

1 [Improvements - Mission Bay South Park P10]

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3 **Ordinance dedicating City property, within portions of State Trust Parcel 2, known as**
 4 **Mission Bay Park P10, lying along Mission Bay Circle and Mission Bay Drive as open**
 5 **public right-of-way and naming the new park Mission Bay Park P10; accepting the**
 6 **irrevocable offer for the acquisition facilities; designating said facilities for open space**
 7 **and park purposes; accepting the Park for maintenance and liability purposes, subject**
 8 **to specified limitations; adopting environmental findings and findings that such**
 9 **actions are consistent with the General Plan, priority policy findings of Planning Code,**
 10 **Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a**
 11 **Department of Public Works Order; and authorizing official acts in connection with this**
 12 **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 by Ordinance No. 335-98, on
 21 November 2, 1998, a copy of which is in Clerk of the Board of Supervisors of the City and
 22 County of San Francisco File No. 981441.

23 (b) The San Francisco Redevelopment Agency, in a letter dated January 30, 2012,
 24 determined that the acceptance of the Mission Bay South Park P10 Public Infrastructure
 25 Improvements, constructed pursuant to Permit No. 10IE-0106, dated March 9, 2010 (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.130296 and is incorporated by reference by
5 reference as though fully set forth herein.

6 (c) The City Planning Department, in a letter dated December 15, 2011, determined
7 that 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. 2011.1139R, 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 to the California
11 Environmental Quality Act ("CEQA") (California Public Resources Code, Sections 21000 et
12 seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of
13 Supervisors in File No. 130296 and is incorporated by reference as though fully set forth
14 herein.

15 (d) In Department of Public Works (DPW) Order No. 181148, dated March 26,
16 2013, including Map No. A-17-173, dated March 26, 2013, the City Engineer and Director
17 certified that: (i) Mission Bay Park P10 is currently a portion of City property within State Trust
18 Parcel 2; (ii) Focil has irrevocably offered the Project Improvement facilities to the City; (iii) the
19 facilities have been inspected; were determined to be complete as of March 26, 2013 by the
20 Department of Public Works; have been constructed in accordance with the Project Plans and
21 Specifications and all City codes, regulations, standards and Mission Bay South
22 Redevelopment Plan and Plan Documents governing this Project; and are ready for their
23 intended use; and (iv) the facilities are recommended for acceptance as acquisition facilities,
24 dedication right-of-way, designation for park and open space purposes, and acceptance for
25 maintenance and liability purposes on behalf of the Successor Agency. A copy of the DPW

1 Order and Offer are on file with the Clerk of the Board of Supervisors in File No. 130296 and
2 are incorporated by reference as though fully set forth 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 Mission Bay Park P10 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 Mission Bay Park P10 Public Infrastructure
12 Improvements, dated January 23, 2012, and other actions set forth in the DPW Order.

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

15 (a) Pursuant to San Francisco Administrative Code, Sections 1.51 et seq., the
16 Acquisition Agreement dated June 1, 2001, by and between the San Francisco
17 Redevelopment Agency and Catellus Development Corporation, and DPW Order No. 181148,
18 dated March 26, 2013, the Board of Supervisors hereby accepts the Focil Irrevocable Offer of
19 the Mission Bay Park P10 Improvements dated January 23, 2012, and dedicates such
20 facilities for public use. The Board also accepts said facilities for maintenance and liability
21 purposes on behalf of the Successor Agency, subject to the conditions listed in subsections
22 (c), and (d).

23 (b) The Board of Supervisors approves Map No. A-17-173, and dedicates the areas
24 shown hatched on said Map No. A-17-173, as open public right-of-way for open space and
25 park purposes and designates the park name as "Mission Bay Park P10." The Board directs

1 the Department of Public Works to revise the City Right-of-Way Maps in accordance with this
2 Ordinance. The Board's acceptance of improvements is for the Mission Bay Park P10
3 Improvements only, excluding any encroachments that are permitted, not permitted, or both.

4 (c) The Board of Supervisors hereby acknowledges Focil's conditional assignment
5 of all warranties and guaranties to the Successor Agency related to the construction of the
6 above listed improvements.

7 Section 4. Authorization for Implementation.

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

14 Section 5. Effective Date. This ordinance shall become effective 30 days from the
15 date of passage.

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1 RECOMMENDED:

2 DEPARTMENT OF PUBLIC WORKS

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4 By: _____

5 Mohammed Nuru

6 Director of Public Works

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8
9 APPROVED AS TO FORM:

10 DENNIS J. HERRERA

11 City Attorney

12
13 By: _____

14 John D. Malamut

15 Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

16 By: _____

17 Fuad S. Sweiss

18 Deputy Director of Engineering
19 and City Engineer