

File No. 100693

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date July 19, 2010

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPW Order No. 170,076</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SF Redevelopment Agency Letter, dated April 13, 2010</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Department Determination Letter, dated April 20, 2010</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Offer of Improvements</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Alisa Somera Date July 16, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Mission Bay North-Block N1 Public Infrastructure Improvements.]

2

3 **Ordinance accepting of the irrevocable offer of additional property along Townsend**

4 **Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure**

5 **improvements associated with Mission Bay North Block N1, including acquisition**

6 **facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring**

7 **such areas as shown on official Department of Public Works maps as open public**

8 **right-of-way; designating such areas and improvements for street and roadway**

9 **purposes; designating street grades and sidewalk widths; accepting said facilities for**

10 **City maintenance and liability purposes, subject to specified limitations; adopting**

11 **environmental findings and findings that such actions are consistent with the City's**

12 **General Plan, eight priority policy findings of City's Planning Code section 101.1, and**

13 **the Mission Bay North Redevelopment Plan; accepting Department of Public Works**

14 **Order No. 178,676; and authorizing official acts in connection with this Ordinance.**

15

16 Note: Additions are single-underline italics Times New Roman;

17 deletions are ~~striketrough italics Times New Roman~~.

18 Board amendment additions are double underlined.

19 Board amendment deletions are ~~striketrough normal~~.

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

20 Section 1. Findings.

21 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to

22 them pursuant to the Mission Bay North Redevelopment Plan and Plan Documents described

23 therein, approved and adopted by the Board of Supervisors of the City and County of San

24 Francisco by Ordinance No. 327-98, on October 26, 1998, a copy of which is in the Clerk of

25 the Board of Supervisors File No. 981441.

DEPARTMENT OF PUBLIC WORKS
 BOARD OF SUPERVISORS
 5/25/10

1 (b) The San Francisco Redevelopment Agency, in a letter dated April 13, 2010,
2 determined that the acceptance of the Mission Bay Block N1 Public Infrastructure
3 Improvements constructed pursuant to Permit #01IE-128, dated April 4, 2001 (the "Project")
4 and other actions herein set forth are consistent with the Mission Bay North Redevelopment
5 Plan ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency
6 letter is on file with the Clerk of the Board of Supervisors in File No. 100693 and is
7 incorporated herein by reference.

8 (c) The City Planning Department, in a letter dated April 28, 2010 determined that the
9 acceptance of the Mission Bay Block N1 Public Infrastructure Improvements and other actions
10 herein set forth are within the scope of the General Plan consistency findings of Case No.
11 2010.0202R, the Eight Priority Policies of Planning Code Section 101.1 and the contemplated
12 actions do not trigger the need for subsequent environmental review pursuant the California
13 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et
14 seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of
15 Supervisors in File No. 100693 and is incorporated herein by reference.

16 (d) In DPW Order No. 178,676 dated May 25, 2010, including Map No. A-17-152,
17 dated May 25, 2010 and the Drawing No. Q-20-700, dated May 25, 2010 and entitled
18 "PROPOSED OFFICIAL STREET GRADES AND SIDEWALK WIDTHS ON KING STREET,
19 FOURTH STREET, THIRD STREET AND TOWNSEND STREET", the Director and the City
20 Engineer certified that: (a) Assessor's Block 8702 Lot 2 has been irrevocably offered by
21 Catellus Third and King, LLC ("Catellus") and FOCIL-MB, LLC ("Focil") has irrevocably offered
22 the Project Improvement facilities, (b) the Mission Bay Block N1 Public Infrastructure
23 Improvements have been inspected and were certified as complete on March 24, 2009 and
24 that the Project has been constructed in accordance with the Project Plans and Specifications
25 and all City codes, regulations, standards and Mission Bay North Plan and Plan Documents

1 governing this project and that such improvements are ready for their intended use; (c) the
2 facilities are recommended for acceptance as acquisition facilities, dedication as public right-
3 of-way; designation for street and roadway purposes; designation of street grades and
4 sidewalk width and acceptance for City maintenance and liability purposes. A copy of the
5 DPW Order and Offers are on file with the Clerk of the Board of Supervisors in File No.
6 100693 and are incorporated herein by reference.

7 Section 2. Adoptions and Approvals.

8 (a) The Board of Supervisors adopts as its own the consistency findings of the San
9 Francisco Redevelopment Agency in connection with the acceptance of Project and other
10 actions set forth herein.

11 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
12 findings of the Planning Department in connection with the Project and other actions set forth
13 herein.

14 (c) The Board of Supervisors has reviewed and approves the City Engineer's
15 certification and Director's recommendation concerning the acceptance of the Focil
16 Irrevocable Offer of Improvements dated May 7, 2009 and the Catellus offer of dedication of
17 additional land for right-of-way purposes, dated January 25, 2010 for the Project; acceptance
18 of said facilities and right-of-way for City maintenance and liability responsibilities; designation
19 of the street grades and sidewalk widths; and other related actions.

20 Section 3. Acceptance of New Acquisition Facilities and Assumption of Maintenance
21 Responsibilities.

22 (a) The Board of Supervisors accepts the Focil irrevocable offer of improvements and
23 Catellus irrevocable offer of dedication for Assessor's Block 8702 Lot 2 for additional right-of-
24 way and roadway purposes, including the acceptance of the Grant Deed. The Board of
25 Supervisors hereby delegates authority to the Director of Property to execute the Grant Deed.

1 (b) The Board of Supervisors approves Map No. A-17-152 and designates the areas
2 shown hatched on said Map No. A-17-152 to be open public right-of-way, and hereby directs
3 the Department of Public Works to revise the official City Street Right-of-Way Maps in
4 accordance with this Ordinance.

5 (c) Pursuant to California Streets and Highways Code Section 1806 and San
6 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June
7 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco
8 and Catellus Development Corporation, and the Department of Public Works Order No.
9 178,676 dated May 25, 2010, the Board of Supervisors hereby dedicates facilities described
10 in the Focil Irrevocable Offer of Improvements for public use; designates such facilities for
11 street and roadway purposes; and accepts such facilities for City maintenance and liability
12 purposes, subject to the conditions listed in subsections (d) and (e). The Board's acceptance
13 of improvements pursuant to this Subsection is for the Block N1 Public Infrastructure
14 Improvements only and is subject to the warranty obligations under the Block N1 Public
15 Improvements Permit No. 01IE-128.

16 (d) The Block N1 Public Infrastructure Improvements accepted by the Board pursuant
17 to Subsections (b) and (c) are subject to the following: (1) the portions of streets being
18 accepted for street and roadway purposes are constructed from back of walk to back of walk,
19 unless specified otherwise or as shown on Project Improvement Plans, (2) acceptance of
20 project facilities for City maintenance and liability purposes is from back of curb to back of
21 curb, unless specified otherwise, (3) encroachments that are permitted, not permitted , or both
22 are excluded from acceptance, and (4) the acceptance of the streets does not obviate,
23 amend, alter, or in any way affect existing maintenance agreements between the City and
24 parties to such agreements.

1 (e) The Board of Supervisors hereby acknowledges Focil's Conditional Assignment of
2 guaranties and warranties in accordance with the related Street Improvement Permit and the
3 Mission Bay North Acquisition Agreement.

4 Section 4. Acceptance of Street Grades.

5 (a) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
6 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
7 seq., chooses to follow its own procedures for the establishment of street grades and hereby
8 accepts and designates the street grades for those portions of Townsend Street, King Street,
9 Third Street, and Fourth Street as set forth in the Department of Works Order No. 178,676,
10 Drawing No. Q-20-700, dated May 25, 2010 and hereby directs the Department of Public
11 Works to revise the Official City Street Grade Maps in accordance with this Ordinance.

12 Section 5. Designation of Sidewalks.

13 (a) In accordance with the recommendation in Department of Public Works Order
14 No. 178,676, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of
15 Sidewalks, a copy of which is in the Clerk of the Board of Supervisor's Book of General
16 Ordinances, in effect May, 11, 1910, is hereby amended by adding thereto a new section to
17 read as follows:

18 Section 15 . The width of sidewalks on those portions of Townsend Street, King Street,
19 and Third Street and Fourth Street shall be modified as shown on the Department of Public Works
20 Drawing No. Q-20-700, dated May 25, 2010.

21 (b) The street sidewalk widths designated by the Board pursuant to Subsection (a) for
22 those portions of Townsend Street, King Street, Third Street and Fourth Street do not obviate,
23 amend, alter, or in any other way affect the maintenance obligations of the adjacent property
24 owners.

1 (c) The Board of Supervisors hereby directs the Department of Public Works to add
2 these sidewalk segments to its Official City Maps in accordance with this Ordinance.

3 Section 6. Authorization for Implementation.

4 All actions heretofore taken by the officers of the City with respect to such Ordinance
5 are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of
6 Property, and Director of Public Works are hereby authorized and directed to take any and all
7 actions which they or the City Attorney may deem necessary or advisable in order to
8 effectuate the purpose and intent of this Ordinance, including, but not limited to, the
9 recordation of this Ordinance, the accompanying A-17 Map, and grant deed in the Official
10 Records of the City and County of San Francisco.

11
12
13 RECOMMENDED:

14 DEPARTMENT OF PUBLIC WORKS

15 By: 

16 Edward D. Reiskin

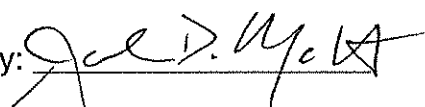
17 Director of Public Works

1 APPROVED AS TO FORM:

2 Dennis J. Herrera

3 City Attorney

4

5 By: 

6 John D. Malamut

7 Deputy City Attorney

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 

Fuad S. Sweiss

Deputy Director of Engineering
and City Engineer

LEGISLATIVE DIGEST

[Mission Bay North-Block N1 Public Infrastructure Improvements.]

Ordinance accepting of the irrevocable offer of additional property along Townsend Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure improvements associated with Mission Bay North Block N1, including acquisition facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; designating street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; 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 North Redevelopment Plan; accepting Department of Public Works Order No. 178,676; and authorizing official acts in connection with this Ordinance.

Existing Law

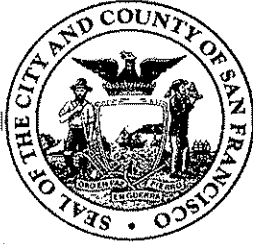
The Board of Supervisors adopted and approved the Redevelopment Plan for the Mission Bay North Project Area by Ordinance No. 327-98 on October 26, 1998. This ordinance and related Mission Bay legislation established a process by which the project developer (FOCIL - MB, LLC) would construct specified public improvements and dedicate said improvements to the City. Upon dedication, the City would initiate the local and State law procedures to establish the area as open public right-of-ways, and take related actions.

Amendments to Current Law

This legislation would accept and designate new public right-of-way; approve Map No. A-17-152 declaring said right-of-way open to the public; designate the improvements for street and roadway purposes; designate Official Street Grades and Sidewalk Widths; accept the Public Infrastructure Improvements on portions of Townsend Street, Third Street, King Street and Fourth Street for maintenance and liability purposes, subject to limitations, all in accordance with the procedures established for the Mission Bay North Redevelopment Project and applicable local and State law. This ordinance would make certain findings related to the legislation, including environmental findings and findings that the legislation is consistent with the Mission Bay North Redevelopment Plan, the General Plan, and the priority policy findings of the Planning Code Section 101.1.

Background Information

This legislation relates to the Infrastructure Improvements lying adjacent to Assessor's Block 8702 being portions of Townsend Street, Third Street, King Street and Fourth Street within the Mission Bay North Redevelopment Plan.



**Department of Public Works
GENERAL - DIRECTOR'S OFFICE**

City Hall, Room 348

**Gavin Newsom, Mayor
Edward D. Reiskin, Director**

1 Dr. Carlton B. Goodlett Place, S.F., CA 94102

DPW Order No: 178,676

May 25, 2010

**FINDINGS OF DEPARTMENT OF PUBLIC WORKS
ORDER NO. _____**

Re: Recommendation for formal acceptance of the Mission Bay North Block N1 Public Infrastructure Improvements and acceptance of the irrevocable offer of dedication of additional property for right-of-way and roadway purposes along Townsend Street, King Street and Fourth Street; declaring the additional property as open public right-of-way; designation of additional property and improvements for street and roadway purposes; designation of street grades, designation of sidewalk widths, acceptance of maintenance and liability for said facilities, subject to specified limitations.

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 North Mission Bay Owner Participation Agreement; and

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

WHEREAS, On January 5, 2001 the City conditionally approved the Tentative Map for Mission Bay Block N1; and

WHEREAS, On January 17, 2001 Catellus and the City entered into a Public Improvement Agreement with regard to the Block N1 Improvements; and

WHEREAS, On January 25, 2001, the Block N1 Parcel Map was filed for record in Book 44 of Parcel Maps, at pages 171-174, San Francisco City and County records;

WHEREAS, On April 4, 2001 the City Department of Public Works issued Street Improvement Permit No. 01IE-128 to construct the "Mission Bay Block N1 Improvements Project"; and

WHEREAS, On June 1, 2001, the Redevelopment Agency and Catellus entered into the Mission Bay North 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 ("CLDC") a Delaware Corporation, 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 December 20, 2004, Catellus Operating Limited Partnership, a Delaware limited partnership granted Lot 2 of Assessor's Block 8702 and all its right, title, interest and obligations with respect thereto, to Catellus Third And King, LLC, a Delaware limited liability company, recorded December 27, 2004 in Reel I792, Image 0064, Official Records of the City and County of San Francisco; and

WHEREAS, On April 23, 2009, the Department of Public Works issued a notice determining that as of March 24, 2009 the "Mission Bay Block N1 Improvement Project" has been substantially completed pursuant to Improvement Permit No. 01IE-128 and is ready for its intended use; and

WHEREAS, On May 7, 2009, FOCIL-MB, LLC, a Delaware limited liability company irrevocably offered to the City the public infrastructure improvements and facilities as constructed or installed pursuant to the Improvement Plans for Mission Bay Block N1 approved by the Department of Public Works on May 4, 2001, and any authorized revisions or contract change orders thereto, but excluding there from those portions of the Improvements which are identified on the as built drawings as "Pacific Gas and Electric (PG&E), AT&T, Comcast and RCN Cable service conduits" facilities (Focil Irrevocable Offer); and together with an assignment of all guaranties and warranties related to the construction of all the improvements; and

WHEREAS, On January 25, 2010, Catellus Third and King, LLC irrevocably offered for dedication in fee all of Assessor's Block 8702 Lot 2 to the City and County of San Francisco for additional right-of-way and roadway purposes pursuant to the abovementioned Block N1 Parcel Map (Catellus Irrevocable Offer); and

WHEREAS, On _____, 2010 the Department of Public Works signed and accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties with regard to the Block N1 Improvements; and

WHEREAS, In a letter (attached as Exhibit B) dated April 28, 2010 the City Planning Department determined that the acceptance of the Mission Bay Block N1 Public Improvements and other actions are consistent with the General Plan consistency findings of Case No. 20100202R, the Eight Priority Policies of Planning Code Section 101.1 and the contemplated actions do not trigger the need for subsequent environmental review pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.); and

WHEREAS, In a letter (attached as Exhibit A) dated April 13, 2010 the Redevelopment Agency found the acceptance of the Mission Bay Block N1 Public Improvements and other actions are "consistent with the Mission Bay North Redevelopment Plan and Plan Documents, described therein, and recommends Board of Supervisors approval"; and

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

- a. All Inspections have been performed, test results have been obtained, permit conditions and mitigation measures have been complied with, punch list items have been resolved, and improvement plan as-built drawings have been received for the Block N1 Public Infrastructure Improvements.
- b. The construction for a part of this Project was for joint trench underground utilities, in addition to the construction and sale of some public utility conduits, vaults, and boxes. Certain conduits, vaults, and boxes were: 1) designated for City utility purposes, 2) intentionally unassigned or 3) the public utilities identified as participants in the trench may have cancelled their contract of purchase, or otherwise declined to use or occupy the facilities, and these unassigned or otherwise unused facilities are available for future lease or sale under the Mission Bay North Acquisition Agreement.
- c. Mission Bay Development Group, LLC on behalf of FOCIL-MB, LLC, has submitted a copy of record Notice of Completion, Assignments of Warranties and Guaranties, Assignments of Reimbursements to the Agency from third parties, if applicable, and evidence of acceptability from all applicable public entities and/or non-City utilities.
- d. By the letter dated April 23, 2009, the Department of Public Works has determined that the work is ready for its intended use and has been completed substantially in conformity with the Plans and Specifications for the Mission Bay Block N1 Public Improvements Project approved by the Department of Public Works on April 4, 2001, or any authorized revision thereto, and has been constructed in accordance with all City codes, regulations, standards and the Mission Bay North Plan and Plan Documents governing this Project.

NOW THEREFORE BE IT ORDERED THAT,

With respect to facilities and right-of-way acceptance:

I hereby recommend the Board of Supervisors accept the Focil Irrevocable Offer and Catellus Irrevocable Offer, including the acceptance of the Grant Deed.

I further recommend the Board of Supervisors authorize the Director of Property to execute the Grant Deed.

I further recommend the Board of Supervisors approve Map No. A-17-152 and dedicate the areas shown hatched as open public right-of-way and designate said areas for street and roadway purposes.

I further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City Street Right-of-Way Maps to reflect the above mentioned actions.

I recommend the Board of Supervisors acknowledge FOCIL's Conditional Assignment of Warranties and Guaranties to the City and County of San Francisco with regard to the Block N1 Infrastructure Improvements dated _____, 2010.

With respect to the Street Grades:

I hereby recommend the Board of Supervisors, relying on its own procedures pursuant to Administrative Code Section 1.51 et seq., and notwithstanding California Streets and Highways Code Sections 8000 et seq., accept and designate the street grades for those portions of Townsend Street, Third Street, King Street and Fourth Street as shown on the Department of Public Works Drawing No. Q-20-700, dated _____, 2010.

I further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City Street Grade Maps to reflect the aforementioned action.

With Respect to the Sidewalk Widths:

I hereby recommend the Board of Supervisors amend Ordinance No.1061 entitled "Regulating the Width of Sidewalks" by adding thereto a new section to read as follows:

Section 15 _____ the widths of sidewalks on those portions of Townsend Street, King Street, Third Street, and Fourth Street shall be modified as shown on Department of Pubic Works Drawing No. Q-20-700, dated _____, 2010;

The Street sidewalk designation does not obviate, amend, alter, or in any other way affect existing maintenance obligations of the adjacent property owners.


I further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City Maps to reflect the aforementioned action.

With Respect to 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 to Board of Supervisors accept the facilities for maintenance and liability purposes, subject to the limitations below.

The acceptance subject to the following: (1) the portions of streets being accepted for street and roadway purposes are constructed from back of walk to back of walk, unless specified otherwise or as shown on Project Improvement Plans, (2) acceptance of project facilities for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise, (3) encroachments that are permitted, not permitted, or both are excluded from acceptance, and (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.

The acceptance also acknowledges Focil's Conditional Assignment of Guaranties and Warranties.

 Click here to sign this section

5/25/2010

X Fuad Sweiss

Signed by Fuad Sweiss [View details](#)
on Tuesday, May 25, 2010 5:12 PM (Pacific Daylight Time)

5/26/2010

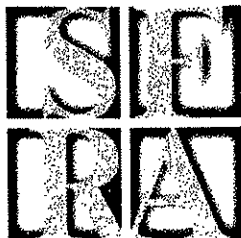
X Edward D. Reiskin

Signed by Reiskin, Ed [View details](#)
on Wednesday, May 26, 2010 9:06 AM (Pacific Daylight Time)

San Francisco
Redevelopment Agency

One South Van Ness Avenue
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Francee Covington, President
London Breed, Vice President
Linda A. Cheu
Leroy King
Ramon E. Romero
Darshan Singh
Rick Swig

Fred Blackwell, Executive Director

April 13, 2010

126-018.10-206

April 13, 2010

Ms. Grace Kwak
Project Manager
Mission Bay Task Force
Department of Public Works
30 Van Ness, Room 4200
San Francisco, CA 94102

RE: Mission Bay North Block N1 Public Infrastructure Improvements
Consistency Determination

Dear Ms. Kwak:

The Agency has received your request regarding the Block N1 public infrastructure improvements and their consistency with the Mission Bay North Redevelopment Plan and Plan Documents.

The Agency has reviewed the documents and related materials concerning the acceptance of the Block N1 public infrastructure improvements and other related actions thereto, finds these consistent with the Mission Bay North Redevelopment Plan and Plan Documents, and recommends that the Board of Supervisors accept the facilities on behalf of the City.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Reilly', written over a white background.

Catherine Reilly
Acting Project Manager

Cc: Barbara Moy, MBTF
Fred Blackwell, MBTF
Kelley Kahn, SFRA



SAN FRANCISCO PLANNING DEPARTMENT

April 28, 2010

Grace Kwak, Project Manager,
Mission Bay Task Force (MBTF)
30 Van Ness Ave., Suite 4200
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Case 2010.0202R Mission Bay North Block N1
Acceptance of land, Assessor's Block 8702 Lot 02 and Acceptance of Dedication of the Public Infrastructure Improvements adjacent to Assessor's Block 8702 Lot 02, including low pressure and reclaimed waterlines, sewer, storm, gas and electric lines, street lighting, traffic signal modifications, auxiliary water supply system, sidewalks, street pavement and landscaping.

Dear Ms. Kwak,

We are in receipt of your letter dated March 18, 2010 requesting that the Planning Department consider a General Plan Referral application on the referenced actions, as required by Section 4.105 of the Charter of the City and County of San Francisco and Section 2A.53 of the Administrative Code, that establish requirements for General Plan Referrals to the Planning Department. The project is, on balance, in conformity with the General Plan, as described in the Case Report, included as Attachment 1.

The Mission Bay Task Force (MBTF) proposes a number of actions to implement the Mission Bay Redevelopment Plan and related actions. These actions were reviewed as part of Planning Case 1996.771R, in which the Planning Commission found that the Mission Bay North and South Redevelopment Plans (map Exhibit A), and actions required to implement the Plans were, on balance, in conformity with the General Plan by Resolution 14699, adopted on September 17, 1998. The specific actions in the current referenced case require a General Plan Referral and consideration and approval by the Board of Supervisors prior to City-acceptance of real property, and acceptance of dedicated horizontal public infrastructure improvements.

PROPOSED ACTIONS BY BOARD OF SUPERVISORS

Acceptance of Land

One parcel of real property is to be dedicated to the City by Catellus Third and King, LLC, the private property owner for street and roadway purposes. The parcel is Assessor's Block 8702 Lot 2 and is shown on the Parcel Map in Exhibit B in Docket 2010.0202R.

**Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements**

Acceptance of Dedication of the Public Infrastructure Improvements

The Department of Public Works (DPW) has determined that the public infrastructure improvements have been constructed in accordance with the approved Plans and Specifications and are ready for their intended use. Accordingly, the Developer is obligated to dedicate the Infrastructure Improvements to the City. The dedication will be for the improvements located in areas adjacent to Assessor's Block 8702. The improvements include the following infrastructure constructed per the Improvement Plans: low pressure and reclaimed waterlines, sewer, storm, gas and electric lines, street lighting, traffic signal modifications, auxiliary water supply system, sidewalks, street pavement, and landscaping as shown on excerpts of the As-Built Improvement Plans shown in Exhibit C in Docket 2010.0202R.

PREVIOUS ACTIONS RELATED TO THIS PROJECT

The Planning Commission found that the Mission Bay North and Mission Bay South Redevelopment Plans, dated September 4, 1998, were consistent with the San Francisco General Plan, by adopting Resolution No. 14699 on September 17, 1998. The subject project was proposed as part of the Mission Bay North Redevelopment Plan.

In addition to these actions, an Owner Participation Agreement (OPA) was executed between the Redevelopment Agency of the City and County of San Francisco and the project sponsor, on November 16, 1998. The OPA included the Infrastructure Plan that defined the horizontal infrastructure plans and improvements that are incorporated into the subject project.

ENVIRONMENTAL REVIEW

The Major Environmental Analysis section of the Planning Department completed Environmental Review of the Mission Bay Final Subsequent Environmental Impact Report (FSEIR). The review included analysis of regulatory and physical aspects of the Plan, including: the vacation of public rights-of-way, property acquisition, acceptance of offers of dedication of land for road rights-of-way, and acceptance of offers of Dedication of horizontal improvements (street and public rights-of-way), among other actions.

The Final Subsequent Environmental Impact Report for Mission Bay (FSEIR) was prepared pursuant to the California Environmental Quality Act and was certified as adequate, accurate and objective in the following actions:

- Redevelopment Commission Resolution No. 182-98 on September 17, 1998;
- Planning Commission Resolution No. 14696 on September 17, 1998, certifying the FSEIR (Planning Case No. 1996.771E);

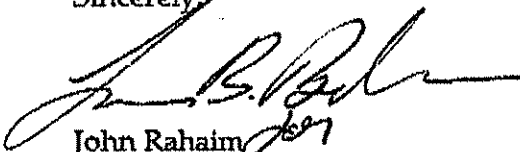
Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements

- Board of Supervisors affirming the Planning Commission's certification by Resolution No. 854-98 on October 19, 1998.

Further Environmental Analysis is not required, as the subject project (acceptance of real property and acceptance of dedication of horizontal public infrastructure improvements) were analyzed as part of the FSEIR certified by the Planning Commission and affirmed by the Board of Supervisors. In addition, acceptance of real property and infrastructure improvements (non-physical actions) is exempt from further environmental review, pursuant to Sec. 15060(c)(2) of CEQA guidelines.

In summary, the project is, on balance, in conformity with the General Plan, as described in the attached Case Report, included as Attachment 1. The project is also consistent with Planning Code Section 101.1 policies, included as Attachment 2.

Sincerely,



John Rahaim
Director of Planning

Attachments -

1. Case Report
2. Planning Code Section 101(b) Priority Policies

cc Ed Reiskin, Director, DPW
Bruce R. Storrs, City and County Surveyor
John Malamut, Deputy City Attorney
Kelley Kahn, Project Manager, SFRA
Teresa Perez, MBTF
Michael Webster, DCP

**Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements**

The following Exhibits referenced herein are contained in Planning Department Docket # 2010.0202R and are available for review at the Planning Department offices.

Exhibit A	Location Map
Exhibit B	Parcel Map Mission Bay Block N1
Exhibit C	Excerpts of the Mission Bay Block N1 As-Built Improvement Plans
Exhibit D	FSEIR Addendum #6
Exhibit E	DCP General Plan Consistency for Land Transfers
Exhibit F	Mission Bay North Owner Participation Agreement, Attachment D (Infrastructure Plan), Text description and Cross Sections of Improvements
Exhibit G	DCP General Plan Consistency for Mission Bay Block N1 Tentative Map
Exhibit H	SFRA approval of Mission Bay Block N1 Tentative Map

Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements

CASE REPORT

Attachment 1

Re: Case 2010.0202R Mission Bay North Block N1
Acceptance of land, Assessor's Block 8702 Lot 02 and Acceptance of
Dedication of the Public Infrastructure Improvements adjacent to
Assessor's Block 8702 Lot 02 including Improvement Plans infrastructure,
low pressure and reclaimed waterlines, sewer, storm, gas and electric
lines, street lighting, traffic signal modifications, auxiliary water supply
system, sidewalks, pavement delineation and landscaping.

Staff Reviewer: Michael Webster

DATE: April 8, 2010

Note: General Plan OBJECTIVES in Bold CAPS, General Plan Policies and text are in
bold font; text is in regular font; Staff Comments in *italic font*

ENVIRONMENTAL PROTECTION ELEMENT

POLICY 3.3

**Implement plans to improve sewage treatment and halt pollution of the Bay and
Ocean.**

*New development in Mission Bay will construct separate systems for stormwater and wastewater
management. Wastewater will continue to be delivered to facilities for treatment before discharge,
and stormwater will be treated separately reducing the amount of untreated (combined)
sewage/wastewater that is discharged to the Bay after storm events.*

POLICY 5.1

Maintain an adequate water distribution system within San Francisco.

Storage reservoirs and distribution lines within San Francisco should match the pattern
of development in the city.

POLICY 5.5

**Improve and extend the Auxiliary Water Supply system of the Fire Department for
more effective fire fighting.**

*The public infrastructure systems to be accepted by the City include water supply lines, sewage
lines, reclaimed water lines, as well as elements of the auxiliary water supply system. Accepting
the public infrastructure improvements implements the referenced General Plan policies.*

Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements

COMMUNITY FACILITIES ELEMENT

San Francisco's Master Plan for Waste Water Management is an orderly plan for upgrading the collection, treatment, and disposal of San Francisco's sewage. The City should proceed as rapidly as possible to finance and construct facilities required to end the discharge of untreated and insufficiently treated sewage into the Bay and Ocean.

OBJECTIVE 10

LOCATE WASTEWATER FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE AND EFFICIENT TREATMENT OF STORM AND WASTEWATER.

POLICY 10.1

Provide facilities for treatment of storm and wastewater prior to discharge into the Bay or ocean. Locate such facilities according to the Wastewater and Solid Waste Facilities Plan.

Comment: The Project includes acceptance of elements of a stormwater collection and treatment system. These improvements will serve as part of the City's storm water system that will discharge treated stormwater to the Bay. Unlike most areas of the City, Mission Bay has separate systems for stormwater and wastewater. Wastewater (sewage) will continue to be delivered to separate facilities for additional treatment.

HOUSING ELEMENT

Objective 11

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.2

Ensure housing is provided with adequate public improvements, services and amenities.

Comment: The Project includes acceptance of public infrastructure improvements. The subject property is located within the Mission Bay North Redevelopment Project Area. The subject actions are required to implement the Mission Bay North Redevelopment Plan, a mixed-use development that incorporates housing, including low-cost housing, commercial and institutional uses as well as publicly accessible open space. New streets, sidewalks and other horizontal improvements will be or have been constructed per plans approved by the City and Redevelopment Agency and will be accepted by the City.

**Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements**

COMMERCE & INDUSTRY ELEMENT

Policy 6.7

Promote high quality urban design on commercial streets.

Comment: Streets and other public infrastructure improvements will be constructed consistent with the Mission Bay North Redevelopment Plans, which call for high quality design features in public rights-of-way and adjacent development. Implementation of the Project would permit development of neighborhood, including commercial uses, new residential development, and institutional uses (UCSF facilities) as well as other uses.

TRANSPORTATION ELEMENT

POLICY 1.6

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

Comment: Acceptance and dedication of public infrastructure improvements will enable the project sponsor to complete installation streets, sidewalks, street furniture and related infrastructure. Streets and intersections will accommodate all modes of travel including pedestrians.

OBJECTIVE 18

ESTABLISH A STREET HIERARCHY SYSTEM IN WHICH THE FUNCTION AND DESIGN OF EACH STREET ARE CONSISTENT WITH THE CHARACTER AND USE OF ADJACENT LAND.

POLICY 18.2

Design streets for a level of traffic that serves, but will not cause a detrimental impact on adjacent land uses, or eliminate the efficient and safe movement of transit vehicles and bicycles.

Comment: acceptance and dedication of public infrastructure will enable the project sponsor to complete installation of streets that are designed for the appropriate level of traffic and will not cause a detrimental impact on adjacent land uses. The improvements will promote the safe movement of transit vehicles and bicycles.

Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements

URBAN DESIGN ELEMENT

Objective 4

Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

Comment: acceptance public infrastructure improvements will improve the public right of way and therefore the neighborhood environment.

CENTRAL WATERFRONT AREA PLAN

POLICY 6.2

Encourage additional housing within established residential areas.

The Central Waterfront Area Plan references the Mission Bay North and Mission Bay South Redevelopment Plans.

OBJECTIVE 8

IMPROVE TRANSPORTATION CONDITIONS WITHIN THE SUBAREAS.

POLICY 8.1

Improve internal vehicular circulation through the construction, repair, and maintenance of public streets, and the provision of appropriate signing and lighting.

POLICY 8.2

Maintain and construct sidewalks on streets with pedestrian traffic.

The project will result in improvements to public rights-of-way, including portions of roadways, sidewalks, and related horizontal infrastructure. The Project will improve vehicular and pedestrian access to the neighborhood.

On balance, the Project is, on balance, X in conformity _____ not in conformity with the General Plan.

Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements

Planning Code Section 101.1(b) Policies

Attachment 2

Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of projects for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The Project actions considered in this case would implement policies and plans contained in the Mission Bay North Redevelopment Plan DDA, which was found consistent with the General Plan. The project would not negatively affect the level of neighborhood serving retail.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project considered would have no adverse effect on existing housing and neighborhood character. City acceptance of dedication of public infrastructure improvements (streets, sidewalks, and related improvements) are necessary for the Redevelopment Project to be implemented. The Project is necessary in order to support new residential and mixed-use development on the site.

- (3) That the City's supply of affordable housing be preserved and enhanced.

The Project in itself would have no adverse effect on the City's supply of affordable housing. However, the project is necessary to implement the Mission Bay North Redevelopment Plan, as adopted. When implemented, the Plan would add to the City's supply of affordable housing through adherence to the Community Redevelopment Law that requires at least 15% of all new and substantially rehabilitated dwelling units developed within the Project Area be affordable and occupied by, persons and families of low- or moderate income as defined by the California Health and Safety Code.

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not adversely impede MUNI transit service or overburden city streets and neighborhood parking.

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that

**Case 2010.0202R Mission Bay North Block N1
Acceptance of Land and Infrastructure Improvements**

future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would not adversely affect a diverse economic base.

- (6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project, limited acceptance of public infrastructure improvements (once constructed consistent with approved plans) would not adversely affect City preparedness against injury or loss of life in an earthquake.

- (7) That landmarks and historic buildings be preserved.

The Project would not adversely affect landmarks or historic buildings.

- (8) That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would not adversely affect parks and open space and their access to sunlight and vistas. The project sponsor would install publicly accessible open spaces as part of the Redevelopment Project, consistent with the Mission Bay North Redevelopment Plan.

I:\Citywide\General Plan\General Plan Referrals\2009\2010.0202R Mission Bay North Acceptance of Land and Dedication.doc

[Not for Recording]
City and County of San Francisco
Director of Property
25 Van Ness Avenue
Suite 400
San Francisco, CA 94102

OFFER OF IMPROVEMENTS

(Block N1 Infrastructure Improvements)

FOCIL-MB, LLC, a Delaware limited liability company ("FOCIL") does hereby irrevocably offer to the City and County of San Francisco, a municipal corporation ("City"), and its successors and assigns, all of the right-of-way improvements and underground public utility facilities constructed or installed by or on behalf of FOCIL pursuant to Street Improvement Permit 01IE-128 (Mission Bay) dated April 4, 2001, issued thereunder, for Block N1 Infrastructure Improvements, and the improvement plans and specifications described therein, but excepting therefrom those portions of the facilities which are identified on the "as-built" drawings delivered to and on file with the City as PG&E service conduits and vaults, SBC or AT&T conduits, or other private service conduits.

The property where the improvements are located is shown on Exhibit A hereto, constituting City property located in the City.

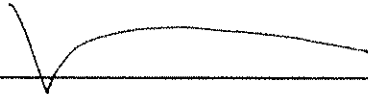
It is understood and agreed that: (i) upon acceptance of this offer of public improvements the City shall own and be responsible for maintenance of the offered public facilities and improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered improvements, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 7th day of May, 2009.

FOCIL-MB, LLC,
a Delaware limited liability company

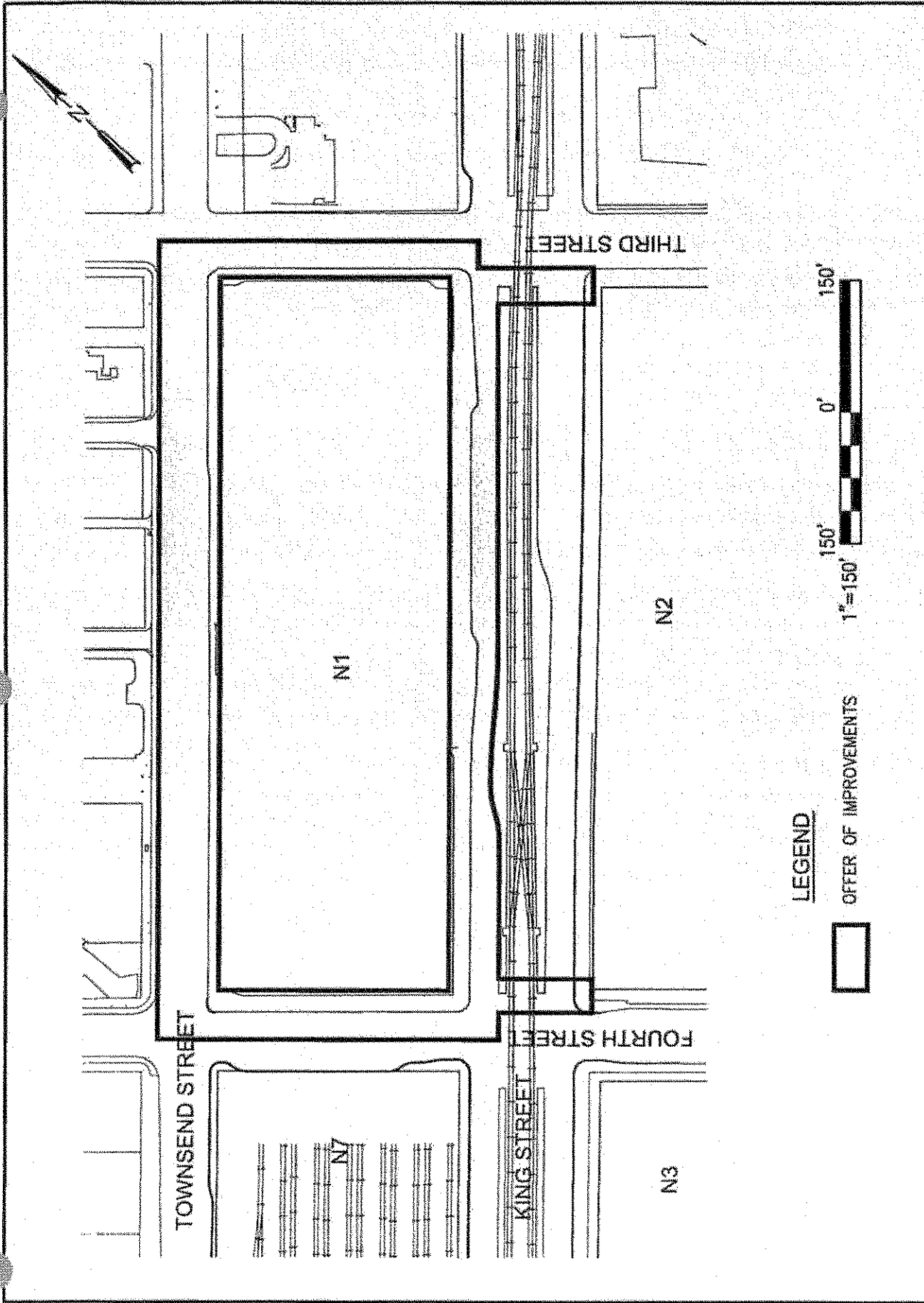
By: Farallon Capital Management, L.L.C.,
a Delaware limited liability company,
Its Manager

By:  _____

Name: Richard B. Fried
Managing Member

Title: _____

EXHIBIT A
[Plat Map]



LEGEND



OFFER OF IMPROVEMENTS



MISSION BAY PROJECT
SAN FRANCISCO, CA

WINZLER & KELLY
417 MONTGOMERY ST. - SUITE 700 - PH (415) 262-8077
SAN FRANCISCO, CA 94104 - FAX (415) 262-8866



DATE: 5/7/09
SCALE: AS NOTED
BY: JS
CHK: MDK

OFFER OF IMPROVEMENTS

ALUDDON BLOCK NT
SHEET 1 OF 1
EXHIBIT NO. **Exhibit A**

AB 3786



LEGEND:
AB 8702 ASSESSOR'S BLOCK

LUSK ST.

AB 3787

CLYDE ST.

RITCH ST.

AB 3788

AB 8701

FOURTH STREET

N43°41'53"W 275.00'
N43°41'53"W 261.49'

82.50'

92.80'

10.50'

9.30'

AB 8706
LOT 3

N46°18'07"E 825.95'
N46°18'07"E 815.45'

TOWNSEND STREET

N46°18'07"E 815.45'
N46°18'07"E 825.95'

KING STREET

AB 3796

158.00'

167.30'

AB 8705

AB 3795

158.00'

AB 8702

THIRD STREET

N43°41'53"W 275.00'

82.50'

AB 3794

AB 3794

AB 3794

THIS MAP, COMPRISING OF 1 SHEET, IS HEREBY APPROVED AND MADE OFFICIAL AND THE PARCELS, SHOWN HATCHED HEREON, ARE DECLARED TO BE OPEN PUBLIC STREET(S), DEDICATED TO PUBLIC USE TO BE KNOWN BY NAME(S) AS SHOWN ON THIS MAP BY ORDINANCE NO. OF THE BOARD OF SUPERVISORS ADOPTED THIS DAY OF _____, 2010.

APPROVED: _____ CITY ENGINEER

APPROVED AS TO FORM: _____ CITY ATTORNEY

BY: _____ DEPUTY CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, 2010

BY ORDER NO. _____ DIRECTOR OF PUBLIC WORKS

ATTEST: _____ ASST. DIRECTOR OF PUBLIC WORKS

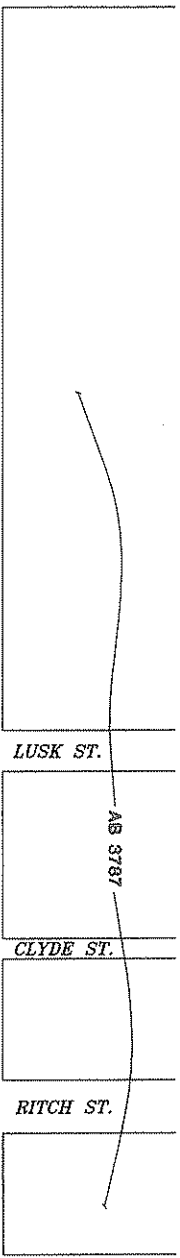
CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET USE AND MAPPING

SCALE: 1"=100'

SURVEYED _____ INDEX NO. _____ ORDER NO. _____
COMPILED _____ COMPUTED _____ CHECKED _____
DRAWN _____ PJ _____ TRACED _____ CHECKED _____

REFERENCES SHEET 1 OF 1 SHEETS

AB 3786



AB 3788

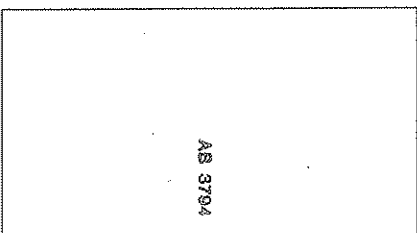
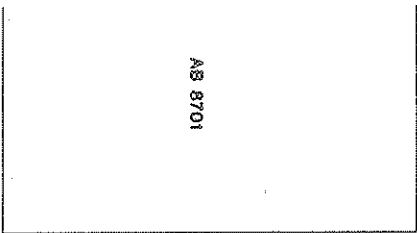
FOURTH STREET
(31m (102ft))

TOWNSEND STREET
(61.7' (18.8m))

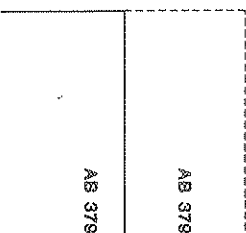
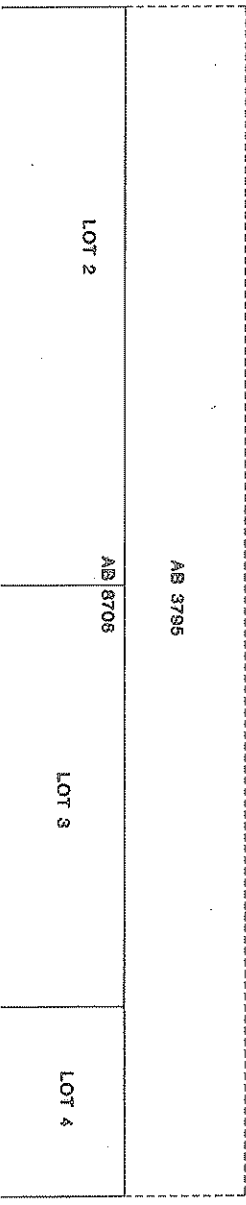
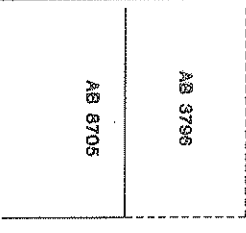
CHAIN	BEARING	DETAILED	LENGTH
C1	N 0° 00' 00" E	100.00	100.00
C2	N 90° 00' 00" E	100.00	100.00
C3	S 0° 00' 00" E	100.00	100.00
C4	S 90° 00' 00" E	100.00	100.00
C5	N 0° 00' 00" E	100.00	100.00
C6	N 90° 00' 00" E	100.00	100.00
C7	S 0° 00' 00" E	100.00	100.00
C8	S 90° 00' 00" E	100.00	100.00
C9	N 0° 00' 00" E	100.00	100.00
C10	N 90° 00' 00" E	100.00	100.00
C11	S 0° 00' 00" E	100.00	100.00
C12	S 90° 00' 00" E	100.00	100.00
C13	N 0° 00' 00" E	100.00	100.00
C14	N 90° 00' 00" E	100.00	100.00
C15	S 0° 00' 00" E	100.00	100.00
C16	S 90° 00' 00" E	100.00	100.00
C17	N 0° 00' 00" E	100.00	100.00
C18	N 90° 00' 00" E	100.00	100.00
C19	S 0° 00' 00" E	100.00	100.00
C20	S 90° 00' 00" E	100.00	100.00

AB 8702
LOT 1

THIRD STREET
(31m (102ft))



KING STREET
(167.30' (51.00m))



LEGEND:
 B.C. BEGINNING OF CURVE
 E.C. END OF CURVE
 P.C. POINT OF CURVE
 P.T.C. POINT OF TANGENCY
 H.P. HIGH POINT
 P.V. POINT OF VERGENCE
 V.C. VERICAL CURVE

DATE	
SCALE	1"=40'
APPROVED	
DRAWN BY	

CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF STREET USE
 AND MAPPING

PROPOSED STREET GRIDS AND
 SIDEWALK WIDTHS ON
 TOWNSEND STREET, THIRD STREET,
 KING STREET AND FOURTH STREET

SHEET 1 OF 1 SHEETS

FILE NO. 10-20-700