

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 ~~strikethrough italics Times New Roman~~.  
18 Board amendment additions are double underlined.  
19 Board amendment deletions are ~~strikethrough 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.

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. \_\_\_\_\_ 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. \_\_\_\_\_ 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 \_\_\_\_\_ 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. \_\_\_\_\_,  
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