



**Mark Farrell, Mayor**  
**Mohammed Nuru, Director**

**Public Works Order No: 187181**

Re: Recommendation for formal acceptance of the Mission Bay South Public Infrastructure located at the Mariposa Street intersection adjacent to the Highway Interstate-280 on- and off-ramp; dedicating the Mariposa Street Intersection Public Infrastructure for public use, and designating such Public Infrastructure for street and roadway purpose; accepting said facilities for City maintenance and liability purposes, subject to specified limitations.

WHEREAS, California Statutes of 1968, Chapter 1333 ("the Burton Act") and San Francisco Charter Section 4.114 empower the San Francisco Port Commission to use, conduct, operate, maintain, manage, regulate, and control the lands within Port Commission jurisdiction; and

WHEREAS, On November 2, 1998, the City, acting through its Board of Supervisors, approved the Mission Bay South Redevelopment Plan ("Mission Bay Plan") by Ordinance No. 335-98; and

WHEREAS, On November 16, 1998, the Redevelopment Agency of the City and County of San Francisco, (the "Redevelopment Agency") and Catellus Development Corporation ("Catellus") entered into the Mission Bay South Owner Participation Agreement (the "South OPA"); and

WHEREAS, On November 16, 1998, the City and County of San Francisco (the "City") and the Redevelopment Agency entered into the South Interagency Cooperation Agreement; and

WHEREAS, On July 19, 1999, the City and Catellus entered into the Amended and Restated Mission Bay City Land Transfer Agreement (the "Land Transfer Agreement"); and

WHEREAS, On July 19, 1999, the State of California quitclaimed to the City and Port certain properties subject to a public trust, including portions of Mariposa Street; and,

WHEREAS, On June 1, 2001, the Redevelopment Agency and Catellus entered into the Mission Bay South Acquisition Agreement; and

WHEREAS, On December 1, 2003, Catellus merged into Catellus Operating Limited Partnership, a Delaware limited partnership ("COLP"), and on December 31, 2003, COLP as successor by merger to Catellus contributed most of its interests in Mission Bay to Catellus Land and Development Corporation a Delaware Corporation ("CLDC"), thereby making CLDC a wholly owned subsidiary of COLP following the merger, including all rights and obligations under the Project Permit and the Permit to Enter related to the Project; and



WHEREAS, On November 22, 2004, COLP and CLDC granted all of its property in the grant deed, and assigned all rights and obligations under the OPA, as stated in the Assumption Agreement, to FOCIL-MB, LLC, a Delaware limited liability company (“FOCIL”); and

WHEREAS, On February 1, 2012, state law dissolved the Redevelopment Agency and the transfer of all rights, obligations and liabilities of the former Redevelopment Agency to the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (“Successor Agency”), commonly known as the Office of Community Investment and Infrastructure (“OCII”); and

WHEREAS, On September 2, 2014, San Francisco Public Works approved under Street Improvement Permit No. 14IE-0850 the construction of certain permanent public infrastructure improvements, including the Route 280 and Mariposa Street Intersection Improvements; and

WHEREAS, In a letter dated August 7, 2015 the San Francisco Planning Department determined that the acceptance of the Seventh Intersection Improvements and other actions specified herein are consistent with the findings of Case No. 2015.008586GPR regarding consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and that the contemplated actions do not trigger the need for subsequent environmental review pursuant the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.); and

WHEREAS, On July 28, 2017, Public Works issued a notice stating that as of July 21, 2017 the Project had been substantially completed pursuant to Improvement Permit No. 14IE-0850 and the Route 280 and Mariposa Street Intersection Improvements were ready for their intended use; and

WHEREAS, On August 17, 2017, FOCIL irrevocably offered to the City the Mariposa Street Intersection Public Infrastructure constructed in accordance with the Project Plans, and any authorized revisions or contract change orders thereto, and a Conditional Assignment of Warranties and Guaranties related to the construction of the Mariposa Street Intersection Public Infrastructure; and

WHEREAS, In a letter dated January 29, 2018, OCII determined the acceptance of the Mariposa Street Intersection Improvements and other actions specified herein are consistent with the Mission Bay South Redevelopment Plan and Plan Documents and recommended that the Board of Supervisors accept the Improvements on behalf of the City; and

WHEREAS, On February 2, 2018, the Director of Public Works signed and accepted the FOCIL Conditional Assignment of Warranties and Guaranties with regard to the Mariposa Street Intersection Public Infrastructure; and

WHEREAS, The Director and the City Engineer hereby certify the following:

- 1) The City has regulatory jurisdiction over Mariposa Street.
- 2) FOCIL has irrevocably offered the Mariposa Street Intersection Public Infrastructure to the City.





3) On behalf of FOCIL, Mission Bay Development Group, LLC has submitted a copy of a record Notice of Completion, Assignments of Warranties and Guaranties, Assignments of Reimbursements to the City from third parties, if applicable, and evidence of acceptability of the Mariposa Street Intersection Public Infrastructure from all applicable public entities and/or non-City utilities.

4) Public Works has performed all applicable inspections, obtained test results, ensured compliance with permit conditions and mitigation measures, resolved punch list items, and determined the Street Improvement Permit terms have been or will be met, and received Street Improvement Plan as-built drawings.

5) Public Works determined that as of July 21, 2017, the Mariposa Street Intersection Public Infrastructure are ready for their intended use and have been completed substantially in conformity with the Plans and Specifications for the Mariposa Street Intersection Public Infrastructure, approved by or on behalf of the PW Director, on September 2, 2014 and any authorized revision thereto, and that the Project has been constructed in accordance with all City codes, regulations, standards, and the Mission Bay South Plan and Plan Documents governing this project.

**NOW THEREFORE BE IT ORDERED THAT,**

***With respect to facilities:***

I hereby recommend the Board of Supervisors accept the Mariposa Street Intersection Public Infrastructure, as referenced in the Acquisition Agreement dated June 1, 2001, and as further described in the Mariposa Street Intersection Public Infrastructure Irrevocable Offer of Improvements, dated August 17, 2017, dedicate the improvements for public use and designate for street and roadway purposes.

I further recommend that the Board of Supervisors acknowledge FOCIL's Conditional Assignment of Warranties and Guaranties to the City with regard to the Mariposa Street Intersection Public Infrastructure.

***With Respect to City Street Maintenance and Liability:***

Pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq., I hereby recommend that the Board of Supervisors accept the facilities for City maintenance and liability purposes, subject to the limitations specified herein and below.

The acceptance is subject to the following: (1) acceptance of project facilities for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise; (2) sidewalk maintenance is the responsibility of adjacent property owners in accordance with the Public Works Code, (3) encroachments that are permitted, not permitted, or both are excluded from acceptance, (4) the acceptance of the streets does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements. In addition, the Director recommends that the Board of Supervisors acknowledge FOCIL's conditional assignment of all warranties and guaranties to the City related to the construction of the Mariposa Street Intersection Public Infrastructure and that its acceptance of



this Infrastructure is subject to FOCIL's warranty obligations under Street Improvement Permit No. 14IE-0850 for this Public Infrastructure.

2/16/2018

2/21/2018

X 

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Thomas, John  
Approver 2  
Signed by: Thomas, John

X Mohammed Nuru

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Nuru, Mohammed  
Approver 3  
Signed by: Nuru, Mohammed

