

[Mission Bay – Owens Street and 16th Street Acceptance]

Ordinance accepting the dedication for right-of-way purposes of the additional portions of property adjacent to Owens Street and 16th Street, designating additional property for right-of-way purposes, approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities and declining the offer of the Pacific Gas & Electric facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,643 and authorizing official acts in connection with this Ordinance.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings.

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

(b) The San Francisco Redevelopment Agency, in a letter dated February 4, 2004, determined that the Owens Street and 16th Street widening, constructed pursuant to

1 Permit No. 01IE-410, dated September 19, 2001, (the "Project"), and other related actions
2 specified herein are consistent with the Mission Bay South Redevelopment Plan ("Plan") and
3 Plan Documents described therein and recommends Board of Supervisors approval. A copy
4 of the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File
5 No. _____ and is incorporated by reference by reference as though fully set forth
6 herein.

7 (c) The San Francisco Redevelopment Agency on December 18, 2003
8 signed and accepted the Catellus Conditional Assignment of Warranties and Guaranties. A
9 copy of the Assignment is on file with the Clerk of the Board of Supervisors in File No.
10 _____ and is incorporated by reference as though fully set forth herein.

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

19 (e) In DPW Order No. 174,643, dated January 28, 2004, including the
20 attached A-17 Map No. 159, dated January 28, 2004 and entitled "MAP SHOWING THE
21 WIDENING OF OWENS STREET NORTHWESTERLY OF 16TH STREET", the Drawing No.
22 Q-20-617, dated January 28, 2004 and entitled "PROPOSED CHANGES OF OFFICIAL
23 GRADES ON OWENS STREET, THE NORTH SIDE OF 16TH STREET EAST OF OWENS
24 STREET, AND A PORTION OF FOURTH STREET NORTH OF 16TH STREET" and the
25 Drawing No. Q-20-552, dated January 28, 2004 and entitled "PROPOSED CHANGES OF

1 OFFICIAL SIDEWALK WIDTH OF OWENS STREET AND PROPOSED OFFICIAL
2 SIDEWALK WIDTH ON A PORTION OF FOURTH STREET NORTH OF 16TH STREET”, the
3 Director and the City Engineer certified that the Owens Street & 16th Street improvement
4 segments, (a) are currently existing streets, purposed additional right-of-way currently held as
5 City Property under CLTA Parcel D12 or have been offered for dedication by Catellus Land
6 and Development Corporation (“CLDC”), (b) have been inspected and were certified as
7 complete on December 15, 2003 and that the Project has been constructed in accordance
8 with the Project Plans and Specifications and all City codes, regulations, standards and
9 Mission Bay South Redevelopment Plan and Plan Documents governing this Project, and that
10 such improvements are ready for their intended use, (c) are recommended for formal
11 acceptance of acquisition facilities and declining the offered Pacific Gas & Electric facilities,
12 designation of street grades, sidewalk widths, and acceptance for maintenance purposes,. A
13 copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No.
14 _____ and is incorporated by reference as though fully set forth herein.

15 Section 2. Acceptance of Acquisition Facilities.

16 (a) The Board of Supervisors adopts as its own the consistency findings of
17 the San Francisco Redevelopment Agency in connection with the Owens Street and 16th
18 Street widening, acceptance of Owens Street and 16th Street improvements and other related
19 actions specified herein.

20 (b) The Board of Supervisors adopts as its own the consistency findings and
21 CEQA findings of the Planning Department in connection with the Owens Street and 16th
22 Street widening, acceptance of Owens Street and 16th Street improvements and other related
23 actions specified herein.

24 (c) The Board of Supervisors has reviewed and approves the City Engineer’s
25 certification and Director’s recommendation concerning the acceptance of the CLDC

1 irrevocable offer of improvements, dated January 22, 2004 of the Owens Street and 16th
2 Street Improvements, maintenance and liability responsibilities for said facilities and right-of-
3 way and declining the offered Pacific Gas & Electric facilities, designation of the street grades,
4 sidewalk widths, and street parking restrictions.

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

7 (a) The Board of Supervisors accepts the CLDC grant deeds and quitclaim
8 deed of parcels to the City required for additional right-of-way and roadway purposes.

9 (b) The Board of Supervisors approves the A -17 Map, designates those
10 portions of Owens Street, shown hatched on said A -17 Map, to be an open public right-of-
11 way dedicated to public use, designates the street name "Owens Street" for the northeasterly
12 side of Owens Street from 16th Street northwesterly to the Phase 1 construction line and
13 hereby directs the Department of Public Works to revise the Official City Street Right-of-Way
14 Maps in accordance with this Ordinance.

15 (c) Pursuant to California Streets and Highways Code Section 1806 and San
16 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June
17 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco
18 and Catellus Development Corporation, and the Department of Public Works Order No.
19 174,643, dated January 28, 2004, the Board of Supervisors hereby accepts the CLDC
20 irrevocable Offer of the Owens St. & 16th St. Improvements dated January 22, 2004, but
21 declines the offer of the Pacific Gas & Electric facilities, and designates such facilities to
22 public use and maintenance purposes, subject to the conditions listed in subsection (d & e),
23 but excluding therefrom those portions of the improvements which are identified on the as
24 built drawings delivered to and on file with the City as "SBC (formerly known as Pacific Bell),
25 AT&T, Sentre 4 (also know as CDX-4) " facilities and also excepting the following facilities,

1 assigned and constructed on behalf of the Regents of the University of California, on Fourth
2 Street: at Station 80+60, eight 4-inch conduits from Block 24 to Block 25 (as shown on the
3 Plan Area Map for the Mission Bay South Redevelopment Plan) for UCSF Communications,
4 at Station 80+65, eight 5-inch conduits from Block 24 to Block 25 for UCSF Normal Power,
5 and at Station 80+77, one 4-inch conduit from Block 24 to Block 25 for UCSF Lighting and
6 those identified as temporary and interim facilities described in the Director of Public Works
7 Order No. 174,643.

8 (d) The Board's acceptance of improvements pursuant to Subsection (a) are
9 for the Owens Street and 16th Street Improvements only and are subject to the warranty
10 obligations under the Owens Street and 16th Street Project Permit No. 01IE-410.

11 (e) The Owens Street and 16th Street Improvements accepted by the Board
12 pursuant to Subsection (c) are subject to the following: (1) acceptance is for the Project
13 infrastructure only, (2) the portion of street being added and accepted for maintenance is the
14 constructed street from the existing maintained street out to the associated new back of curb,
15 unless specified otherwise, (3) encroachments that are permitted, not permitted, or both are
16 excluded from acceptance and (4) the acceptance of the streets does not obviate, amend,
17 alter, or in any other way affect existing maintenance agreements between the City and
18 parties to such maintenance agreements.

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

23 (g) The Director of Public Works is authorized to take formal possession of
24 unassigned, unused or unsold conduits, with the exception of Pacific Gas & Electric, for
25 purposes of marketing said facilities, directly or indirectly, to appropriate utilities or other

1 participants. The procedures under which the Director implements this plan shall be the
2 subject of a MOA to be developed between the City and SFRA. Such MOA shall include the
3 ability for the Director to operate and maintain said facilities and to forward proceeds of any
4 transaction to the Community Facilities District (CCSF CFD #6), in accordance with the
5 Acquisition Agreement for addition into the Acquisition Funds. The MOA shall also provide for
6 reimbursement from CFD #6 of any reasonable and appropriate costs incurred by the Director
7 for the management of such facilities until leased or sold.

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

11 (i) Authority is hereby delegated to the Director of Public Works acting on
12 behalf of the Board of Supervisors to accept the UCSF sidewalk replacement or repairs in the
13 future in accordance with the related Street Improvement Permit and the Mission Bay South
14 Acquisition Agreement.

15 (j) The Board of Supervisors hereby acknowledges the "Third Amendment for
16 Contribution of Real Property" between UCSF and Catellus dated June 23, 1999, Section 6.8,
17 "Improvements in Public Rights of Way" in which The Regents agreed to be responsible for
18 maintaining, at its sole cost and expense consistent with the custom and practice in the City,
19 all street furniture installed by the Regents, landscaping and street trees, and sidewalk paving
20 located in the public rights of way adjacent to the portions of the Campus Site owned by the
21 Regents, from the edge of the Regents' property line to the curb line.

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

24 Section 4. Acceptance of Street Grades.
25

1 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
2 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
3 seq., chooses to follow its own procedures for the establishment of street grades and hereby
4 accepts and designates the street grades for that portion of Owens Street, 16th Street and a
5 portion of Fourth Street, as set forth in the Department of Public Works Order No. 174,643,
6 Drawing No. Q-20-617 and hereby directs the Department of Public Works to revise the
7 Official City Street Grade Maps in accordance with this Ordinance.

8 Section 5. Designation of Street Sidewalk Widths.

9 (a) In accordance with the recommendation in Department of Public Works
10 Order No. 174,643, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width
11 of Sidewalks", a copy of which is in the Clerk of the Board of Supervisors Book of General
12 Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to
13 read as follows:

14 Section 15 . The width of sidewalks on the northeasterly side of Owens Street, from 16th
15 Street to the Phase 1 construction line and a portion of Fourth Street, north of 16th Street shall be
16 modified as shown on Department of Public Works Drawing No.Q-20-552.

17 (b) The street sidewalk widths designated by the Board pursuant to
18 Subsection (a) for the northeasterly side of Owens Street, from 16th Street northwesterly to the
19 Phase 1 construction line, and the portion of Fourth Street north of 16th Street, does not
20 obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent
21 property owners.

22 (c) The Board of Supervisors hereby directs the Department of Public Works
23 to add this sidewalk segments to its Official Street Grade Maps in accordance with this
24 Ordinance.

25 Section 6. Designation of Street Parking Restrictions.

1 Pursuant to the Department of Public Works Order No. 174,643, the Board of
2 Supervisors hereby approves the following designated street parking restrictions:

3 The northeasterly side of Owens Street, from 16th Street northwesterly to the
4 Phase 1 construction line and the north side of 16th Street, from Owens Street
5 easterly to a point 85 feet east of the future Fourth Street intersection shall have
6 “No Parking – Any Time”

7 Section 7. All actions heretofore taken by the officers of the City with respect to such
8 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
9 Director of Property, and Director of Public Works are hereby authorized and directed to take
10 any and all actions that they or the City Attorney may deem necessary or advisable in order to
11 effectuate the purpose and intent of this Ordinance including, without limitation, the
12 recordation of this Ordinance, and the accompanying A-17 Map, including, but not limited to,
13 the filing of the Ordinance and A-17 Map in the Official Records of the City and County of San
14 Francisco.

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: _____
EDWIN M. LEE
Director of Public Works

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: _____
JOHN D. MALAMUT
Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: _____
HARLAN L. KELLY, JR.
City Engineer and Deputy
Director of Engineering