


BOARD of SUPERVISORS



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## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
Tiffany Bohee, Executive Director, Office of Community Investment and  
Infrastructure  
John Rahaim, Director, Planning Department

FROM:  Alisa Somera, Legislative Deputy Director  
Board of Supervisors

DATE: June 22, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on June 14, 2016:

**File No. 160690**

Ordinance accepting the irrevocable offer of public infrastructure acquisition facilities associated with Mission Bay South Redevelopment Plan Block 13 on Channel, El Dorado Street North, El Dorado Street South, and Long Bridge Street ("Block 13 Public Infrastructure"); accepting an irrevocable offer of dedication for real property underlying a portion of Long Bridge Street; declaring City property and additional property as shown on official Public Works maps as open public right-of-way; dedicating the Block 13 Public Infrastructure for public use and designating such streets and associated Public Infrastructure for public street and roadway purposes; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to establish official sidewalk width on the abovementioned streets; accepting the Block 13 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Public Works Order; and authorizing official acts in connection with this Ordinance.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

- c: Frank Lee, Public Works
- Claudia Guerra, Office of Community Investment and Infrastructure
- Scott Sanchez, Planning Department
- Sarah Jones, Planning Department
- AnMarie Rodgers, Planning Department
- Aaron Starr, Planning Department
- Joy Navarrete, Planning Department
- Jeanie Poling, Planning Department

1 [Mission Bay South - Accepting Portions of Channel, El Dorado Street North and South, and  
2 Long Bridge Street]

3 **Ordinance accepting the irrevocable offer of public infrastructure acquisition facilities**  
4 **associated with Mission Bay South Redevelopment Plan Block 13 on Channel, El**  
5 **Dorado Street North, El Dorado Street South, and Long Bridge Street (“Block 13 Public**  
6 **Infrastructure”); accepting an irrevocable offer of dedication for real property**  
7 **underlying a portion of Long Bridge Street; declaring City property and additional**  
8 **property as shown on official Public Works maps as open public right-of-way;**  
9 **dedicating the Block 13 Public Infrastructure for public use and designating such**  
10 **streets and associated Public Infrastructure for public street and roadway purposes;**  
11 **establishing official public right-of-way widths and street grades; amending Ordinance**  
12 **No. 1061 entitled “Regulating the Width of Sidewalks” to establish official sidewalk**  
13 **width on the abovementioned streets; accepting the Block 13 Public Infrastructure for**  
14 **City maintenance and liability purposes, subject to specified limitations; adopting**  
15 **findings under the California Environmental Quality Act; making findings of**  
16 **consistency with the General Plan, the eight priority policies of Planning Code, Section**  
17 **101.1, and the Mission Bay South Redevelopment Plan; accepting a Public Works**  
18 **Order; and authorizing official acts in connection with this Ordinance.**

19 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
20 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
21 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
22 **Board amendment additions** are in double-underlined Arial font.  
23 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
24 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
25 subsections or parts of tables.

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

1           Section 1. **Background and Findings.**

2           (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to  
3 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described  
4 therein, that the City approved in 1988 in Ordinance No. 335-98, a copy of which is on file with  
5 the Clerk of the Board of Supervisors in File No. 981441.

6           (b) The Successor Agency to the San Francisco Redevelopment Agency, commonly  
7 known as the Office of Community Infrastructure and Investment ("OCII"), in a letter dated  
8 May 31, 2016 (the "OCII Letter"), determined that the acceptance of the public infrastructure  
9 acquisition facilities associated with Mission Bay South Redevelopment Plan Block 13 on  
10 Channel, El Dorado Street North, El Dorado Street South and Long Bridge Street, constructed  
11 pursuant to Permit No. 06IE-0684, dated December 6, 2006 (the "Block 13 Public  
12 Infrastructure") and other actions in this ordinance are consistent with the Mission Bay South  
13 Redevelopment Plan (the "Plan") and Plan Documents. OCII also recommended that the  
14 Board of Supervisors accept the Block 13 Public Infrastructure. A copy of the OCII letter is on  
15 file with the Clerk of the Board of Supervisors in File No. 160690 and is incorporated herein by  
16 reference.

17           (c) The Planning Department, in a letter dated December 15, 2011 (the "Planning  
18 Department Letter", part of Planning Department Case No. 2011-1139R), determined that the  
19 acceptance of the Block 13 Public Infrastructure and other actions set forth in this ordinance  
20 are, on balance, in conformance with the General Plan and the eight priority policies of  
21 Planning Code Section 101.1. The Planning Department also found that the contemplated  
22 actions do not trigger the need for subsequent environmental review pursuant to the California  
23 Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et  
24 seq.). A copy of the Planning Department Letter is on file with the Clerk of the Board of  
25 Supervisors in File No. 160690 and is incorporated herein by reference.

1 (d) In Public Works (“PW”) Order No. 184980, dated June 13, 2016, including Map No.  
2 A-17-178 and Drawing No. Q-20-855, both dated June 10, 2016, the City Engineer certified  
3 and Public Works Director (the “PW Director”) recommended that: (1) Channel, El Dorado  
4 Street North, El Dorado Street South and a portion of Long Bridge Street are currently a  
5 portion of City-jurisdictional property located on a portion of State Trust Parcel 2; (2) FOCIL-  
6 MB, LLC (“FOCIL”), has irrevocably offered the Block 13 Public Infrastructure facilities to the  
7 City as set forth in the FOCIL Irrevocable Offer of the Mission Bay Block 13 Public  
8 Infrastructure, dated April 25, 2016 (“FOCIL Offer”); (3) Block 13 Public Infrastructure is  
9 consistent with the State Trust; and (4) Public Works inspected the facilities; determined them  
10 to be complete as of May 27, 2016; certified that they have been constructed in accordance  
11 with the Plans and Specifications and all City codes, regulations, standards, and Mission Bay  
12 South Redevelopment Plan and Plan Documents governing the Block 13 Public Infrastructure;  
13 and are ready for their intended use. Consequently, the PW Director recommended to the  
14 Board of Supervisors that it accept the Block 13 Public Infrastructure as acquisition facilities,  
15 dedicate it to public use as open public right-of-way, designate it for street and roadway  
16 purposes, and accept it for City maintenance and liability purposes subject to the following: (1)  
17 the portions of streets being accepted for street and roadway purposes are constructed from  
18 back of sidewalk to back of median curb, unless specified otherwise or as shown on Project  
19 Improvement Plans, (2) acceptance of project facilities for City maintenance and liability  
20 purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk  
21 maintenance is the responsibility of adjacent property owners in accordance with the Public  
22 Works Code, (3) encroachments that are permitted, not permitted, or both are excluded from  
23 acceptance, (4) the acceptance of the streets does not obviate, amend, alter, or in any way  
24 affect existing maintenance agreements between the City and parties to such agreements,  
25 and (5) FOCIL’s conditional assignment of all warranties and guaranties to the City related to

1 the construction of the above listed improvements and its warranty obligations under Street  
2 Improvement Permit No. 06IE-0684. Copies of the PW Order and FOCIL Offer are on file with  
3 the Clerk of the Board of Supervisors in File No. 160690 and are incorporated herein by  
4 reference.

5 (f) In Public Works Order No.184980, the PW Director also recommended that  
6 establishment of public right-of-way widths, sidewalk widths, and street grades on Channel, El  
7 Dorado Street North, El Dorado street South and Long Bridge Street in accordance with Map  
8 No. A-17-178 and Drawing No. Q-20-855.

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10 **Section 2. Adoptions and Approvals.**

11 (a) The Board of Supervisors adopts as its own the CEQA findings and the General  
12 Plan and Planning Code Section 101.1 consistency findings in the Planning Department Letter  
13 in connection with the acceptance of the Block 13 Public Infrastructure and other actions  
14 specified in this ordinance.

15 (b) The Board of Supervisors adopts as its own the Redevelopment Plan consistency  
16 findings in the OCII Letter in connection with the acceptance of the Block 13 Public  
17 Infrastructure and other actions specified in this ordinance.

18 (c) The Board of Supervisors has reviewed and approves PW Order No.184980,  
19 including the City Engineer's certification and PW Director's recommendation concerning the  
20 acceptance of the FOCIL Offer, Block 13 Public Infrastructure and other actions set forth in  
21 the Public Works Order.

22  
23 **Section 3. Acceptance of New Acquisition Facilities and Assumption of**  
24 **Maintenance and Liability Responsibilities.**

1 (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco  
2 Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1, 2001 by  
3 and between the San Francisco Redevelopment Agency and Catellus Development  
4 Corporation, and Public Works Order No. 184980, the Board of Supervisors hereby accepts  
5 the FOCIL Offer and dedicates such facilities for public use.

6 (b) The FOCIL Offer also included real property for right-of-way purposes underlying a  
7 portion of Long Bridge Street, which is evidenced by a grant deed for this property. The Board  
8 of Supervisors hereby accepts the grant deed and authorizes the Director of Property to  
9 execute and record said deed.

10 (c) The Board of Supervisors approves Map No. A-17-178 and dedicates the areas  
11 shown hatched on said Map No. A-17-178 as open public right-of-way for street and roadway  
12 purposes.

13 (d) The Board of Supervisors accepts the Block 13 Public Infrastructure for City  
14 maintenance and liability purposes, subject to the conditions listed in subsections (e) and (f).

15 (e) The Block 13 Public Infrastructure that the Board of Supervisors accepted pursuant  
16 to subsections (a), (c), and (d) is subject to the following: (1) the portions of streets being  
17 accepted for street and roadway purposes are constructed from back of sidewalk to back of  
18 median curb, unless specified otherwise or as shown on Project Improvement Plans, (2)  
19 acceptance of project facilities for City maintenance and liability purposes is from back of curb  
20 to back of curb, unless specified otherwise, and sidewalk maintenance is the responsibility of  
21 adjacent property owners in accordance with the Public Works Code, (3) encroachments that  
22 are permitted, not permitted, or both are excluded from acceptance, and (4) the acceptance of  
23 the streets does not obviate, amend, alter, or in any way affect existing maintenance  
24 agreements between the City and parties to such agreements.

1 (f) The Board of Supervisors hereby acknowledges FOCIL's conditional assignment of  
2 all warranties and guaranties to the City related to the construction of the Block 13 Public  
3 Infrastructure and that its acceptance of this Infrastructure is subject to FOCIL's warranty  
4 obligations under Street Improvement Permit No. 06IE-0684.

5  
6 Section 4. **Establishment of Public Right-of-Way Widths, Sidewalk Widths, and**  
7 **Street Grades.**

8 (a) In accordance with the PW Order No.184980, the Board of Supervisors hereby  
9 establishes the official public right-of-way widths for portions of Channel, El Dorado Street  
10 North, El Dorado Street South, and Long Bridge Street as shown on PW Map No. A-17-178.

11 (b) In accordance with PW Order No.184980, Board of Supervisors Ordinance  
12 No.1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the  
13 Board of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby  
14 amended by adding thereto a new section to read as follows:

15 Section 1607. The width of sidewalks on Channel, El Dorado Street North, El Dorado Street  
16 South, and Long Bridge Street shall be modified as shown on the Public Works Drawing No. Q-20-855.

17 (c) The sidewalk widths established by the Board of Supervisors pursuant to  
18 subsection (b) for those portions of Channel, El Dorado Street North, El Dorado Street South,  
19 and Long Bridge Street do not obviate, amend, alter, or in any other way affect the  
20 maintenance obligations of the adjacent property owners as set forth in the Public Works  
21 Code.

22 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the  
23 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et  
24 seq., chooses to follow its own procedures for the establishment of street grades. The Board  
25



1 of Supervisors hereby establishes the street grades for El Dorado Street North, El Dorado  
2 Street South, and Long Bridge Street as set forth in the Public Works Drawing No. Q-20-855.

3 (e) The Board of Supervisors hereby directs Public Works to revise the Official Public  
4 Right-of-Way Width, Sidewalk Width, and Street Grade maps in accordance with this  
5 ordinance.

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7 **Section 5. Authorization for Implementation.**

8 The Mayor, Clerk of the Board of Supervisors, Director of Real Estate, and PW Director  
9 are hereby authorized and directed to take any and all actions which they or the City Attorney  
10 may deem necessary or advisable in order to effectuate the purpose and intent of this  
11 ordinance, including, but not limited to, the filing of the ordinance and the A-17 Map and Q-20  
12 drawing in the Official Records of the City and County of San Francisco.

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14 **Section 6. Effective Date.** This ordinance shall become effective 30 days after  
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
17 of Supervisors overrides the Mayor's veto of the ordinance.

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19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By:

  
22 John D. Malamut  
23 Deputy City Attorney

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