

1 [Mission Bay South - Park P26 Acceptance]

2
3 **Ordinance dedicating City-jurisdictional property, located on a portion of State Trust**
4 **Parcel 14, commonly known as Mission Bay Park P26, lying along Mariposa Street and**
5 **Owens Street, as open public right-of-way and naming the new park “Mariposa Park,”**
6 **accepting an irrevocable offer for the acquisition facilities that comprise the park**
7 **improvements; designating said facilities for public open space and park purposes,**
8 **accepting the Park for maintenance and liability purposes, subject to specified**
9 **limitations; adopting findings under the California Environmental Quality Act; making**
10 **findings of consistency with the General Plan, the eight priority policies of Planning**
11 **Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a**
12 **Public Works Order; and authorizing official acts in connection with this Ordinance.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

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

21 Section 1. **Background and Findings.**

22 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to
23 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
24 therein, that the City approved in 1988 in Ordinance No. 335-98, a copy of which is on file with
25 the Clerk of the Board of Supervisors in File No. 981441.

1 (b) The Successor Agency to the San Francisco Redevelopment Agency, commonly
2 known as the Office of Community Infrastructure and Investment (“OCII”), in a letter dated
3 May 31, 2016 (the “OCII Letter”), determined that the acceptance of the Mission Bay South
4 Park P26 Public Infrastructure Improvements, constructed pursuant to Permit No. 14IE-0807,
5 dated August 20, 2014 (the “Park Improvements”), and other actions set forth in this
6 ordinance are consistent with the Mission Bay South Redevelopment Plan (the “Plan”) and
7 Plan Documents described in the OCII letter. The OCII Letter also recommended Board of
8 Supervisors acceptance of the Park Improvements. A copy of the OCII letter is on file with the
9 Clerk of the Board of Supervisors in File No. 160691 and is incorporated herein by reference.

10 (c) The Planning Department, in a letter dated May 19, 2009 (the “Planning
11 Department Letter”, based on Planning Department Case No. 2009.0071R), determined that
12 the acceptance of the Park Improvements and other actions set forth in this ordinance are, on
13 balance, in conformance with the General Plan and the eight priority policies of Planning Code
14 Section 101.1. The Planning Department also found that the contemplated actions do not
15 trigger the need for subsequent environmental review pursuant to the California
16 Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et
17 seq.). A copy of the Planning Department Letter is on file with the Clerk of the Board of
18 Supervisors in File No. 160691 and is incorporated herein by reference.

19 (d) In Public Works (“PW”) Order No.184960, dated June 13, 2016, including Map No.
20 A-17-177, dated June 10, 2016, the City Engineer certified and Public Works Director (the
21 “PW Director”) recommended that: (1) Mission Bay Park P26 is currently a portion of City-
22 jurisdictional property located on a portion of State Trust Parcel 14; (2) FOCIL-MB, LLC
23 (“FOCIL”), has irrevocably offered the Park Improvement facilities to the City as set forth in the
24 FOCIL Irrevocable Offer of the Mission Bay Park P26 Improvements, dated June 2, 2016
25 (“FOCIL Offer”); (3) Park P26 is consistent with the State Trust; and (4) Public Works

1 inspected the facilities; determined them to be complete as of June 2, 2016; and certified that
2 they have been constructed in accordance with the Plans and Specifications and all City
3 codes, regulations, standards, and Mission Bay South Redevelopment Plan and Plan
4 Documents governing the Park Improvements; and are ready for their intended use.
5 Consequently, the PW Director has recommended to the Board of Supervisors that the Park
6 Improvements be accepted as acquisition facilities, dedicated to public use as public right-of-
7 way, designated for public park and open space purposes, and accepted for City maintenance
8 and liability purposes subject to OCII's maintenance responsibility for the term of the Plan.
9 The PW Director also has recommended that Park P26 be named "Mariposa Park." A copy of
10 the PW Order and FOCIL Offer are on file with the Clerk of the Board of Supervisors in File
11 No. 160691 and are incorporated herein by reference.

12
13 **Section 2. Adoptions and Approvals.**

14 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
15 Plan and Planning Code Section 101.1 consistency findings in the Planning Department Letter
16 in connection with the acceptance of the Mission Bay Park P26 and other actions specified in
17 this ordinance.

18 (b) The Board of Supervisors adopts as its own the Redevelopment Plan consistency
19 findings in the OCII Letter in connection with the acceptance of the Mission Bay Park P26 and
20 other actions specified in this ordinance.

21 (c) The Board of Supervisors has reviewed and approves PW Order No. 184960,
22 including the City Engineer's certification and PW Director's recommendation concerning the
23 acceptance of the FOCIL Offer, Mission Bay Park P26, and other actions set forth in the PW
24 Order.

1 Section 3. **Acceptance of New Acquisition Facilities, and Assumption of**
2 **Maintenance and Liability Responsibilities.**

3 (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco
4 Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1, 2001 by
5 and between the San Francisco Redevelopment Agency and Catellus Development
6 Corporation, and PW Order No. 184960, the Board of Supervisors hereby accepts the FOCIL
7 Offer and dedicates such facilities for public use.

8 (b) The Board of Supervisors approves Map No. A-17-177 and designates the areas
9 shown hatched on said Map No. A-17-177 as open public right-of-way for open space and
10 park purposes only.

11 (c) The Board of Supervisors accepts Park P26 for City maintenance and liability
12 purposes on behalf of the City and OCII, subject to the conditions listed in subsections (e) and
13 (f).

14 (d) The Board of Supervisors names Park P26 “Mariposa Park.”

15 (e) The Board of Supervisors directs the Public Works Director to revise the official
16 City public right-of-way maps in accordance with this ordinance. The Board’s acceptance of
17 improvements is for the Mission Bay Park P26 Improvements only, excluding any
18 encroachments that are permitted, not permitted, or both.

19 (f) The Board of Supervisors hereby acknowledges FOCIL’s conditional assignment of
20 all warranties and guaranties to OCII related to the construction of the above listed
21 improvements and the obligation of OCII to maintain the Park Improvements until termination
22 of the Redevelopment Plan.

23 ///

24 ///

25 ///

1 Section 4. **Authorization for Implementation.**

2 The Mayor, Clerk of the Board of Supervisors, Director of Real Estate, and PW Director
3 are hereby authorized and directed to take any and all actions which they or the City Attorney
4 may deem necessary or advisable in order to effectuate the purpose and intent of this
5 ordinance, including, but not limited to, the filing of the ordinance and the A-17 Map in the
6 Official Records of the City and County of San Francisco.

7

8 Section 5. **Effective Date.** This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12

13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 John D. Malamut
17 Deputy City Attorney

18 n:\legana\as2016\1600813\01111647.docx

19

20

21

22

23

24

25