

1 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure
2 Improvements]

3 **Ordinance accepting the irrevocable offers of property along portions of Channel**
4 **Street and Third Street and the irrevocable offers of improvements of public**
5 **infrastructure improvements, including acquisition facilities on Channel Street, Fourth**
6 **Street and Third Street; dedicating such improvements for public use; declaring such**
7 **areas as shown on Department of Public Works maps as open public right-of-way;**
8 **designating such areas and improvements for street and roadway purposes;**
9 **establishing street grades and sidewalk widths; accepting said facilities for City**
10 **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 South Redevelopment Plan; accepting Department of Public Works**
14 **Order No. 178,869; and authorizing official acts in connection with this Ordinance.**
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17 Note: Additions are single-underline italics Times New Roman;
18 deletions are ~~strikethrough italics Times New Roman~~.
19 Board amendment additions are double underlined.
20 Board amendment deletions are ~~strikethrough normal~~.

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

22 Section 1. Findings.

23 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to
24 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
25 therein, approved and adopted by the Board of Supervisors of the City and County of San

1 Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in the Clerk of
2 the Board of Supervisors File No. 101216.

3 (b) The San Francisco Redevelopment Agency, in letters dated June 29, 2010 and
4 July 20, 2010, respectively, determined that the acceptance of the Mission Bay South Public
5 Infrastructure Improvements on Third Street, Fourth Street and Channel Street constructed
6 pursuant to Permit No. 01IE-479, dated October 12, 2001 and the sidewalk improvements
7 along Channel Street and Third Street constructed pursuant to Permit No. 06IE-0684, dated
8 December 6, 2006 and Permit No. 05IE-0507, dated October 16, 2005 (“Project”), and other
9 actions herein set forth are consistent with the Mission Bay South Redevelopment Plan
10 (“Plan”) and Plan Documents described therein. A copy of the Redevelopment Agency letters
11 are on file with the Clerk of the Board of Supervisors in File No. 101216 and are
12 incorporated herein by reference.

13 (c) The City Planning Department, in a letter dated July 15, 2010 determined that the
14 acceptance of the Mission Bay South Public Infrastructure Improvements on portions of Third
15 Street, Fourth Street and Channel Street other actions herein set forth are within the scope of
16 the General Plan consistency findings of Case No. 2010.0326R, the Eight Priority Policies of
17 Planning Code Section 101.1 and the contemplated actions do not trigger the need for
18 subsequent environmental review pursuant the California Environmental Quality Act (CEQA)
19 (California Public Resources Code Sections 21000 et seq.). A copy of the Planning
20 Department letter is on file with the Clerk of the Board of Supervisors in File No. 101216 and
21 is incorporated herein by reference.

22 (d) In DPW Order No. 178,869 dated September 16, 2010, including Map No. A-17-
23 165, dated September 10, 2010 ENTITLED “ MAP SHOWING THE OPENING OF CHANNEL
24 STREET AND WIDENING OF THIRD STREET” and the Drawing No. Q-20-688, dated
25 September 10, 2010 and entitled “PROPOSED OFFICIAL STREET GRADES AND

1 SIDEWALK WIDTHS ON FOURTH STREET, CHANNEL STREET AND THIRD STREET”, the
2 Director and City Engineer certified that: the Public Infrastructure Improvements on Third
3 Street, Fourth Street and Channel Street have been inspected and were certified as complete
4 on November 1, 2008, June 24, 2009 and September 16, 2009; the Public Infrastructure
5 Improvements have been constructed in accordance with the Project Plans and Specifications
6 and all City codes, regulations, standards and Mission Bay South Plan and Plan Documents
7 governing this project; the above described Public Infrastructure Improvements are ready for
8 their intended use, excluding any and all temporary and interim facilities constructed as part of
9 the Project; and the acquisition facilities are recommended for acceptance for public use and
10 maintenance purposes: the sidewalk improvements adjacent to Mission Bay Park P15 and
11 Park P16 are under construction and recommend that the Director of Public Works be
12 authorized to act on behalf of the Board of Supervisors for delayed acceptance of the
13 acquisition facilities once they are certified as complete and ready for their intended use and
14 acknowledge the Conditional Assignment of Warranties and Guaranties by FOCIL-MB, LLC.
15 A copy of the DPW Order including Official City Maps, Offers of Dedication and Offers of
16 Improvements are on file with the Clerk of the Board of Supervisors in File
17 No. 101216 and are incorporated herein by reference.

18 Section 2. Adoptions and Approvals.

19 (a) The Board of Supervisors adopts as its own the General Plan consistency and
20 Planning Code Section 101.1 findings of the San Francisco Redevelopment Agency in
21 connection with the acceptance of Project and other actions set forth herein.

22 (b) The Board of Supervisors adopts as its own the General Plan and Planning Code
23 Section 101.1 consistency findings and CEQA findings of the Planning Department in
24 connection with the Project.

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1 (c) The Board of Supervisors has reviewed and approves the Director of the
2 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,
3 LLC, Irrevocable Offer of Improvements for the Third Street Accelerated Public Infrastructure
4 Improvements, dated January 7, 2009, the Irrevocable Offer of Improvements for the final
5 street grades and permanent sidewalk improvements along the Easterly side of Third Street
6 dated September 17, 2010 and the permanent sidewalk Improvements along the Westerly
7 side of Third Street, dated August 23, 2010, respectively and delegates the authority to the
8 Director of Public Works to accept the sidewalk improvements adjacent to Park P15 and Park
9 P16 in the same manner as other public improvements described in this Ordinance.

10 Section 3. Acceptance of New Acquisition Facilities and Assumption of Maintenance
11 Responsibilities.

12 (a) The Board of Supervisors accepts the Focil irrevocable offers of improvements
13 and irrevocable offer of dedication of real property for additional right-of-way purposes,
14 including the acceptance of the Grant Deeds. The Board of Supervisors hereby delegates
15 authority to the Director of Property to execute the Grant Deeds.

16 (b) The Board of Supervisors approves Map No. A-17-165 and declares the areas
17 shown hatched on said Map No. A-17-165 to be open public right-of-way, and hereby directs
18 the Department of Public Works to revise the official City Street Right-of Way Maps in
19 accordance with this Ordinance.

20 (c) Pursuant to Streets and Highways Code Section 1806 and San Francisco
21 Administrative Code Sections 1.51 et seq., the Mission Bay South Acquisition Agreement
22 dated June 1, 2001 by and between the Redevelopment Agency of the City and County of
23 San Francisco and Catellus Land Development Corporation with respect to Project, and the
24 Department of Public Works Order No. 178,869 dated September 16, 2010, the Board of
25 Supervisors hereby dedicates the facilities described in the Focil Irrevocable Offers of

1 Improvements dated January 7, 2009, September 17, 2009 and August 23, 2010,
2 respectively, for public use; designates such facilities for street and roadway purposes; and
3 accepts such facilities for City maintenance and liability purposes, subject to the conditions
4 listed in subsections (d), (e) and Section 2 (c) concerning the sidewalk improvements adjacent
5 to Park P15 and Park P16. The Board's acceptance of improvements pursuant to this
6 Subsection is for the Third Street Accelerated Public Infrastructure Improvements and
7 sidewalk improvements along Channel Street and Third Street, between Channel Street and
8 Mission Bay Boulevard North, related to Blocks 2-7 and 13 Phase 1 and Blocks 10-10A Public
9 Infrastructure Improvements only and is subject to the warranty obligations under the Permit
10 Nos. 01IE-479, 05IE-0507 and 06IE-0684 .

11 (d) The public infrastructure improvements accepted by the Board pursuant to
12 subsections (b) and (c) are subject to the following (1) the portion of streets being accepted
13 for street and roadway purposes is from back of sidewalk to back of sidewalk, unless specified
14 otherwise or as shown on Project Improvement Plans, (2) acceptance of project facilities for
15 City maintenance and liability purposes is from back of curb to back of curb, unless specified
16 otherwise, (3) encroachments that are permitted, not permitted, or both are excluded from
17 acceptance, and (4) the acceptance of the streets does not obviate, amend, alter, or in any
18 way affect existing maintenance agreements between the City and parties to such
19 agreements.

20 (e) The Board of Supervisors hereby acknowledges Focil's Conditional Assignments
21 of Guaranties and Warranties in accordance with the related Street Improvement Permits and
22 the Mission Bay South Acquisition Agreement.

23 Section 4. Establishment of Street Grades.

24 (a) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
25 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et

1 seq., chooses to follow its own procedures for the establishment of street grades. The Board
2 hereby establishes the street grades for those portions of Third Street, Fourth Street and
3 Channel Street as set forth in the Drawing No. Q-20-688, dated September 10, 2010, and
4 hereby directs the Department of Public Works to revise the Official City Street Grade Maps in
5 accordance with this Ordinance.

6 Section 5. Establishment of Sidewalk Widths.

7 (a) In accordance with the recommendation in Department of Public Works Order
8 No. 178,869, Board of Supervisors' Ordinance No. 1061, entitled "Regulating the width of
9 Sidewalks", a copy of which is in the Clerk of the Board of Supervisors' Book of Ordinances, in
10 effect May 11, 1910, is hereby amended by adding thereto a new section to read as follows:.

11 Section 15 . The width of sidewalks on those portions of Fourth Street,
12 Channel Street and Third Sreet shall be modified as shown on the Department of Public Works
13 Drawing Q-20-688, dated September 10, 2010.

14 (b) The street sidewalk widths designated by the Board of Supervisors pursuant to
15 Subsection (a) of this section for portions of Third Street, Fourth Street and Channel Street do
16 not obviate, amend, alter, or in any other way affect the maintenance obligations of the
17 adjacent property owners.

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

20 Section 6. Authorization for Implementation

21 All actions heretofore taken by the officers of the City with respect to such
22 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
23 Director of Real Estate and Director of Public Works are hereby authorized and directed to
24 take any and all actions which they or the City Attorney may deem necessary or advisable in
25 order to effectuate the purpose and intent of this Ordinance, including, including, but not

1 limited to, the recordation of this Ordinance, the accompanying A-17 Map, and Grant Deeds in
2 the Official Records of the City and County of San Francisco.

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6 RECOMMENDED:

7 DEPARTMENT OF PUBLIC WORKS

8 By: _____

9 Edward D. Reiskin

10 Director of Public Works

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13 APPROVED AS TO FORM:

14 Dennis J. Herrera

15 City Attorney

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17 By: _____

18 John D. Malamut

19 Deputy City Attorney

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DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: _____

Fuad S. Sweiss

Deputy Director of Engineering
and City Engineer