

1 [Mission Bay South - Park P17 Improvements]

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3 **Ordinance dedicating a portion of State Trust Parcel 5, known as Park P17, lying along**  
 4 **Mission Bay Boulevard North, Mission Bay Boulevard South and Terry A. Francois**  
 5 **Boulevard for public use and naming the new park “Commons Park;” 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 City’s General Plan, priority policy findings of City**  
 10 **Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan;**  
 11 **accepting Department of Public Works Order No. 178,716 and authorizing official acts**  
 12 **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 May 13, 2010  
 24 determined that the acceptance of the Mission Bay South Park P17 Public Infrastructure  
 25 Improvements, constructed pursuant to Permit No. 02IE-252, dated May 23, 2002 (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. \_\_\_\_\_ and is incorporated by reference  
5 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, the eight  
9 priority policies of Planning Code Section 101.1 and the contemplated actions do not trigger  
10 the need for subsequent environmental review pursuant the California Environmental Quality  
11 Act ("CEQA") (California Public Resources Code Sections 21000 et seq.). A copy of the  
12 Planning Department letter is on file with the Clerk of the Board of Supervisors in File No.  
13 \_\_\_\_\_ and is incorporated by reference as though fully set forth herein.

14 (d) In Department of Public Works (DPW) Order No. 178,716, dated June 10, 2010,  
15 the City Engineer and Director certified that: (a) Park P17 is currently a portion of State Trust  
16 Parcel 5 subject to Port jurisdiction, (b) FOCIL-MB, LLC (“Focil”) has irrevocably offered the  
17 Project Improvement facilities to the City, (c) the facilities have been inspected; were  
18 determined to be complete as of July 2, 2009 by the Department of Public Works; have been  
19 constructed in accordance with the Project Plans and Specifications and all City codes,  
20 regulations, standards and Mission Bay South Redevelopment Plan and Plan Documents  
21 governing this Project; and are ready for their intended use, (d) the facilities are  
22 recommended for acceptance as acquisition facilities, dedication for public use, designation  
23 for park and open spaces purposes, and acceptance for maintenance and liability purposes  
24 on behalf of the San Francisco Redevelopment Agency. A copy of the DPW Order and Offer  
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1 are on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and are  
2 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 Park P17 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 P17 Public Infrastructure Improvements, dated  
12 July 20, 2009, 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. 178,716, dated June 10, 2010, the Board  
19 of Supervisors hereby accepts the Focil Irrevocable Offer of the Park P17 Improvements  
20 dated July 20, 2009 and dedicates such facilities for public use. The Board also accepts said  
21 facilities for maintenance and liability purposes on behalf of the Redevelopment Agency,  
22 subject to the conditions listed in subsections (c) and (d).

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

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

3 (d) The Board's action to accept the improvements for maintenance and liability  
4 purposes is on behalf of the City and the Redevelopment Agency and is subject to the  
5 maintenance obligations of the Redevelopment Agency contained in the First Amendment to  
6 the Agency Ground Lease. The City shall not incur maintenance responsibility nor liability for  
7 said improvements until expiration of said ground lease. A copy of the First Amendment to the  
8 Ground Lease is on file with the Clerk of the Board in File No. \_\_\_\_\_ and is  
9 incorporated by reference as though fully set forth herein.

10 Section 5. Authorization for Implementation.

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

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18 RECOMMENDED:

19 DEPARTMENT OF PUBLIC WORKS

20 By: \_\_\_\_\_  
21 Edward D. Reiskin  
22 Director of Public Works

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1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA  
3 City Attorney

4  
5 By: \_\_\_\_\_  
6 John D. Malamut  
7 Deputy City Attorney

DESIGNATION CERTIFIED BY:  
DEPARTMENT OF PUBLIC WORKS

By: \_\_\_\_\_  
Fuad S. Sweiss, PE, PLS, LEED AP  
City Engineer and  
Deputy Director of Engineering

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