

1 [Mission Bay-Acceptance of 16<sup>th</sup> Street and Vermont Street Intersection Public Infrastructure  
2 Improvements.]

3 **Ordinance accepting the 16<sup>th</sup> Street and Vermont Street Intersection Public**  
4 **Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition**  
5 **facilities for public use and maintenance purposes; adopting environmental findings**  
6 **and findings that such actions are consistent with the City's General Plan, eight priority**  
7 **policy findings of City's Planning Code section 101.1, and the Mission Bay South**  
8 **Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and**  
9 **authorizing official acts in connection with this ordinance.**

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11 Note: Additions are single-underline italics Times New Roman;  
12 deletions are ~~striketrough italics Times New Roman~~.  
13 Board amendment additions are double underlined.  
14 Board amendment deletions are ~~striketrough normal~~.

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

16 **Section 1. Findings.**

17 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to  
18 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described  
19 therein, approved and adopted by the Board of Supervisors of the City and County of San  
20 Francisco by Ordinance No. 335-98, on November 8, 1998, a copy of which is in the Clerk of  
21 the Board of Supervisors File No. 981441.

22 (b) The San Francisco Redevelopment Agency, in a letter dated January 16, 2009  
23 determined that the acceptance of the 16<sup>th</sup> Street and Vermont Street Intersection Public  
24 Infrastructure Improvements constructed pursuant to Permit No. 07IE-0278, dated May 24,  
25 2007 (the "Project"), and other actions herein set forth are consistent with the Mission Bay

**FILE NO.****ORDINANCE NO.**

1 South Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the  
2 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.  
3 090171 and is incorporated by reference as though fully set forth herein.

4 (c) The San Francisco Redevelopment Agency on January, 2009 signed and  
5 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties. A copy  
6 of the Assignment is on file with the Clerk of the Board of Supervisors in File No.  
7 090171 and is incorporated by reference as though fully set forth herein.

8 (d) The City Planning Department, in a letter dated November 6, 2008 determined  
9 that the acceptance of the 16<sup>th</sup> Street and Vermont Street Intersection Public Infrastructure  
10 Improvements and other actions herein set forth are within the scope of the General Plan  
11 consistency findings of Case No. 2008.1164R, the eight priority policies of Planning Code  
12 Section 101.1 and the contemplated actions do not trigger the need for subsequent  
13 environmental review pursuant the California Environmental Quality Act (CEQA) (California  
14 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is  
15 on file with the Clerk of the Board of Supervisors in File No. 090171 and is  
16 incorporated by reference as though fully set forth herein.

17 (e) In DPW Order No. 178,016, dated January 14, 2009 the Director of the  
18 Department of Public Works and the City Engineer certified that: the Mission Bay 16<sup>th</sup> Street  
19 and Vermont Street Intersection Public Infrastructure Improvements have been inspected and  
20 were certified as complete on June 30, 2008; the Project has been constructed in accordance  
21 with the Project Plans and Specifications and all City codes, regulations, standards and  
22 Mission Bay South Plan and Plan Documents governing this project; and such improvements  
23 are ready for their intended use; and the acquisition facilities are recommended for  
24 acceptance for public use and maintenance purposes. A copy of the DPW Order is on file  
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1 with the Clerk of the Board of Supervisors in File No. 090171 and is incorporated  
2 herein by reference.

3 **Section 2. Adoptions and Approvals.**

4 (a) The Board of Supervisors adopts as its own the consistency findings of the San  
5 Francisco Redevelopment Agency in connection with the acceptance of the Mission Bay 16<sup>TH</sup>  
6 and Vermont Street Intersection Public Infrastructure Improvements Project and other actions  
7 set forth herein.

8 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA  
9 findings of the Planning Department in connection with the Project.

10 (c) The Board of Supervisors has reviewed and approves the Director of the  
11 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,  
12 LLC Irrevocable Offer of Improvements for the 16<sup>th</sup> Street and Vermont Street Intersection  
13 Public Infrastructure Improvement Project, dated April 22, 2008, respectively, and  
14 maintenance responsibility with respect thereto.

15 **Section 3. Acceptance of Offer of Improvements.**

16 Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the Mission  
17 Bay Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency  
18 of the City and County of San Francisco and Catellus Land Development Corporation with  
19 respect to the Project, and Department of Public Works Order No. 178,016 dated January 14,  
20 2008, the Board of Supervisors hereby accepts the 16<sup>th</sup> and Vermont Street Intersection  
21 Irrevocable Offer of Improvements dated April 22, 2008, and designate such facilities for  
22 public use and maintenance purposes, subject to subsection (b) of this Section. Copies of  
23 said Offer of Improvements are on file with the Clerk of the Board of Supervisors in File  
24 No. 090171 and are incorporated herein by reference.

1 (a) The Board of Supervisors acceptance of improvements is for the 16<sup>th</sup> and Vermont  
2 Street Intersection Improvements only. The accepted improvements are subject to the  
3 FOCIL-MB, LLC warranty obligations under the Mission Bay 16<sup>th</sup> and Vermont Street  
4 Intersection Improvements Project Permit No. 07IE-0278.

5 (b) The Board of Supervisors hereby acknowledges FOCIL-MB, LLC Conditional  
6 Assignment of Guaranties and Warranties related to the construction of the above Public  
7 Infrastructure Improvements.

8 **Section 4. Authorization of Implementation**

9 All actions heretofore taken by the officers of the City with respect to such  
10 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,  
11 and Director of Public Works are hereby authorized and directed to take any and all actions  
12 which they or the City Attorney may deem necessary or advisable in order to effectuate the  
13 purpose and intent of this Ordinance, including, but not limited to, the filing of the Ordinance in  
14 the Official Records of the City and County of San Francisco

15  
16 RECOMMENDED:

17 DEPARTMENT OF PUBLIC WORKS

18 By: 

19 Edward D. Reiskin

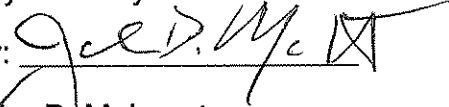
20 Director of Public Works

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APPROVED AS TO FORM:

DENNIS J. HERRERA

City Attorney

By: 

John D. Malamut

Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 

Fuad Sweiss

Deputy Director of Engineering  
and City Engineer



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 090171

**Date Passed:**

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance.

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March 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 31, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090171

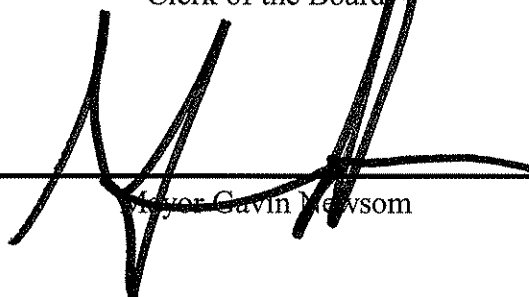
I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on March 31, 2009  
by the Board of Supervisors of the City and  
County of San Francisco.

4/8/09

Date Approved



Angela Calvillo  
Clerk of the Board



Mayor Gavin Newsom