State Trust Parcel 5 subject to
17 Port jurisdiction; (ii) Focil has irrevocably offered the Project Improvement facilities to the City;
18 (iii) the facilities have been inspected; were determined to be complete as of February 11,
19 2011 by the Department of Public Works; have been constructed in accordance with the
20 Project Plans and Specifications and all City codes, regulations, standards and Mission Bay
21 South Redevelopment Plan and Plan Documents governing this Project; and are ready for
22 their intended use; and (iv) the facilities are recommended for acceptance as acquisition
23 facilities, dedication for public use, designation for park and open spaces purposes, and
24 acceptance for maintenance and liability purposes on behalf of the City and Redevelopment
25 Agency. A copy of the DPW Order and Offer are on file with the Clerk of the Board of

1 Supervisors in File No. 110996 and are incorporated by reference as though fully set forth
2 herein.

3 Section 2. Adoptions and Approvals.

4 (a) The Board of Supervisors adopts as its own the Redevelopment Plan
5 consistency findings of the San Francisco Redevelopment Agency in connection with the
6 acceptance of the Park P16 Improvements and other actions specified herein.

7 (b) The Board of Supervisors adopts as its own the General Plan and Planning
8 Code Section 101.1 consistency findings and CEQA findings of the Planning Department.

9 (c) The Board of Supervisors has reviewed and approves the City Engineer's
10 Certification and Director's recommendation concerning the acceptance of the Focil
11 Irrevocable Offer of Improvements for the Park P16 Public Infrastructure Improvements, dated
12 August 10, 2010, and other actions set forth in the DPW Order.

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

15 (a) Pursuant to California Streets and Highways Code Section 1806 and San
16 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June
17 1, 2001 by and between the San Francisco Redevelopment Agency and Catellus
18 Development Corporation, and the DPW Order No. 179,528, dated September 14, 2011, the
19 Board of Supervisors hereby accepts the Focil Irrevocable Offer of the Park P16
20 Improvements dated August 10, 2010 and dedicates such facilities for public use. The Board
21 also accepts said facilities for maintenance and liability purposes on behalf of the City and
22 Redevelopment Agency, subject to the conditions listed in subsections (c), (d) and (e).

23 (b) The Board of Supervisors designates that portion of City property, State Trust
24 Parcel 4 and State Trust Parcel 5, as shown on Exhibit "A-1" of the Offer of Improvements, for
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1 public open space and park purposes and designates the park name as "Mission Bay
2 Commons Park".

3 (c) The Board's acceptance of improvements are for the Park P16 Improvements
4 only, excluding any encroachments that are permitted, not permitted, or both.

5 (d) The Board of Supervisors hereby acknowledges Focil's conditional assignment
6 of all warranties and guaranties to the San Francisco Redevelopment Agency related to the
7 construction of the above listed improvements.

8 (e) The Board's action to accept the improvements for maintenance and liability
9 purposes is subject to the maintenance obligations of the Redevelopment Agency contained
10 in the Third Amendment to the Agency Ground Lease. The City shall not incur maintenance
11 responsibility nor liability for said improvements until expiration of said ground lease. A copy of
12 the draft for said ground lease is on file with the Clerk of the Board in File No. 110996 and is
13 incorporated by reference as though fully set forth herein.

14 Section 4. Authorization for Implementation.

15 All actions heretofore taken by the officers of the City with respect to such
16 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
17 Director of Property, and Director of Public Works are hereby authorized and directed to take
18 any and all actions which they or the City Attorney may deem necessary or advisable in order
19 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of
20 the Ordinance in the Official Records of the City and County of San Francisco.

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1 RECOMMENDED:
2 DEPARTMENT OF PUBLIC WORKS

3 By: _____
4 Muhammed Nuru
5 Director of Public Works
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7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA
9 City Attorney
10

11 By: _____
12 John D. Malamut
13 Deputy City Attorney
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DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: _____
Fuad S. Sweiss
Deputy Director of Engineering
and City Engineer

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