



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 210669

Recommending the conditional acceptance of the grant deed for property associated with Mission Bay South Park P22, delegating to the San Francisco Port Commission for a 3-year period the authority to dedicate Mission Bay South Parks P22 and P19 (bordering Terry François Boulevard) to public use; accept an irrevocable offer for the acquisition facilities that comprise the park improvements; designate said facilities for public park and open space purposes only; and accept these Parks for Port of San Francisco maintenance and liability purposes, subject to specified limitations; delegating to the Public Works Director for a 3-year period similar authority for certain Public Utilities Commission assets in Park P22 and Park P19

Background and Findings

The Public Works Director (“Director”) acknowledges the following facts and makes the findings set forth below in support of the decisions and recommendations in this Order:

1. Mission Bay South Park P22 (also referred to as Bayfront Park at Mission Bay) is located east of the Chase Event Center, between Terry Francois Boulevard and edge of San Francisco Bay and between Warriors Way and 16th Street (Assessor Parcel Block Number 8721-007, 8722-005, 8722-006). Park P22 also contains two linear parcels on the eastern edge of the park adjacent to Terry Francois Boulevard. The two parcels, Lot 14 (APN 8721-014) and Lot C (Portion of APN 8722-020), are the subject of separate Offers of Dedication, including grant deeds (collectively, the “Acquisition Parcels”). The Acquisition Parcels are included in the Park P22 design and upon acceptance will be absorbed into the Park. The Board of Supervisors, in Ordinance No. 231-15 and as part of a series of actions related to Chase Event Center, delegated to the Real Estate Director the authority to accept Lot C upon completion of the improvements on this parcel. The Offers of Dedication, the scope of the Park P22 Infrastructure Improvements (the “Park P22 Improvements”), and its boundaries, including the Acquisition Parcels, are shown on a plat (the “Park P22 Plat”) attached hereto.
2. The Mission Bay South Park P19 Infrastructure Improvements (the “Park P19 Improvements”) are located on the west side of Terry Francois Boulevard between China Basin Street and Mission Rock Street (Assessor Parcel Block Number 8720-009). The Park P19 boundaries and the scope of the Park P19 Improvements are shown on a plat (the “Park P19 Plat”) attached hereto. The Park P22 Improvements and the Park P19 Improvements and any structures thereon are collectively referred to herein as the “Park Improvements”.
3. The Successor Agency to the San Francisco Redevelopment Agency, the Office of Community Infrastructure and Investment (“OCII”), in a letter dated May 6, 2024 (the “Parks P22 and P19 OCII Letter”), determined that the acceptance of the Park P22 Improvements and the Park P19 Improvements

is consistent with the Mission Bay South Redevelopment Plan (the “Plan”) and Plan Documents. The Parks P22 and P19 OCII Letter also recommended that the Board of Supervisors accept the Parks P22 and P19 OCII Letter as set forth in this Ordinance. A copy of the Parks P22 and P19 OCII Letter is attached to this Order.

4. The Planning Department, in a letter dated June 3, 2024 (the “Parks P22 and P19 Planning Department Letter”), determined that the acceptance of the Acquisition Parcels, Park P22 Improvements, and the Park P19 Improvements are, on balance, consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. The Planning Department also found that the contemplated actions do not trigger the need for subsequent environmental review pursuant to the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.). A copy of the Parks P22 and P19 Planning Department Letter and environmental determination are attached to this Order.
5. On June 11, 2024, the San Francisco Port Commission (“Port Commission”) held a public hearing, and approved Resolution No. 24-30 that recommended the Board of Supervisors acknowledge the Port Commission will (1) accept ownership of the Park Improvements as acquisition facilities on behalf of the City when Public Works (“PW”) or the San Francisco Building Official has determined that such improvements or structures, respectively, have been constructed in accordance with the approved plans and specifications under the applicable permits and all applicable City codes, regulations, and standards, and such improvements are ready for their intended use; (2) dedicate the Park Improvements to public use; (3) designate the property on which the Park Improvements are located for park and/or open space purposes; and (4) upon, their completion, accept Park Improvements for Port Commission maintenance and liability. The Port Commission also agreed to accept the Acquisition Parcels as part of Park P22 after the Board of Supervisors approves the Offer of Dedication for Lot 14 and associated grant deed or at a later date as determined by the Port Executive Director and Real Estate Director, and designates the Port as the owner on behalf of the City. In addition, the Port Commission recommended that the Board of Supervisors delegate to the Commission the Board’s power to: (1) accept ownership of the Park Improvements as acquisition facilities on behalf of the City; (2) dedicate such Park Improvements to public use; (3) designate the property on which the Park Improvements are located for park and/or open space purposes; and (4) take all other official acts necessary for, or related to, acceptance of the Park Improvements, including without limitation, accepting the Park Improvements for Port Commission maintenance and liability and accepting conditional assignment of all warranties and guaranties related to the construction of Park Improvements. A copy of the Port Commission Resolution is attached.
6. In this Order, the City Engineer certifies and the PW Director determines that: (1) Mission Bay South Park P22 is currently on a portion of property under Port jurisdiction and located on a portion of State Trust Parcel 5 and on the Acquisition Parcels; (2) FOCIL-MB, LLC (“FOCIL”) will irrevocably offer the Park P22 Improvements to the City as set forth in the draft FOCIL Irrevocable Offer of the Mission Bay Park P22 Improvements, (the “P22 FOCIL Offer”); (3) the Acquisition Parcels are comprised of an Offer of Dedication, including a grant deed, for Lot 14 (APN 8721-009) by FOCIL and an Offer of Dedication, including a grant deed, for Lot C (Portion of APN 8722-020) by GSW Arena, LLC (collectively, the “Offers of Dedication”); (4) Mission Bay South Park P19 is currently on a portion of property under Port jurisdiction and located on a portion of State Trust Parcel 5; and (5) FOCIL will irrevocably offered the Park P19 Improvements to the City as set forth in the draft FOCIL Irrevocable Offer of the Mission Bay Park P19 Improvements (the “P19 FOCIL Offer”). In addition, Public Works issued Street Improvement Permit No.

19IE-00483, dated 7/02/2020 for the Park P22 Improvements and Street Improvement Permit No. 13E-0473, dated November 1, 2013, for the Park P19 Improvements.

A. Street and City Utility Acceptance and Delegation Findings

1. The PW Director recommends the Board of Supervisors conditionally accept the Acquisition Parcel referred to as Parcel 14 identified in the Offer of Dedication subject acceptance of Park P22 and designate the Port as the property owner on behalf of the City at a time as determined by the Port Executive Director and the Real Estate Director. The condition of acceptance for this grant deed is the Port Commission's acceptance Park P22.
2. In addition, the Director recommends to the Board that for a 3-year period it delegate to the Port Commission, in consultation with the Director, the authority to take various actions related to acceptance of Park P22 and P19 upon FOCIL's completion of all respective requirements related to the Park Improvements and Public Works issuance of a Determination of Completion for each park certifying that each park upon completion has been constructed in accordance with the Plans and Specifications and all City codes, regulations, and standards, and the Mission Bay South Redevelopment Plan and Plan Documents governing the Park Improvements and determining that they are ready for their intended use. The following separate acceptance actions for each park would include: (1) accepting the P22 FOCIL Offer of Improvements and the P19 FOCIL Offer of Improvements; (2) dedicating the Park Improvements to public use; (3) designating the properties on which the Park Improvements are located for public park and open space purpose; and (4) accepting these Improvements for Port maintenance and liability.
3. This Public Works Order also identifies that Park P22 Improvements contain certain San Francisco Public Utilities Commission ("SFPUC") electrical assets and green infrastructure and the Park P19 Improvements include green infrastructure (collectively "PUC Assets"). The Park P22 green infrastructure includes bioretention slotted underdrain pipes, storm drains and related appurtenances. The Park P19 green infrastructure includes bioretention slotted underdrain pipes, storm drains, wet well pump and related appurtenances. The Director recommends to the Board that for a 3-year period it delegate to the Director, in consultation with the SFPUC General Manager and upon the City Engineers issuance of a Determination of Completion for the PUC Assets, the authority to (1) accept the SFPUC Assets that are part of the P22 FOCIL Offer of Improvements; (2) dedicate the PUC Assets to public use; and (3) accept the PUC Assets for SFPUC maintenance and liability purposes.
4. In addition, this PW Order recommends that the Board of Supervisors acknowledge that although Public Works reviewed and issued permits for the Parks under its public right-of-way permitting jurisdiction, the City should not accept the Parks as public right-of-way under California Streets and Highways Code Section 1806 and San Francisco Administrative Code 1.52, and should instead address dedication and acceptance solely as parkland under Port Commission jurisdiction in accordance with California Government Code Section 66477.1 and San Francisco Subdivision Code Section 1438. This will expedite the opening of Parks P22 and P19 to the public and allow for the efficient and orderly transfer of jurisdictional responsibility over the Park Improvements from PW permitting authority to Port Commission property and management

jurisdiction in contrast to what would have been required if the improvements were designated as public right-of-way.

NOW THEREFORE BE IT ORDERED THAT,

Acceptance of the Infrastructure

1. The Director recommends that the Board of Supervisors conditionally approve the legislation to accept the Offer of Dedication and Grant Deed for Lot 14 at Park P22 subject to the Port Commission accepting Park P22.

Delegation of Acceptance of Infrastructure to Port Commission and Public Works Director

1. The Director recommends delegation to the Port Commission of the authority to accept new acquisition facilities and assume maintenance and liability responsibilities and other Official Acts regarding the Park P22 and P19 Improvements as follows:
 - a. Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the San Francisco Redevelopment Agency and Catellus Development Corporation and with the exception of the PUC Assets, the Public Works recommends that the Board of Supervisors delegate to the Port Commission the authority to accept the Parks P22 and P19 FOCIL Offers on behalf of the City and dedicate the Park Improvements to public use after the City Engineer issues a Notice of Completion for each Park.
 - b. As to Mission Bay Park P22 and P19, Public Works recommends that the Board of Supervisors delegate to the Port Commission the authority to approve the final Park P22 and Park P19 Plats and designate the property shown thereon for park and open space purposes only. The Director also recommends that the Board acknowledge that the Port Commission also will separately designate the properties shown on the above referenced Plats for park and open space purposes only.
 - c. In accordance with California Government Code Section 66477.1 and San Francisco Subdivision Code Section 1438, Public Works recommends that the Board of Supervisors delegate the authority to the Port Commission to take all other actions related to acceptance of the Park Improvements, including acceptance such Improvements for Port Commission maintenance and liability subject to the conditions listed below in Subsections(d)-(g).
 - d. The Board's delegation to the Port Commission regarding the acceptance of the Park Improvements should be for Mission Bay Park P22 and P19 only. The Port Commission's acceptance action shall exclude any encroachments that are permitted, not permitted, or both.
 - e. The Board of Supervisors also should condition its delegation of the acceptance on the Port Commission obtaining FOCIL's conditional assignment of all warranties and guaranties related to the construction of the above listed Park Improvements.
 - f. The Board of Supervisors should assign all future jurisdiction over Parks P22 and P19 to the Port Commission on the effective date of the Port Commission's acceptance of the Park

Improvements and directs the Real Estate Division to show Parks P22 and P19 under the jurisdiction of the Port of San Francisco on such effective date.

- g. The delegation should expire three years from the effective date of the Board of Supervisors ordinance.
2. Delegation to the Public Works Director the authority to accept PUC assets; and other Official Acts regarding the PUC Assets as follows:
- a. Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the San Francisco Redevelopment Agency and Catellus Development Corporation, Public Works recommends that the Board of Supervisors delegate to the Public Works Director, in consultation with the SFPUC General Manager, the authority to accept the PUC Assets to public use after the City Engineer issues a Determination of Completion for such Assets.
 - b. In accordance with California Government Code Section 66477.1 and San Francisco Subdivision Code Section 1438, Public Works recommends that the Board of Supervisors delegate the authority to the Public Works Director, in consultation with the SFPUC General Manager, to take all other actions related to acceptance of the PUC Assets, including acceptance such Improvements for SFPUC maintenance and liability, subject to the conditions listed in Subsections (c)-(e)
 - c. The Board's delegation to the Public Works Director regarding the acceptance of the PUC Assets should be for Mission Bay Park P22 and P19 only.
 - d. The Board of Supervisors also should condition its delegation of the acceptance of the PUC Assets on the Public Works Director obtaining FOCIL's conditional assignment of all warranties and guaranties related to the construction of the PUC Assets.
 - e. The delegation should expire three years from the effective date of the Board's ordinance.

X

DocuSigned by:

Albert Ko

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City Engineer and Deputy Director

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DocuSigned by:

Carla Short

Short, Carla-073CF73A4EA6486...

Director