

1 [Mission Bay - Fourth Street Public Improvements (UCSF – Phase 1.2)]

2  
3 **Ordinance accepting the dedication for right-of-way purposes of the irrevocable offer of**  
4 **portions future Fourth Street, designating additional property for right-of-way purposes,**  
5 **approving a map showing such areas and declaring such areas to be open public right-**  
6 **of-way; naming the new right-of-way; designating street grades, sidewalk widths, and**  
7 **street parking; accepting the irrevocable offer for the acquisition facilities; designating**  
8 **said facilities for public use and maintenance purposes, subject to specified limitations;**  
9 **accepting a utility easements agreement relating to the project, subject to specified**  
10 **limitations; adopting findings that such actions are consistent with the City’s General**  
11 **Plan, the eight priority policy findings of City Planning Code section 101.1, and the**  
12 **Mission Bay South Redevelopment Plan; accepting Department of Public Works Order**  
13 **No. 174,644 and authorizing official acts in connection with this Ordinance.**

14 Note: Additions are single-underline italics Times New Roman;  
15 deletions are ~~strikethrough italics Times New Roman~~.  
16 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

18 Section 1. Findings.

19 (a) All capitalized terms relating to Mission Bay shall have the terms ascribed  
20 to them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents,  
21 described therein, approved and adopted by the Board of Supervisors of the City and County  
22 of San Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in Clerk  
23 of the Board of Supervisors File No. \_\_\_\_\_.

24 (b) The San Francisco Redevelopment Agency, in a letter dated February 4,  
25 2004, determined that the street opening of Fourth Street – UCSF, Phase 1.2, constructed

1 pursuant to Permit No. 02IE-501, dated September 27, 2002 (the "Project") and other actions  
2 specified herein are consistent with the Mission Bay South Redevelopment Plan ("Plan") and  
3 Plan Documents described therein and recommends Board of Supervisors approval. A copy of  
4 the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File  
5 No. \_\_\_\_\_ and is incorporated by reference as though fully set forth herein.

6 (c) The San Francisco Redevelopment Agency on October 7 2003 signed  
7 and accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of  
8 the Assignment is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
9 and is incorporated by reference as though fully set forth herein.

10 (d) The City Planning Department, in a letter dated January 28, 2004  
11 determined that the street opening of Fourth Street – UCSF, Phase 1.2 and other actions  
12 specified herein are in conformance with the General Plan consistency findings of Case No.  
13 96.771R, the eight priority policies of Planning Code Section 101.1 and the contemplated  
14 actions do not trigger the need for subsequent environmental review pursuant the California  
15 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.).  
16 A copy of the Planning Department letter is on file with the Clerk of the Board of Supervisors in  
17 File No. \_\_\_\_\_ and is incorporated by reference as though fully set forth herein.

18 (e) In DPW Order No. 174,644, dated January 28, 2004, including the  
19 attached A-17 Map No. 160, dated January 28, 2004 and entitled "MAP SHOWING THE  
20 OPENING OF FOURTH STREET WEST OF THIRD ST. AND NORTH OF SIXTEENTH ST.",  
21 the Drawing No. Q-20-618, dated January 28, 2004 and entitled "PROPOSED OFFICIAL  
22 SIDEWALK WIDTHS ON FOURTH STREET – UCSF, PHASE 1.2", and the Drawing No. Q-  
23 20-619, dated January 28, 2004 and entitled "PROPOSED OFFICIAL GRADES ON FOURTH  
24 STREET- UCSF, PHASE 1.2", the Director and the City Engineer certified that: (1) the Fourth  
25 Street (UCSF - Phase 1.2) street segments, (a) are currently held as City property as formerly

1 vacated Minnesota Street or irrevocably offered for dedication by Catellus Land and  
2 Development Corporation ("CLDC") as to a portion of Block 8716/1 and all of Blocks 8717/1  
3 and 8718/1, (b) have been inspected and were certified as complete on December 15, 2003  
4 and that the Project has been constructed in accordance with the Project Plans and  
5 Specifications and all City codes, regulations, standards and Mission Bay South  
6 Redevelopment Plan and Plan Documents governing this Project, and that such improvements  
7 are ready for their intended use, (c) are recommended for formal acceptance of acquisition  
8 facilities, designation of street grades, sidewalk widths, and acceptance for maintenance  
9 purposes, (2) an Overland Flow Easement is necessary for a storm drainage over private  
10 property. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File  
11 No. \_\_\_\_\_ and is incorporated by reference as though fully set forth herein.

12 Section 2. Adoptions, Approvals.

13 (a) The Board of Supervisors adopts as its own the consistency findings of  
14 the San Francisco Redevelopment Agency in connection with the street opening of Fourth  
15 Street (UCSF - Phase 1.2), acceptance of Fourth Street (UCSF - Phase 1.2) improvements  
16 and other actions set forth herein.

17 (b) The Board of Supervisors adopts as its own the consistency findings and  
18 CEQA findings of the Planning Department in regard to the street opening of Fourth Street  
19 (UCSF - Phase 1.2), acceptance of Fourth Street (UCSF - Phase 1.2) improvements and other  
20 actions set forth herein.

21 (c) The Board of Supervisors has reviewed and approves the City Engineer's  
22 certification and Director's recommendation concerning the acceptance of the CLDC's  
23 irrevocable offer of improvements and the improvements offer in the CLDC offer of dedication,  
24 both dated January 21, 2004 for the Fourth Street (UCSF - Phase 1.2) Improvements,  
25 maintenance and liability responsibilities for said facilities and right-of-way, designation of the

1 street grades, sidewalk widths, street parking, and the acceptance of the Easement Agreement  
2 (Temporary City Drainage Easement).

3 Section 3. Designation of Right-of-Way Name, Acceptance of New Acquisition  
4 Facilities, and Assumption of Maintenance Responsibilities.

5 (a) The Board of Supervisors accepts the CLDC irrevocable offer of  
6 dedication of Fourth Street for additional right-of-way and roadway purposes.

7 (b) The Board of Supervisors understands the non typical nature of the  
8 proposed right-of-way to accommodate the UCSF utility easement and approves the A -17  
9 Map, designates those portions of Fourth Street, shown hatched on said A -17 Map, to be an  
10 open public right-of-way dedicated to public use, designates the street name as "Fourth  
11 Street", and hereby directs the Department of Public Works to revise the Official City Street  
12 Right-of-Way Maps in accordance with this Ordinance.

13 (c) Pursuant to California Streets and Highways Code Section 1806 and San  
14 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1,  
15 2001 by and between the Redevelopment Agency of the City and County of San Francisco  
16 and Catellus Development Corporation, and the Department of Public Works Order No.  
17 174,644, dated January 28, 2004, the Board of Supervisors hereby accepts the CLDC  
18 irrevocable Offer of Improvements and Offer of Dedication for the Fourth Street (UCSF - Phase  
19 1.2) Improvements, both dated January 21, 2004 and designates such facilities to public use  
20 and maintenance purposes, subject to the conditions listed in subsection (d & e), but excluding  
21 therefrom those portions of the improvements which are identified on the as built drawings  
22 delivered to and on file with the City as "Pacific Gas & Electric, SBC (also known as Pacific  
23 Bell) and UCSF" facilities and those improvements identified as temporary and interim facilities  
24 described in the Director of Public Works Order No. 174,644.

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1 (d) The Board's acceptance of improvements pursuant to Subsection (c) are  
2 for the Fourth Street (UCSF - Phase 1.2) Improvements only and are subject to the warranty  
3 obligations under the Fourth Street (UCSF - Phase 1.2) Project Permit No. 02IE-501.

4 (e) The Fourth Street (UCSF - Phase 1.2) Improvements accepted by the  
5 Board pursuant to Subsection (c) are subject to the following: (1) acceptance is for the Project  
6 infrastructure only, (2) the portion of street being accepted is the constructed street from back  
7 of curb to back of curb, unless specified otherwise, (3) encroachments that are permitted, not  
8 permitted, or both are excluded from acceptance, and (4) the acceptance of the streets does  
9 not obviate, amend, alter, or in any other way affect existing maintenance agreements  
10 between the City and parties to such maintenance agreements.

11 (f) Authority to accept the permanent Street Lighting components which have  
12 not been installed is hereby delegated to the Director of Public Works acting on behalf of the  
13 Board of Supervisors to accept said components in the future in accordance with the Mission  
14 Bay South Acquisition Agreement.

15 (g) The Board of Supervisors hereby acknowledges Catellus' Conditional  
16 Assignment of all warranties and guaranties related to the construction of the above listed  
17 Improvements.

18 (h) Authority is hereby delegated to the Director of Public Works acting on  
19 behalf of the Board of Supervisors to accept the UCSF sidewalk replacement or repairs in the  
20 future in accordance with the related Street Improvement Permit and the Mission Bay South  
21 Acquisition Agreement.

22 (i) Authority is hereby delegated to the Director of Property to proceed with  
23 the negotiation of the required UCSF utility easement. When complete, the easement shall be  
24 presented to the Board of Supervisors under separate resolution for its approval including the  
25 revocation of the related portion of the Major Encroachment Permit No. \_\_\_\_\_.

1 (j) Authority is hereby delegated to the Director of Property in consultation  
2 with the Director of Public Works to grant PG&E and SBC (formerly Pacific Bell) easements for  
3 utility purposes under Fourth Street and the recordation in the Office of the recorder of the  
4 same.

5 (k) The Board of Supervisors hereby acknowledges the "Third Amendment for  
6 Contribution of Real Property" between UCSF and Catellus dated June 23, 1999, Section 6.8,  
7 "Improvements in Public Rights of Way" in which The Regents agreed to be responsible for  
8 maintaining, at its sole cost and expense consistent with the custom and practice in the City,  
9 all street furniture installed by the Regents, landscaping and street trees, and sidewalk paving  
10 located in the public rights of way adjacent to the portions of the Campus Site owned by the  
11 Regents, from the edge of the Regents' property line to the curb line.

12 (l) The Board of Supervisors hereby directs the Department of Public Works  
13 to add these street segments to its Official Book of City Maintained Streets.

14 Section 4. Acceptance of Street Grades.

15 Notwithstanding California Streets and Highways Code Sections 8000 et seq.,  
16 the Board of Supervisors, in accordance with San Francisco Administrative Code Sections  
17 1.51 et seq., chooses to follow its own procedures for the establishment of street grades and  
18 hereby accepts and designates the street grades for that portion of Fourth Street UCSF -  
19 Phase 1.2), as set forth in the Department of Public Works Order No. 174,644, Drawing No. Q-  
20 20-619 and hereby directs the Department of Public Works to revise the Official City Street  
21 Grade Maps in accordance with this Ordinance.

22 Section 5. Designation of Street Sidewalk Widths.

23 (a) In accordance with the recommendation in Department of Public Works  
24 Order No. 174,644, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width  
25 of Sidewalks", a copy of which is in the Clerk of the Board of Supervisors Book of General

1 Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to  
2 read as follows:

3 Section 15 \_\_\_\_\_ . The width of sidewalks on both sides of Fourth Street shall be  
4 modified as shown on Department of Public Works Drawing No. Q-20-618.

5 (b) The street sidewalk width designated by the Board pursuant to Subsection  
6 (a) for the both sides of Fourth Street, does not obviate, amend, alter, or in any other way  
7 affect the maintenance obligations of the adjacent property owners.

8 (c) The Board of Supervisors hereby directs the Department of Public Works  
9 to add these sidewalk segments to its Official Street Grade Maps in accordance with this  
10 Ordinance.

11 Section 6. Designation of Street Parking.

12 Pursuant to the Department of Public Works Order No. 174,644, the Board of  
13 Supervisors hereby designates parking on both sides of Fourth Street.

14 Section 7. Acceptance of Easement Agreement.

15 Pursuant to the Department of Public Works Order No. 174,644, dated January  
16 28, 2004, the Board of Supervisors hereby accepts the Easement Agreement (Temporary City  
17 Drainage Easement) providing rights for City overland water to flow over private property. A  
18 copy of said Agreement is on file with the Clerk of the Board of Supervisors in File No.  
19 \_\_\_\_\_ and is incorporated by reference as though fully set forth herein.

20 Section 8. All actions heretofore taken by the officers of the City with respect to such  
21 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,  
22 Director of Property, and Director of Public Works are hereby authorized and directed to take  
23 any and all actions that they or the City Attorney may deem necessary or advisable in order to  
24 effectuate the purpose and intent of this Ordinance including, without limitation, the recordation  
25 of this Ordinance, the accompanying A-17 Map, and miscellaneous agreement and

1 easements, including, but not limited to, the filing of the Ordinance, A-17 Map and  
2 miscellaneous agreement and easement in the Official Records of the City and County of San  
3 Francisco.

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1 RECOMMENDED:  
2 DEPARTMENT OF PUBLIC WORKS

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4 By: \_\_\_\_\_  
5 EDWIN M. LEE  
6 Director of Public Works

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA  
10 City Attorney

11  
12 By: \_\_\_\_\_  
13 JOHN D. MALAMUT  
14 Deputy City Attorney

DESIGNATION CERTIFIED BY:  
DEPARTMENT OF PUBLIC WORKS

By: \_\_\_\_\_  
HARLAN L. KELLY, JR.  
City Engineer

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