

1 [Mission Bay Park P8 Bank Stabilization - at the west end of the China Basin Channel]

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3 **Ordinance accepting the irrevocable offer for the Acquisition Facilities for Park P8**
4 **Bank Stabilization; designating said facilities for public use and maintenance**
5 **purposes; adopting findings that such actions are consistent with the City’s General**
6 **Plan, priority policy findings of City’s Planning Code section 101.1, and the Mission**
7 **Bay South Redevelopment Plan; accepting Department of Public Works Order No.**
8 **174,026; and authorizing official acts in connection with this ordinance.**

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Note: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~

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

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Section 1. Findings.

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(a) Title to the underlining property for the proposed Park P8 improvements is held as
15 two parcels, one held as City fee and the other held as State Trust Property subject to Port
16 jurisdiction. The use of the property consistent with public park improvements is permitted
17 under the terms of the State Trust.

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(b) The San Francisco Redevelopment Agency, in a letter dated March 20, 2003,
19 determined that the acceptance of Park P8 Bank Stabilization facilities (the “Project”) and
20 other actions herein set forth are consistent with the Plan and Plan Documents. A copy of the
21 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
22 _____ and is incorporated by reference as though fully set forth herein.

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(c) The San Francisco Redevelopment Agency on March 20, 2003 signed and
24 accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of the
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1 Assignment is on file with the Clerk of the Board of Supervisors in File No. _____
2 and is incorporated by reference as though fully set forth herein.

3 (d) The City Planning Department, in a letter dated January 21, 2003 determined that
4 the acceptance of Park P8 Bank Stabilization facilities and other actions herein set forth are
5 within the scope of the General Plan consistency findings of Case No. 96.771R and the eight
6 priority policies of Planning Code Section 101.1 and the contemplated actions do not trigger
7 the need for subsequent environmental review pursuant the California Environmental Quality
8 Act (CEQA) (California Public Resources Code Sections 2100 et seq.). A copy of the Planning
9 Department letter is on file with the Clerk of the Board of Supervisors in File No.
10 _____ and is incorporated by reference as though fully set forth herein.

11 (e) The Port of San Francisco ("Port"), in a letter dated February 12, 2003 determined
12 that the acceptance of Park P8 Bank Stabilization facilities is consistent with the "Park P8
13 Bank Stabilization Plan" approved by or on behalf of the DPW Director, January 18, 2002",
14 and any authorized revisions or contract change orders thereto, that said facilities have been
15 constructed in accordance with all applicable City codes, regulations, standards and the Plan
16 and Plan Documents governing this project. A copy of the Port letter is on file with the Clerk of
17 the Board of Supervisors in File No. _____ and is incorporated by reference as though
18 fully set forth herein.

19 (f) In DPW Order No. 174,026, dated March 24, 2003, the Director of the Department
20 of Public Works and the City Engineer certified that the Park P8 Bank Stabilization
21 improvements have been inspected and were certified as complete on March 12, 2003, that
22 the Project has been constructed in accordance with the Project Plans and Specifications and
23 all City codes, regulations, standards and Mission Bay South Plan and Plan Documents
24 governing this project, that such improvements are ready for their intended use and the
25 Project is recommended for formal acceptance of acquisition facilities and acceptance for

1 maintenance purposes. A copy of the DPW Order is on file with the Clerk of the Board of
2 Supervisors in File No. _____ and is incorporated by reference as though fully set
3 forth herein.

4 (g) All capitalized terms relating to Mission Bay shall have the terms ascribed to them
5 pursuant to the Mission Bay South Plan and Plan Documents approved and adopted by the
6 Board of Supervisors of the City and County of San Francisco by Ordinance No. 335-98, on
7 November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. _____.

8 Section 2. Adoptions, Approvals.

9 (a) The Board of Supervisors adopts as its own the consistency findings of the San
10 Francisco Redevelopment Agency in connection with the acceptance of Park P8 Bank
11 Stabilization facilities and other actions set forth herein.

12 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
13 findings of the Planning Department in regard to the Park P8 Bank Stabilization project.

14 (c) The Board of Supervisors has reviewed and approves the City Engineer's
15 certification and Director of the Department of Public Works recommendation concerning the
16 acceptance of the Catellus irrevocable offer of the Park P8 Bank Stabilization Improvements
17 dated January 28, 2003.

18 Section 3. Acceptance of Offer of Improvements.

19 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
20 Acquisition Agreement dated June 1, 2001, and supplemented on October 1, 2002, by and
21 between the Redevelopment Agency of the City and County of San Francisco and Catellus
22 Development Corporation with respect to Park P8 Bank Stabilization Acquisition Facilities,
23 and the Department of Public Works Order No. 174,026, dated March 24, 2003, the Board of
24 Supervisors hereby accepts the Catellus irrevocable offer of the Park P8 Bank Stabilization
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1 Improvements dated January 28, 2003 and designates such facilities to public use and
2 maintenance purposes, subject to the conditions listed in subsection (b).

3 (b) The Park P8 Bank Stabilization Improvements accepted by the Board pursuant to
4 Subsection (a) are subject to the following: (1) acceptance of Park P8 Bank Stabilization
5 facilities only, and (2) Catellus Development Corporation's warranty obligations under the
6 Park P8 Bank Stabilization Plan permit continue as set forth in said permit.

7 (c) The Board of Supervisors hereby acknowledges Catellus' Conditional Assignment
8 of all guaranties and warranties related to the construction of the above improvements.

9 Section 4. All actions heretofore taken by the officers of the City with respect to such
10 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
11 Director of Property, and Director of Public Works are hereby authorized and directed to take
12 any and all actions which they or the City Attorney may deem necessary or advisable in order
13 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of
14 the Ordinance in the Official Records of the City and County of San Francisco.

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16 RECOMMENDED:

17 DEPARTMENT OF PUBLIC WORKS

18

19 By: _____

20 EDWIN M. LEE

21 Director of Public Works

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23 APPROVED AS TO FORM:

24 DENNIS J. HERRERA

25 City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

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By: _____
JOHN D. MALAMUT
Deputy City Attorney

By: _____
HARLAN L. KELLY, JR.
City Engineer