RESOLUTION NO. 49-2004

Adopted April 20, 2004

ESTABLISHING PARK RULES FOR THE MISSION BAY OPEN SPACE SYSTEM; MISSION BAY NORTH AND SOUTH REDEVELOPMENT PROJECT AREAS

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 185-98 and Resolution No. 190-98, the Redevelopment Agency of the City and County of San Francisco (“Agency”) approved the proposed Redevelopment Plans for the Mission Bay North and South Redevelopment Project Areas (“North Plan” and “South Plan,” respectively). On the same date, the Agency adopted related resolutions, including Resolution Nos. 188-98 and 193-98 authorizing execution of Owner Participation Agreements (“OPAs”) and related documents between Catellus Development Corporation (“Catellus”) and the Agency. The Plan and its implementing documents, as defined in the Plan, constitute the “Plan Documents” for each Project.

2. Under the Plan Documents, Catellus is developing 51 acres of public open space on parcels of land in the North Plan and South Plan areas owned by the City and County of San Francisco (“City”) and Port of San Francisco, which parcels are leased to the Agency at the time of improvement (“Mission Bay Open Space System”). Under the Plan Documents, the Agency is responsible for managing and operating the Mission Bay Open Space System until 2043.

3. On December 19, 1999, the Agency by Resolution No. 217-99 formed Community Facilities District No. 5 (Mission Bay Maintenance District) (“CFD No. 5”) and authorized the levy of special taxes, which levy was also approved on January 11, 2000 by Redevelopment Ordinance No. 2-99. All costs for the Agency’s operation and management of the Mission Bay Open Space System will be paid through the special taxes levied in CFD No. 5.

4. On November 18, 2003, by Resolution No. 172-2003, the Agency approved a personal services contract with KTB Realty Partners, Inc., doing business as KTB Management Group (“KTB”), for property management of the Mission Bay Open Space System (“Contract”). Open space parcel P1 of Mission Creek Park is the first of the Mission Bay open space parcels (or “parks”) to be completed. On January 5, 2004, KTB commenced property management services for open space parcel P1 of Mission Creek Park. Pursuant to the Contract, KTB will manage and operate additional open space parcels on behalf of the Agency as these parks are developed over time.
5. The Agency’s Contract with KTB for the Mission Bay Open Space System requires that KTB develop recommendations for park rules and regulations. The Contract requires Commission approval of the proposed rules and regulations. Pursuant to the Contract, KTB has worked with the Agency and the Mission Bay Citizens Advisory Committee to develop public rules and regulations for public use of the Mission Bay Open Space System for Commission consideration.

6. Portions of open space parcel P1 as well as portions of other Mission Bay parks to be developed are under the Port of San Francisco’s jurisdiction. Section 7.1 of the San Francisco Port Code provides that the Agency has the exclusive authority to adopt rules and regulations for any Port park located within the Mission Bay North or South Plan subject to prior approval of the Port’s Executive Director. The Port’s Executive Director issued his approval of the proposed park rules in a letter dated April 7, 2004.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the park rules and regulations attached hereto as Exhibit A are hereby adopted for the Mission Bay Open Space System in the Mission Bay North and South Redevelopment Project Areas.

APPROVED AS TO FORM:

[Signature]

James B. Morales
Agency General Counsel
1. The following activities are prohibited: littering or dumping; camping; boat launching; off-leash animals; motorized vehicles except wheelchairs or other motorized devices used by the disabled; feeding or disturbing birds, animals, or fish; and bicycle riding, skateboarding, roller skating or roller blading except on designated paved paths.

2. Barbeques or open flames, amplified sound, alcoholic beverages, and posting signs are prohibited except in conjunction with a special event permit. Permits will be issued in a process consistent with the Agency’s Permit and Reservation Regulations for Parks under Agency Jurisdiction adopted by the Agency on September 12, 1995 by Agency Resolution 182-95.