

1 [Mission Bay - Owens Street Acceptance, Subdivision 41-43, Phase 1]

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 3 **Ordinance accepting the dedication for right-of-way purposes of the Subdivision 41-43,**
 4 **Phase 1 portions of property adjacent to Owens Street, designating additional property**
 5 **for right-of-way purposes, approving a map showing such areas and declaring such**
 6 **areas to be open public right-of-way; naming the new right-of-way; designating street**
 7 **grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer**
 8 **for the acquisition facilities and declining the offer of the Pacific Gas & Electric**
 9 **facilities; designating said facilities for public use and maintenance purposes, subject**
 10 **to specified limitations; accepting miscellaneous easements and agreements relating to**
 11 **the project, subject to specified limitations; adopting findings that such actions are**
 12 **consistent with the City's General Plan, the eight priority policy findings of City**
 13 **Planning Code section 101.1, and the Mission Bay South Redevelopment Plan;**
 14 **accepting Department of Public Works Order No. 174,642 and authorizing official acts in**
 15 **connection with this Ordinance.**

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.
 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 terms ascribed
 22 to them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents
 23 described therein, approved and adopted by the Board of Supervisors of the City and County
 24 of San Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in Clerk
 25 of the Board of Supervisors File No. _____.

1 (b) The San Francisco Redevelopment Agency, in a letter dated February 4,
2 2004, determined that the street widening of Owens Street, Subdivision 41-43, Phase 1,
3 constructed pursuant to Permit No. 01IE-082, dated July 31, 2001 (the "Project"), and other
4 actions specified herein are consistent with the Mission Bay South Redevelopment Plan
5 ("Plan") and Plan Documents described therein and recommends Board of Supervisors
6 approval. A copy of the Redevelopment Agency letter is on file with the Clerk of the Board of
7 Supervisors in File No. _____ and is incorporated by reference by reference as
8 though fully set forth herein.

9 (c) The San Francisco Redevelopment Agency on October 7, 2003 signed
10 and accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of
11 the Assignment is on file with the Clerk of the Board of Supervisors in File No. _____
12 and is incorporated by reference as though fully set forth herein.

13 (d) The City Planning Department, in a letter dated January 28, 2004
14 determined that the street widening of Owens Street, Subdivision 41-43, Phase 1 and other
15 actions specified herein are in conformance with the General Plan consistency findings of
16 Case No. 96.771R, the eight priority policies of Planning Code Section 101.1 and the
17 contemplated actions do not trigger the need for subsequent environmental review pursuant
18 the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections
19 21000 et seq.). A copy of the Planning Department letter is on file with the Clerk of the Board
20 of Supervisors in File No. _____ and is incorporated by reference as though fully set
21 forth herein.

22 (e) In DPW Order No. 174,642, dated January 28, 2004, including the
23 attached A-17 Map No. 162, dated January 28, 2004 and entitled "MAP SHOWING THE
24 WIDENING OF OWENS STREET AND 16TH STREET ", the Drawing No. Q-20-551 dated
25 January 28, 2004 and entitled "PROPOSED CHANGES OF OFFICIAL GRADES ON OWENS

1 STREET AND ON THE NORTH SIDE OF 16TH STREET WEST OF OWENS STREET ”, and
2 the Drawing No. Q-20-550, dated January 28, 2004 and entitled “PROPOSED CHANGES OF
3 OFFICIAL SIDEWALK WIDTHS ON OWENS STREET NORTH OF 16TH STREET”, the
4 Director and the City Engineer certified that: (1) the Owens Street, Subdivision 41-43, Phase 1
5 street segments, (a) are currently held as fee title public right-of-way, City Property under
6 CLTA Parcel D-12 or have been granted for dedication by Catellus Development Corporation
7 as Lot 5 to the Block 41-43 Subdivision Final Map, (b) have been inspected and were certified
8 as complete on December 15, 2003 and that the Project has been constructed in accordance
9 with the Project Plans and Specifications and all City codes, regulations, standards and
10 Mission Bay South Redevelopment Plan and Plan Documents governing this Project, and that
11 such improvements are ready for their intended use, (c) are recommended for formal
12 acceptance of acquisition facilities and declining the offered Pacific Gas & Electric facilities,
13 designation of street grades, sidewalk widths, and acceptance for maintenance purposes, (2) a
14 Permanent City Public Utility Agreement is necessary for Permanent City Public Utility
15 Easements on private property, (3) a Public Sidewalk Agreement is necessary for a Public
16 Sidewalk Easement over a private street, and (4) a Permanent City Storm Drain Easement
17 Agreement is necessary for a Public City Storm Drain Easement over Lot 6 of Subdivision 41-
18 43, Phase 1. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in
19 File No. _____ and is incorporated by reference as though fully set forth herein.

20 Section 2. Adoptions, Approvals.

21 (a) The Board of Supervisors adopts as its own the consistency findings of
22 the San Francisco Redevelopment Agency in connection with the street widening of Owens
23 Street, Subdivision 41-43, Phase 1, acceptance of Owens Street, Subdivision 41-43, Phase 1
24 improvements and other actions set forth herein.

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1 (b) The Board of Supervisors adopts as its own the consistency findings and
2 CEQA findings of the Planning Department in regard to the street widening of Owens Street,
3 Subdivision 41-43, Phase 1, acceptance of Owens Street, Subdivision 41-43, Phase 1
4 improvements and other actions set forth herein.

5 (c) The Board of Supervisors has reviewed and approves the City Engineer's
6 certification and Director's recommendation concerning the acceptance of the Catellus Land
7 and Development Corporation's irrevocable offer of improvements, dated January 14, 2004 of
8 the Owens Street, Subdivision 41-43, Phase 1 Improvements, maintenance and liability
9 responsibilities for said facilities and right-of-way and declining the offer of the Pacific Gas &
10 Electric facilities, designation of the street grades, sidewalk width, and street parking
11 restrictions, and acceptance of the Agreements (Permanent City Public Utility Easement,
12 Public Sidewalk Easement, and Permanent City Storm Drain Easement).

13 Section 3. Designation of Right-of-Way Name, Acceptance of New Acquisition
14 Facilities, and Assumption of Maintenance Responsibilities.

15 (a) The Board of Supervisors accepts the Catellus grant deed of Lot 5 of
16 Subdivision 41-43, Phase 1 to the City for additional right-of-way and roadway purposes.

17 (b) The Board of Supervisors approves the A -17 Map, designates those
18 portions of Owens Street and 16th Street, shown hatched on said A -17 Map, to be an open
19 public right-of-way dedicated to public use, designates the street names as "Owens Street" for
20 the right hand turn pocket adjacent to Lot 7 of Subdivision 41-43 and "16th Street" from Owens
21 Street, westerly for a distance of 400 feet, and hereby directs the Department of Public Works
22 to revise the Official City Street Right-of-Way Maps in accordance with this Ordinance.

23 (c) Pursuant to California Streets and Highways Code Section 1806 and San
24 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1,
25 2001 by and between the Redevelopment Agency of the City and County of San Francisco

1 and Catellus Development Corporation, and the Department of Public Works Order No.
2 174,642, dated January 28, 2004, the Board of Supervisors hereby accepts the irrevocable
3 Offer of the Owens Street, Subdivision 41-43, Phase 1 Improvements dated January 14,
4 2004, but declines the offer of the Pacific Gas & Electric facilities, and designates such
5 facilities to public use and maintenance purposes, subject to the conditions listed in subsection
6 (d & e), but excluding therefrom those portions of the improvements which are identified on the
7 as built drawings delivered to and on file with the City as " SBC (also known as Pacific Bell),
8 AT&T, Sentre 4 (also known as CDX-4) facilities, the communication conduits assigned and
9 constructed on behalf of the Regents of the University of California, the Mission Bay 16th/7th
10 Street Jack and Bore Casing Improvements, which portion or Component of the Project has
11 been accepted by the Board of Supervisors under prior Ordinance No. 201-03, on file with the
12 Clerk of the Board in file No. 031019, and those improvements identified as temporary and
13 interim facilities described in the Director of Public Works Order No. 174,642.

14 (d) The Board's acceptance of improvements pursuant to Subsection (c) are
15 for the Owens Street, Subdivision 41-43, Phase 1 Improvements only and are subject to the
16 warranty obligations under the Owens Street, Subdivision 41-43, Phase 1 Project Permit
17 No. 01IE-082.

18 (e) The Owens Street, Subdivision 41-43, Phase 1 Improvements accepted
19 by the Board pursuant to Subsection (c) are subject to the following: (1) acceptance is for the
20 Project infrastructure only, (2) the portion of street being added and accepted for maintenance
21 is the constructed street from the existing maintained street out to the associated new back of
22 curb, unless specified otherwise, (3) encroachments that are permitted, not permitted, or both
23 are excluded from acceptance, and (4) the acceptance of the streets does not obviate, amend,
24 alter, or in any other way affect existing maintenance agreements between the City and parties
25 to such maintenance agreements.

1 (f) Authority to accept the permanent Street Lighting components which have
2 not been installed is hereby delegated to the Director of Public Works acting on behalf of the
3 Board of Supervisors to accept said components in the future in accordance with the Mission
4 Bay South Acquisition Agreement.

5 (g) The Director of Public Works is authorized to take formal possession of
6 unassigned, unused or unsold conduits, with the exception of Pacific Gas & Electric, for
7 purposes of marketing said facilities, directly or indirectly, to appropriate utilities or other
8 participants. The procedures under which the Director implements this plan shall be the
9 subject of a MOA to be developed between the City and SFRA. Such MOA shall include the
10 ability for the Director to operate and maintain said facilities and to forward proceeds of any
11 transaction to the Community Facilities District (CCSF CFD #6), in accordance with the
12 Acquisition Agreement for addition into the Acquisition Funds. The MOA shall also provide for
13 reimbursement from CFD #6 of any reasonable and appropriate costs incurred by the Director
14 for the management of such facilities until leased or sold.

15 (h) The Board of Supervisors hereby acknowledges Catellus' Conditional
16 Assignment of all warranties and guaranties related to the construction of the above listed
17 Improvements.

18 (i) The Board of Supervisors hereby directs the Department of Public Works
19 to add these street segments to its Official Book of City Maintained Streets.

20 Section 4. Acceptance of Street Grades.

21 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
22 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
23 seq., chooses to follow its own procedures for the establishment of street grades and hereby
24 accepts and designates the street grades for that portion of Owens Street and 16th Street, as
25 set forth in the Department of Public Works Order No. 174,642, Drawing No. Q-20-551 and

1 hereby directs the Department of Public Works to revise the Official City Street Grade Maps in
2 accordance with this Ordinance.

3 Section 5. Designation of Street Sidewalk Widths.

4 (a) In accordance with the recommendation in Department of Public Works
5 Order No. 174,642, Board of Supervisors Ordinance No. 1061, entitled “Regulating the Width
6 of Sidewalks”, a copy of which is in the Clerk of the Board of Supervisors Book of General
7 Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to
8 read as follows:

9 Section 15 . The width of sidewalks on the southwesterly side of Owens Street from 16th
10 Street, north to the Phase 1 construction line shall be modified as shown on Department of Public Works
11 Drawing No. Q-20-550.

12 (b) The street sidewalk widths designated by the Board pursuant to
13 Subsection (a) for the southwesterly side of Owens Street from 16th Street, north to the Phase
14 1 construction line does not obviate, amend, alter, or in any other way affect the maintenance
15 obligations of the adjacent property owners.

16 (c) The Board of Supervisors hereby directs the Department of Public Works
17 to add this sidewalk segment to its Official Street Grade Maps in accordance with this
18 Ordinance.

19 Section 6. Designation of Street Parking Restrictions.

20 Pursuant to the Department of Public Works Order No. 174,642, the Board of
21 Supervisors hereby approves the following designated street parking restrictions:

22 The southwesterly side of Owens Street from 16th Street, north to the
23 Subdivision 41-43, Phase 1 construction line shall have “No Parking – Any
24 Time” designation
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1 The north side of 16th Street, from Owens Street, westerly for a distance
2 of 400 feet, shall have "No Parking – Any Time" designation

3 Section 7. Acceptance of the Easement Agreements.

4 Pursuant to the Department of Public Works Order No. 174,642, dated January
5 28, 2004, the Board of Supervisors hereby accepts the following:

- 6 1) Easement Agreement (Public Sidewalk Easement) for pedestrian access,
7 ingress and egress purposes over a portion of Lot "A" of Subdivision 41-43.
- 8 2) Easement Agreement (Permanent City Public Utility Easement) for
9 access, ingress, egress, construction, installation, operation, maintenance, repair
10 and replacement of works, improvements and structures for utilities in, over and
11 under portions of Lot 7 to 10 and Lot "A" of Subdivision 41-43.
- 12 3) Easement Agreement (Permanent City Storm Drain Easement) for
13 access, construction, reconstruction, installation, operation, use, maintenance
14 repair, replace, renewal and enlargement of a public storm drain in, over and
15 under a portion of Lot "6" of Subdivision 41-43.

16 Copies of said Agreements are on file with the Clerk of the Board of Supervisors in File No.
17 _____ and are incorporated by reference as though fully set forth herein.

18 Section 8. All actions heretofore taken by the officers of the City with respect to such
19 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
20 Director of Property, and Director of Public Works are hereby authorized and directed to take
21 any and all actions that they or the City Attorney may deem necessary or advisable in order to
22 effectuate the purpose and intent of this Ordinance including, without limitation, the recordation
23 of this Ordinance, the accompanying A-17 Map, and miscellaneous agreements and
24 easements, including, but not limited to, the filing of the Ordinance, A-17 Map and
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1 miscellaneous agreements and easements in the Official Records of the City and County of
2 San Francisco.

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1 RECOMMENDED:
2 DEPARTMENT OF PUBLIC WORKS

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4 By: _____
5 EDWIN M. LEE
6 Director of Public Works

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA
10 City Attorney

11
12 By: _____
13 JOHN D. MALAMUT
14 Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: _____
HARLAN L. KELLY, JR.
City Engineer

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