

[Mission Bay South - Park P6 Acceptance]

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Ordinance dedicating City-jurisdictional property, located on a portion of State Trust Parcel 2, commonly known as Mission Bay Park P6, lying along Long Bridge Street and China Basin Street, as open public right-of-way and naming the new park “Mission Bay Kids’ Park”, accepting an irrevocable offer for the acquisition facilities that comprise the park improvements; designating said facilities for public open space and park purposes, accepting the Park for maintenance and liability purposes, subject to specified limitations, adopting findings under the California Environmental Quality Act, making findings of consistency with the General Plan, priority policy findings of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Public Works Order and authorizing official acts in connection with this ordinance.

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

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

Section 1. **Findings.**

(a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described therein, that the Board of Supervisors, on November 2, 1998, approved in Ordinance No. 335-98, a copy of which is in Clerk of the Board of Supervisors 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 13, 2016 (“OCII Letter”) determined that the acceptance of the Mission Bay South Park
4 P6 Public Infrastructure Improvements, constructed pursuant to Permit No. 14IE-0200, dated
5 February 28, 2014 (the “Park Improvements”), and other actions herein set forth are
6 consistent with the Mission Bay South Redevelopment Plan (“Plan”) and Plan Documents
7 described therein and recommends Board of Supervisors acceptance of the Park
8 Improvements. A copy of the OCII letter is on file with the Clerk of the Board of Supervisors in
9 File No. 160591 and is incorporated herein by reference.

10 (c) The Planning Department, in a letter dated September 28, 2015, determined that
11 the acceptance of the Park Improvements and other actions set forth herein are, on balance,
12 in conformance with the General Plan (Planning Department Case No. 2015-010877GPR),
13 and the eight priority policies of Planning Code Section 101.1 (the “Planning Department
14 Letter”). The Planning Department also found that the contemplated actions do not trigger the
15 need for subsequent environmental review pursuant the California Environmental Quality Act
16 (“CEQA”) (California Public Resources Code Sections 21000 et seq.). A copy of the Planning
17 Department Letter is on file with the Clerk of the Board of Supervisors in File No. 160591 and
18 is incorporated herein by reference.

19 (d) In Public Works (“PW”) Order No. 184922, dated May 25, 2016, including Map No.
20 A-17-176, dated May 25, 2016, the City Engineer and PW Director certified that: (i) Mission
21 Bay Park P6 is currently a portion of City-jurisdictional property located on a portion of State
22 Trust Parcel 2; (ii) FOCIL-MB, LLC (“FOCIL”), has irrevocably offered the Park Improvement
23 facilities to the City as set forth in the FOCIL Irrevocable Offer of the Mission Bay Park P6
24 Improvements, dated March 25, 2016 (“FOCIL Offer”); (iii) Park P6 is consistent with the State
25 Trust; and (iv) PW inspected the facilities; determined them to be complete as of March 9,

1 2016; and certified that they have been constructed in accordance with the Plans and
2 Specifications and all City codes, regulations, standards, and Mission Bay South
3 Redevelopment Plan and Plan Documents governing the Park Improvements; and are ready
4 for their intended use. Consequently, the Director recommends to the Board of Supervisors
5 that the facilities be accepted as acquisition facilities, dedicated as public right-of-way,
6 designated for public park and open space purposes, and accepted for City maintenance and
7 liability purposes subject to OCII's maintenance responsibility for the term of the Plan. The
8 Director also recommends that Park P6 be named " Mission Bay Kids' Park". A copy of the
9 PW Order and FOCIL Offer are on file with the Clerk of the Board of Supervisors in File No.
10 160591 and are incorporated herein by reference.

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

13 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
14 Plan and Planning Code Section 101.1 consistency findings in the Planning Department Letter
15 in connection with the acceptance of the Mission Bay Park P6 and other actions specified
16 herein.

17 (b) The Board of Supervisors adopts as its own the Redevelopment Plan consistency
18 findings in the OCII Letter in connection with the acceptance of the Mission Bay Park P6 and
19 other actions specified herein.

20 (c) The Board of Supervisors has reviewed and approves PW Order No. 184922,
21 including the City Engineer's certification and Director's recommendation concerning the
22 acceptance of the FOCIL Offer, Mission Bay Park P6, and other actions set forth in the PW
23 Order.

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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. 184922, 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-17-176 and designates the areas
9 shown hatched on said Map No. A-17-176 as open public right-of-way for open space and
10 park purposes.

11 (c) The Board accepts Park P6 for City maintenance and liability purposes on behalf of
12 the City and OCII, subject to the conditions listed in subsections (e) and (f).

13 (d) The Board names Park P6 “Mission Bay Kids’ Park”.

14 (e) The Board directs the Public Works Director to revise the official City public right-
15 of-way maps in accordance with this ordinance. The Board’s acceptance of improvements is
16 for the Mission Bay Park P6 Improvements only, excluding any encroachments that are
17 permitted, not permitted, or both.

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

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23 Section 4. **Authorization for Implementation.**

24 The Mayor, Clerk of the Board, Director of Real Estate, and Director of Public Works
25 are hereby authorized and directed to take any and all actions which they or the City Attorney

1 may deem necessary or advisable in order to effectuate the purpose and intent of this
2 ordinance, including, but not limited to, the filing of the ordinance and the A-17 Map in the
3 Official Records of the City and County of San Francisco.

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5 Section 5. Operative Date of Acceptance. The actions set forth in this ordinance in
6 its Section 3, including acceptance of Park P6 for City and OCII maintenance and liability
7 purposes, shall be operative as of July 1, 2016.

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

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15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 John D. Malamut
19 Deputy City Attorney

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