

1 [Mission Bay South - Parks P2 Parking Lot, P11-11A, P23, and P24 Acceptance]

2

3 **Ordinance dedicating Park P2 Parking Lot (a portion of Assessor’s Parcel Block No.**  
4 **8710, Lot 2, adjacent to Channel Street), Park P11-11A (east of Mission Bay Drive and**  
5 **Circle), and Parks P23 and P24 (adjacent to Terry Francois Boulevard between 16th and**  
6 **Illinois Streets), as open public right-of-way in Mission Bay South; accepting an**  
7 **irrevocable offer for the acquisition facilities that comprise the Park improvements;**  
8 **designating said facilities for public open space and park purposes only; accepting the**  
9 **Parks for City maintenance and liability purposes, subject to specified limitations;**  
10 **amending Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to establish**  
11 **official sidewalk width on the north side of Channel Street adjacent to Park P2 Parking**  
12 **Lot; adopting findings under the California Environmental Quality Act; making findings**  
13 **of consistency with the General Plan, the eight priority policies of Planning Code,**  
14 **Section 101.1, and the Mission Bay South Redevelopment Plan; adopts a Public Works**  
15 **Order that recommends acceptance of the abovementioned Parks and related actions;**  
16 **and authorizing official acts, as defined, in connection with this Ordinance.**

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

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

23

24 Section 1. Definitions. All capitalized terms in this ordinance relating to Mission Bay  
25 have the definitions ascribed to them under the Mission Bay South Redevelopment Plan and

1 Plan Documents described therein, which the City approved in 1998 in Ordinance No. 335-98,  
2 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981441.

3  
4 Section 2. Findings for Mission Bay Park P2 Parking Lot.

5 (a) The P2 Park Improvements are located east of Mission Bay Drive and Circle,  
6 adjacent to Channel Street and being a portion of Assessor’s Parcel Block No. 8710, Lot 2, in  
7 Mission Bay South.

8 (b) The Successor Agency to the San Francisco Redevelopment Agency, the Office of  
9 Community Infrastructure and Investment (“OCII”), in a letter dated June 10, 2019 (the “Park  
10 P2 OCII Letter”), determined that the acceptance of the Mission Bay Park P2 Parking Lot  
11 Public Infrastructure Improvements, including the adjacent sidewalk, that were constructed  
12 pursuant to Street Improvement Permit No. 04IE-0749, dated July 31, 2014 (the “P2 Park  
13 Improvements”), is consistent with the Mission Bay South Redevelopment Plan (the “Plan”)  
14 and Plan Documents. The Park P2 OCII Letter also recommended that the Board of  
15 Supervisors accept the P2 Park Improvements. A copy of the Park P2 OCII Letter is on file  
16 with the Clerk of the Board of Supervisors in File No. 190755 and is incorporated herein by  
17 reference.

18 (c) The Planning Department, in a letter dated May 10, 2019 (the “May 10 Planning  
19 Department Letter”), determined that the acceptance of the P2 Park Improvements is, on  
20 balance, consistent with the General Plan and the eight priority policies of Planning Code  
21 Section 101.1. In that letter, the Planning Department also found that the contemplated  
22 actions do not trigger the need for subsequent environmental review pursuant to the California  
23 Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et  
24 seq.). A copy of the May 10 Planning Department Letter is on file with the Clerk of the Board  
25 of Supervisors in File No. 190754 and is incorporated herein by reference.

1 (d) In Public Works (“PW”) Order No. 201474, dated July 3, 2019, the City Engineer  
2 certified and the PW Director determined that: (1) the Mission Bay Park P2 Parking Lot is  
3 currently a portion of property under City jurisdiction and located on a portion of State Trust  
4 Parcel 2 in Mission Bay South and (2) FOCIL-MB, LLC (“FOCIL”) has irrevocably offered the  
5 P2 Park Improvements facilities, including new sidewalks, to the City as set forth in the FOCIL  
6 Irrevocable Offer of the Mission Bay Park P2 Parking Lot Improvements, dated May 1, 2019  
7 (the “P2 FOCIL Offer”). In addition, the PW Order states that PW inspected the facilities;  
8 determined them to be complete as of April 10, 2019; certified that they have been  
9 constructed in accordance with the Plans and Specifications and all City codes, regulations,  
10 and standards, and the Mission Bay South Redevelopment Plan and Plan Documents  
11 governing the P2 Park Improvements; and determined that they are ready for their intended  
12 use. In the PW Order, the PW Director also recommended to the Board of Supervisors that it  
13 accept the P2 Park Improvements as acquisition facilities, dedicate them to public use as  
14 public right-of-way, designate them for public park and open space purposes only, and accept  
15 them for City maintenance and liability purposes subject to subsequent authorization from the  
16 Port of San Francisco Fire Marshal regarding required access to fire suppression connections  
17 for Port tenants and subject to OCII’s maintenance responsibility for the term of the Mission  
18 Bay South Redevelopment Plan for the sidewalk only. The PW Order includes Map No. A-17-  
19 184 and Drawing No. Q-20-1091. A copy of the PW Order and P2 FOCIL Offer are on file  
20 with the Clerk of the Board of Supervisors in File No. 190755 and are incorporated herein by  
21 reference.

22

23 Section 3. Findings for Mission Bay Park P11-11A.

24 (a) The P11-11A Park Improvements are located east of Mission Bay Drive and Circle,  
25 adjacent to Mission Bay Boulevard North and Mission Bay Boulevard South in Mission Bay

1 South.

2 (b) OCII, in a letter dated June 10, 2019 (the “Park P11-11A OCII Letter”), determined  
3 that the acceptance of the Mission Bay Park P11-P11A Public Infrastructure Improvements,  
4 that were constructed pursuant to Street Improvement Permit No. 04IE-0749, dated July 31,  
5 2014 (the “P11-P11A Park Improvements”), is consistent with the Plan and Plan Documents.  
6 The Park P11-11A OCII Letter also recommended that the Board of Supervisors accept the  
7 P11-P11A Park Improvements.

8 (c) The Planning Department, in the May 10 Planning Department Letter, determined  
9 that the acceptance of the P11-11A Park Improvements is, on balance, in conformance with  
10 the General Plan and the eight priority policies of Planning Code Section 101.1. In that letter,  
11 the Planning Department also found that the contemplated actions do not trigger the need for  
12 subsequent environmental review pursuant to CEQA.

13 (d) In PW Order No. 201474, the City Engineer certified and the PW Director  
14 determined that: (1) Mission Bay Park P11-11A is currently a portion of property under City  
15 jurisdiction and located on a portion of State Trust Parcel 2 in Mission Bay South and (2)  
16 FOCIL has irrevocably offered the P11-P11A Park Improvements facilities to the City as set  
17 forth in the FOCIL Irrevocable Offer of the Mission Bay Park P11-11A Improvements, dated  
18 May 1, 2019 (the “P11-11A FOCIL Offer”). In addition, the PW Order states that PW  
19 inspected the facilities; determined them to be complete as of April 10, 2019; certified that  
20 they have been constructed in accordance with the Plans and Specifications and all City  
21 codes, regulations, and standards, and the Mission Bay South Redevelopment Plan and Plan  
22 Documents governing the P11-11A Park Improvements; and determined that they are ready  
23 for their intended use. In the PW Order, the PW Director also recommended to the Board of  
24 Supervisors that it accept the P11-11A Park Improvements as acquisition facilities, dedicate  
25 them to public use as public right-of-way, designate them for public park and open space

1 purposes, and accept them for City maintenance and liability purposes subject to OCII's  
2 maintenance responsibility for the term of the Mission Bay South Redevelopment Plan. The  
3 PW Order includes Map No. A-17-183. A copy of the P11-11A FOCIL Offer is on file with the  
4 Clerk of the Board of Supervisors in File No. 190755 and is incorporated herein by reference.

5  
6 Section 4. Findings for Mission Bay Parks P23 and P24.

7 (a) The P23 and P24 Park Improvements are located adjacent to Terry Francois  
8 Boulevard, between 16th and Illinois Streets in Mission Bay South.

9 (b) OCII, in a letter dated June 21, 2019 (the "Parks P23 and P24 OCII Letter"),  
10 determined that the acceptance of the Mission Bay Park P23 and P24 Public Infrastructure  
11 Improvements, that were constructed pursuant to Street Improvement Permit No. 15IE-0451,  
12 dated December 1, 2015 (the "P23 and P24 Park Improvements"), is consistent with the Plan  
13 and Plan Documents. The Parks P23 and P24 OCII Letter also recommended that the Board  
14 of Supervisors accept the P23 and P24 Park Improvements. A copy of the Parks P23 and  
15 P24 OCII Letter is on file with the Clerk of the Board of Supervisors in File No. 190755 and is  
16 incorporated herein by reference.

17 (c) The Planning Department, in a letter dated May 14, 2019 (the "May 14 Planning  
18 Department Letter"), determined that the acceptance of the P23 and P24 Park Improvements  
19 is, on balance, in conformance with the General Plan and the eight priority policies of Planning  
20 Code Section 101.1. In that letter, the Planning Department also found that the contemplated  
21 actions do not trigger the need for subsequent environmental review pursuant to CEQA. A  
22 copy of the May 14 Planning Department Letter is on file with the Clerk of the Board of  
23 Supervisors in File No. 190755 and is incorporated herein by reference.

24 ///

1 (d) In PW Order No. 201474, the City Engineer certified and the PW Director  
2 determined that: (1) Mission Bay Parks P23 and P24 is currently a portion of property under  
3 Port jurisdiction and located on a portion of State Trust Parcel 5 in Mission Bay South and (2)  
4 FOCIL has irrevocably offered the P23 and P24 Park Improvement facilities to the City as set  
5 forth in the FOCIL Irrevocable Offer of the Mission Bay Park P23 and P24 Improvements,  
6 dated June 21, 2019 (the "P23 and P24 FOCIL Offer"). In addition, PW inspected the  
7 facilities; determined them to be complete as of June 14, 2019; certified that they have been  
8 constructed in accordance with the Plans and Specifications and all City codes, regulations,  
9 and standards, and the Mission Bay South Redevelopment Plan and Plan Documents  
10 governing the P23 and P24 Park Improvements; and determined that they are ready for their  
11 intended use. In the PW Order, the PW Director also recommended to the Board of  
12 Supervisors that it accept the P23 and P24 Park Improvements as acquisition facilities,  
13 dedicate them to public use as public right-of-way, designate them for public park and open  
14 space purposes, and accept them for City maintenance and liability purposes subject to  
15 OCII's maintenance responsibility for the term of the Mission Bay South Redevelopment Plan.  
16 The PW Order includes Map No. A-17-185. A copy of the P23 and P24 FOCIL Offer is on file  
17 with the Clerk of the Board of Supervisors in File No. 190755 and is incorporated herein by  
18 reference.

19

20 Section 5. Adoption of Findings and Recommendations for Mission Bay South Park P2  
21 Parking Lot, Park 11-11A, and Parks P23 and P24.

22 (a) The Board of Supervisors adopts as its own the CEQA findings, the General Plan  
23 consistency findings, and the eight priority findings of Planning Code Section 101.1 in the May  
24 10 Planning Department Letter in connection with the acceptance of the Mission Bay Park P2  
25 Parking Lot and Mission Bay Park P11-11A, and the CEQA findings, the General Plan

1 consistency findings, and the eight priority findings of Planning Code Section 101.1 in the May  
2 14 Planning Department Letter in connection with the acceptance of Mission Bay Parks P23  
3 and P24.

4 (b) The Board of Supervisors adopts as its own the Mission Bay South Redevelopment  
5 Plan consistency findings in the Park P2 OCII Letter in connection with the acceptance of the  
6 Mission Bay Park P2 Parking Lot, the Mission Bay South Redevelopment Plan consistency  
7 findings in the Park P11-11A OCII Letter in connection with the acceptance of Mission Bay  
8 Park P11-11A, and the Mission Bay South Redevelopment Plan consistency findings in the  
9 Parks P23 and P24 OCII Letter in connection with the acceptance of Mission Bay Parks P23  
10 and P24.

11 (c) The Board of Supervisors adopts PW Order No. 201474, including the City  
12 Engineer's certification and PW Director's recommendations concerning the acceptance of the  
13 P2 FOCIL Offer, P11-11A FOCIL Offer, P23 and P24 FOCIL Offer, acceptance for city  
14 maintenance and liability purposes of the Mission Bay Park P2 Parking Lot, subject to the  
15 modifications identified below in Section 6(d) and (e), Mission Bay Park P11-11A, Mission Bay  
16 Park P23 and P24, and other actions set forth in sections 2(d), 3(d) and 4(d) of this ordinance  
17 and adopts said recommendation and other actions as its own.

18  
19 Section 6. Acceptance of New Acquisition Facilities and Assumption of City  
20 Maintenance and Liability Responsibilities.

21 (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco  
22 Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1, 2001 by  
23 and between the San Francisco Redevelopment Agency and Catellus Development  
24 Corporation, and PW Order No. 201474, the Board of Supervisors hereby accepts the P2  
25 FOCIL Offer, the P11-11A FOCIL Offer, and the P23 and P24 FOCIL Offer, and dedicates the

1 P2 Park Improvements, the P11-11A Park Improvements, and the P23 and P24 Park  
2 Improvements for public use.

3 (b) As to Mission Bay Park P2 Parking Lot, the Board of Supervisors approves Map  
4 No. A-17-184 and designates the areas shown hatched on said Map No. A-17-184 as open  
5 public right-of-way for open space and park purposes only. As to Mission Bay Park P11-11A,  
6 the Board of Supervisors approves Map No. A-17-183 and designates the areas shown  
7 hatched on said Map No. A-17-183 as open public right-of-way for open space and park  
8 purposes only. As to Mission Bay Parks P23 and P24, the Board of Supervisors approves  
9 Map No. A-17-183 and designates the areas shown hatched on said Map No. A-17-185 as  
10 open public right-of-way for open space and park purposes only.

11 (c) The Board of Supervisors accepts Mission Bay Park P2 Parking Lot, Mission Bay  
12 Park P11-11A, and Mission Bay Park P23 and P24 for City maintenance and liability purposes  
13 on behalf of the City, subject to the conditions listed in subsections (d) and (e).

14 (d) The Board's acceptance of the P2 Park Improvements is for the Mission Bay Park  
15 P2 Parking Lot Improvements only, excluding any encroachments that are permitted, not  
16 permitted, or both and subject to subsequent authorization from the Port of San Francisco Fire  
17 Marshal regarding required access to fire suppression connections for Port tenants and  
18 subject to OCII's maintenance responsibility for the term of the Mission Bay South  
19 Redevelopment Plan for the landscaping portions sidewalk only. The Board's acceptance of  
20 the P11-11A Park Improvements is for the Mission Bay Park P11-11A Improvements only,  
21 excluding any encroachments that are permitted, not permitted, or both. The Board's  
22 acceptance of the P23 and P24 Park Improvements is for the Mission Bay Park P23 and P24  
23 Improvements only, excluding any encroachments that are permitted, not permitted, or both.

24 (e) The Board of Supervisors hereby acknowledges FOCIL's conditional assignment of  
25 all warranties and guaranties to OCII related to the construction of the above listed Park



1 Improvements and the obligation of OCII to maintain the Park Improvements until termination  
2 of the Redevelopment Plan, with the exception of the non-landscaping portions of the Park P2  
3 parking lot.

4 (f) The Board of Supervisors directs the PW Director to revise the official City public  
5 right-of-way maps in accordance with this ordinance.

6  
7 Section 7. Designation of Street Sidewalk Width in Connection with Park P2 Parking  
8 Lot.

9 (a) In accordance with the recommendation in PW Order No. 201474, Board of  
10 Supervisors Ordinance No. 1061, entitled “Regulating the Width of Sidewalks”, a copy of  
11 which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May  
12 11, 1910, is hereby amended by adding thereto a new section to read as follows:

13 Section 1622. The width of sidewalk on the north side of Channel Street and included within the  
14 Park P2 Parking Lot shall be as shown on Public Works Drawing No. Q-20-1091.

15 (b) The sidewalk width established pursuant to subsection (a) related to Channel  
16 Street does not obviate, amend, alter, or in any other way affect the maintenance obligations  
17 of the adjacent property owners as set forth in the Public Works Code.

18 (c) The designated sidewalk is adjacent to the Park P2 Parking Lot, as shown on the  
19 PW Drawing No. Q-20-1091 and is not part of the official Channel Street right-of-way.

20 (d) The Board of Supervisors hereby directs Public Works to add this sidewalk  
21 segment to the Official Sidewalk Width Maps in accordance with this ordinance.

22  
23 Section 8. Authorization for Implementation. The Mayor, Clerk of the Board of  
24 Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to  
25 take any and all actions which they or the City Attorney may deem necessary or advisable to

1 effectuate the purpose and intent of this ordinance, including, but not limited to, the filing of  
2 the ordinance and the A-17 and Q-20 Maps in the Official Records of the City and County of  
3 San Francisco.

4  
5 Section 9. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.

9  
10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12  
13 By: \_\_\_\_\_  
14 JOHN D. MALAMUT  
15 Deputy City Attorney  
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