

File No. 110995

Committee Item No. 3

Board Item No. 14

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 17, 2011

Board of Supervisors Meeting

Date October 25, 2011

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Redevelopment Agency Letter, dtd 1/10/11</u>                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department General Plan Referral Letter, dtd 11/29/07</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>DPW Order No. 179,517</u>  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Map Nos. A-17-169 and Q-20-700</u>                                 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Offer of Improvements</u>  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |

Completed by: Alisa Miller Date October 14, 2011

Completed by: Alisa Miller Date October 10, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

1 [Mission Bay South Blocks 41-43, Phase 2 - Improvements]

2  
3 **Ordinance accepting the irrevocable offer of public infrastructure improvements**  
4 **associated with Mission Bay South Blocks 41-43, Phase 2, including acquisition**  
5 **facilities on Owens Street and within public utility easements in private streets;**  
6 **declaring City property as shown on official Department of Public Works maps as open**  
7 **public right-of-way; dedicating such improvements for public use and designating**  
8 **Owens Street and improvements for street and roadway purposes; establishing street**  
9 **grades and sidewalk widths on Owens Street; 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 Planning Code Section 101.1, and the**  
13 **Mission Bay South Redevelopment Plan; accepting a Department of Public Works**  
14 **Order; 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~~.

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

21 Section 1. Findings.

22 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to  
23 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described  
24 therein, approved and adopted by the Board of Supervisors of the City and County of San  
25 Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in the Clerk of  
the Board of Supervisors File No. 981441.

1 (b) The San Francisco Redevelopment Agency, in a letter dated January 10, 2011,  
2 determined that the acceptance of the Mission Bay Blocks 41-43 Phase 2 Public Infrastructure  
3 Improvements constructed pursuant to Permit #07IE-0293, dated August 23, 2008 ("Project")  
4 and other actions herein set forth are consistent with the Mission Bay South 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. 110995 and is  
7 incorporated herein by reference.

8 (c) The City Planning Department, in a letter dated November 29, 2007 determined  
9 that the acceptance of the Mission Bay Blocks 41-43 Phase 2 Public Infrastructure  
10 Improvements and other actions herein set forth are within the scope of the General Plan  
11 consistency findings of Case No. 2007.01236R, the Eight Priority Policies of Planning Code  
12 Section 101.1 and the contemplated actions do not trigger the need for subsequent  
13 environmental review pursuant the California Environmental Quality Act (CEQA) (California  
14 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is  
15 on file with the Clerk of the Board of Supervisors in File No. 110995 and is incorporated herein  
16 by reference.

17 (d) In DPW Order No. 179,517 dated September 8, 2011, including Map No. A-17-  
18 169, dated August 31, 2011 and the Drawing No. Q-20-700, dated August 31, 2011 and  
19 entitled "PROPOSED OFFICIAL STREET GRADES AND SIDEWALK WIDTHS ON OWENS  
20 STREET", the City Engineer and Director certified that: (a) FOCIL-MB, LLC ("Focil") has  
21 irrevocably offered the Project Improvement facilities to the City (the "Offer"), (b) the Mission  
22 Bay Blocks 41-43 Phase 2 Public Infrastructure Improvements have been inspected and were  
23 certified as complete on February 23, 2009 and August 20, 2009; the Project has been  
24 constructed in accordance with the Project Plans and Specifications and all City codes,  
25 regulations, standards and Mission Bay South Redevelopment Plan and Plan Documents

1 governing this project and such Improvements are ready for their intended use; (c) the  
2 facilities are recommended for acceptance as acquisition facilities, dedication of Owens Street  
3 as public right-of-way, dedication for public use and designation of Owens Street for street  
4 and roadway purposes; establishment of street grades and sidewalk widths Owens Street,  
5 and acceptance for City maintenance and liability purposes, subject to specified limitations. A  
6 copy of the DPW Order, including official City maps, and Offer are on file with the Clerk of the  
7 Board of Supervisors in File No. 110995 and are incorporated herein by reference.

8 Section 2. Adoptions and Approvals.

9 (a) The Board of Supervisors adopts as its own the Redevelopment Plan consistency  
10 findings of the San Francisco Redevelopment Agency in connection with the acceptance of  
11 the Project and other actions set forth herein.

12 (b) The Board of Supervisors adopts as its own the General Plan and Planning Code  
13 Section 101.1 consistency findings and CEQA findings of the Planning Department in  
14 connection with the Project and other actions set forth herein.

15 (c) The Board of Supervisors has reviewed and approves the City Engineer's  
16 certification and Director's recommendation concerning the acceptance of the Focil  
17 Irrevocable Offer of Improvements dated April 23, 2010 for the Project; acceptance of said  
18 facilities and Owens Street right-of-way for City maintenance and liability responsibilities;  
19 establishment 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.

23 (b) The Board of Supervisors approves Map No. A-17-169 and designates the areas  
24 shown hatched on said Map No. A-17-169 to be open public right-of-way, and hereby directs  
25

1 the Department of Public Works to revise the official City Street Right-of-Way Maps in  
2 accordance with this Ordinance.

3 (c) Pursuant to California Streets and Highways Code Section 1806 and San  
4 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June  
5 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco  
6 and Catellus Development Corporation, a Delaware Corporation, and the Department of  
7 Public Works Order No. 179,517 dated September 8, 2011, the Board of Supervisors hereby  
8 dedicates facilities described in the Focil Irrevocable Offer of Improvements for public use;  
9 designates such facilities for street and roadway purposes; and accepts such facilities for City  
10 maintenance and liability purposes; subject to the conditions listed in subsections (d) and (e).  
11 The Board's acceptance of improvements pursuant to this Subsection is for the Blocks 41-43  
12 Phase 2 Public Infrastructure Improvements only and is subject to the warranty obligations  
13 under the Blocks 41-43 Phase 2 Public Improvements Permit No. 07IE-0293.

14 (d) The Blocks 41-43 Phase 2 Public Infrastructure Improvements accepted by the  
15 Board pursuant to Subsections (b) and (c) are subject to the following: (1) the portions of  
16 streets being accepted for street and roadway purposes are constructed from back of  
17 sidewalk to back of sidewalk, unless specified otherwise or as shown on Project Improvement  
18 Plans, (2) acceptance of project facilities for City maintenance and liability purposes is from  
19 back of curb to back of curb, unless specified otherwise, (3) encroachments that are  
20 permitted, not permitted, or both are excluded from acceptance, and (4) the acceptance of the  
21 streets does not obviate, amend, alter, or in any way affect existing maintenance agreements  
22 between the City and parties to such agreements.

23 (e) The Board of Supervisors hereby acknowledges Focil's Conditional Assignment of  
24 Guaranties and Warranties in accordance with the related Street Improvement Permit and the  
25 Mission Bay South Acquisition Agreement.

1 Section 4. Establishment of Street Grades.

2 (a) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the  
3 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et  
4 seq., chooses to follow its own procedures for the establishment of street grades. The Board  
5 hereby establishes the street grades for that portion of Owens Street as set forth in the  
6 Department of Works Order No. 179,517, Drawing No. Q-20-700, dated August 31, 2011 and  
7 hereby directs the Department of Public Works to revise the Official City Street Grade Maps in  
8 accordance with this Ordinance.

9 Section 5. Establishment of Sidewalk Widths.

10 (a) In accordance with the recommendation in Department of Public Works Order  
11 No. 179,517, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of  
12 Sidewalks, a copy of which is in the Clerk of the Board of Supervisor's Book of General  
13 Ordinances, in effect May, 11, 1910, is hereby amended by adding thereto a new section to  
14 read as follows:

15 Section 15 . The width of sidewalks on that portion of Owens Street shall be modified  
16 as shown on the Department of Public Works Drawing No. Q-20-700 , dated August 31, 2011.

17 (b) The street sidewalk widths established by the Board pursuant to Subsection (a)  
18 for that portion of Owens Street do not obviate, amend, alter, or in any other way affect the  
19 maintenance obligations of the adjacent property owners as set forth in the Public Works  
20 Code.

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

23 Section 6. Authorization for Implementation.

24 All actions heretofore taken by the officers of the City with respect to such Ordinance  
25 are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board and Director

1 of Public Works are hereby authorized and directed to take any and all actions which they or  
2 the City Attorney may deem necessary or advisable in order to effectuate the purpose and  
3 intent of this Ordinance, including, but not limited to, the recordation of this Ordinance and the  
4 accompanying A-17 Map in the Official Records of the City and County of San Francisco.  
5  
6  
7  
8

9 RECOMMENDED:

10 DEPARTMENT OF PUBLIC WORKS

11  
12 By: 

13 Mohammed Nuru

14 Interim Director of Public Works  
15

16 APPROVED AS TO FORM:

17 Dennis J. Herrera

18 City Attorney

19  
20 By: 

21 John D. Malamut

22 Deputy City Attorney  
23  
24  
25

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 

Fuad S. Sweiss

Deputy Director of Engineering  
and City Engineer

## LEGISLATIVE DIGEST

[Mission Bay South Blocks 41-43, Phase 2 - Improvements]

**Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 41-43 Phase 2 including acquisition facilities on Owens Street and within public utility easements in private streets; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating Owens Street and improvements for street and roadway purposes; establishing street grades and sidewalk widths on Owens Street; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance.**

### Existing Law

The Board of Supervisors adopted and approved the Redevelopment Plan for the Mission Bay South Project Area by Ordinance No. 335-98 on November 2, 1998. This ordinance and related Mission Bay legislation established a process by which the project developer (FOCIL-MB, LLC) would construct specified public improvements and dedicate said improvements to the City. Upon dedication, the City would initiate the local and State law procedures to establish the areas as open public right-of-ways, and take related actions.

### Amendments to Current Law

This legislation would accept an offer of dedication for improvements and designate new public right-of-way; approve Map No. A-17-169 declaring said right-of-way open to the public; designate the improvements for street and roadway purposes; establish official street grades and sidewalk widths; accept the public infrastructure improvements on portions of Owens Street for maintenance and liability purposes, subject to limitations, all in accordance with the procedures established for the Mission Bay South Redevelopment Project and applicable local and State law. This Ordinance would make certain findings related to the legislation, including environmental findings and findings that the legislation is consistent with the Mission Bay South Redevelopment Plan, the General Plan, and the priority policy findings of the Planning Code Section 101.1.

### Background Information

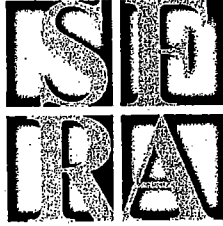
This legislation relates to the Infrastructure Improvements lying within and adjacent to Assessor's Block 8709 located on a portion of Owens Street north of 16<sup>th</sup> Street within the Mission Bay South Development Plan.



San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Rick Swig, President  
Darshan Singh, Vice President  
Rosario M. Anaya  
Agnes Briones Ubalde  
Miguel M. Bustos  
Francee Covington  
Leroy King

Fred Blackwell, Executive Director

January 10, 2011

126-002.11-206

Ms. Grace Kwak  
Project Manager  
Mission Bay Task Force  
Department of Public Works  
30 Van Ness, Room 4200  
San Francisco, CA 94102

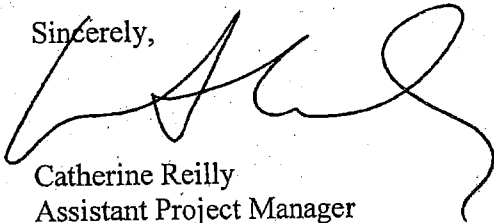
RE: Mission Bay South Blocks 41-43 Phase 2 Public Infrastructure Improvements  
Consistency Determination

Dear Ms. Kwak:

The Agency has received your request regarding the Blocks 41-43 Phase 2 public infrastructure improvements and their consistency with the Mission Bay South Redevelopment Plan and Plan Documents.

The Agency has reviewed the documents and related materials concerning the acceptance of the Blocks 41-43 Phase 2 public infrastructure improvements and other related actions thereto, finds these consistent with the Mission Bay South Redevelopment Plan and Plan Documents, and recommends that the Board of Supervisors accept the facilities on behalf of the City.

Sincerely,



Catherine Reilly  
Assistant Project Manager

Cc: Barbara Moy, MBTF  
Fred Blackwell, SFRA  
Kelley Kahn, SFRA



# SAN FRANCISCO PLANNING DEPARTMENT

2007 DEC -5 AM 11:44

November 29, 2007

Ms. Grace Kwak, Project Manager,  
Hunters Point Shipyard Task Force (HPSTF)  
30 Van Ness Ave., Suite 4200  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**Re: Case 2007.1236R**

**Mission Bay South properties:**, former Mission Bay Planning blocks 41-43, 45 previously subdivided into AB 8709, Lots 13 (Formerly Lot A), 6, 9 and 10. The proposed Final Subdivision Map would make some lot line adjustments to those reviewed earlier and establish new Assessor's Block 8709, with lot numbers to be determined in the future. The project includes General Plan consistency findings for (1) Final Subdivision Map # 4385, and (2) Acceptance of dedication of horizontal public infrastructure improvements for Phase 2.

Dear Ms. Kwak:

We are in receipt of your letter dated Oct. 22, 2007, requesting the Planning Department consider a General Plan Referral application on the referenced actions by the City and County of San Francisco. Section 4.105 of the Charter of the City and County of San Francisco and Sections 2A.53 of the Administrative Code establish requirements for General Plan Referrals. The project, including (1) proposed Final Subdivision Map # 4385, and (2) Acceptance of dedication of horizontal public infrastructure improvements for Phase 2, is, on balance, in conformity with the General Plan, as described in the Case Report, included as **Attachment 1**.

The subject property is located within the Mission Bay South, San Francisco Redevelopment District. The Referral is required to allow the Board of Supervisors (BOS) to act on two project approvals, including:

1. Final Subdivision Map # 4385:  
The Final Subdivision Map will be forwarded to the Board of Supervisors (BOS) for action to allow the sale, finance or lease of the property. A copy of the "Limits of Pending Final Map" is retained in the Case 2007.1236R docket and is included herein as **Exhibit B**.
2. Acceptance of Dedication of the Horizontal Public Infrastructure for Phase 2.  
After the Department of Public Works (DPW) determines that the facilities have been constructed in accordance with the Plans and Specifications and are ready for their intended use, the Developer is obligated to dedicate the Horizontal Infrastructure facilities to the City. The dedication will be for Owens Street adjacent to the subdivision, north of AB 8709, Lot 13 (formerly Lot A). The Board of Supervisors must act to accept the dedication of these public facilities. The Horizontal Infrastructure facilities include but are not limited to approximately 550 linear feet of a 4-lane roadway (without parking), curbs, gutters, sidewalks, street lights, water lines, recycled water lines, sewer lines, storm drain lines, joint trench, traffic striping and signs. The Horizontal Infrastructure will be constructed per the

Case No. 2007.1236R  
Ms. Grace Kwak  
Page 2

approved Improvement Plan which is consistent with the adopted Mission Bay South Infrastructure Plan. The new work is consistent with the Phase 1 work on Owens Street, south of AB 8709, Lot 13 (formerly Lot A), that has been constructed and accepted by the Board of Supervisors. The land beneath the public facilities already belongs to the City and therefore is not part of this referral. The roads within the subdivision are not part of this referral because these roads are private and will not be dedicated; the roads within the subdivision will be built and maintained by private land owners.

#### **Approval of Final Subdivision Map # 4385**

In a letter dated Dec. 19, 2000, the Planning Department found the First Tentative Map for Mission Bay 5 (MB-5) in conformity with the General Plan, subject to conditions referenced in the CEQA mitigation measures adopted by the City for the redevelopment of Mission Bay in the Final Subsequent Environmental Impact Report (FSEIR) and pursuant to the Redevelopment Commission's CEQA Findings.

On December 21, 2006, the Director of Public Works conditionally approved a second Tentative Map for the same subdivision. The property owner, Alexandria Real Estate Equities LP (ARE), proposed to make some minor lot line adjustments to the First Tentative Map. The SFRA has stated that the second Tentative Map, conditionally approved by the Director of Public Works on Dec. 21, 2006, is substantially in conformance with the first Tentative Map. The tentative Final Subdivision Map included in Case 2007.1236R is substantially similar to the second Tentative Map and the first Tentative Subdivision Map that the Planning Department found in conformity with the General Plan by letter dated Dec. 19, 2000 (subject to certain conditions stated in that letter). The Final Subdivision Map #4385 is, on balance, in conformity with the General Plan, as described further in the Case Report included as **Attachment 1**, subject to conditions contained in the Planning Department letter dated Dec. 19, 2000. The "Limits of Pending Map" is included in attached **Exhibit B**.

#### **Acceptance of Dedication of the Horizontal Public Infrastructure for Phase 2**

After the Department of Public Works (DPW) determines that the horizontal public infrastructure facilities for Phase 2 have been constructed in accordance with the Plans and Specifications that were reviewed and approved by the City earlier and are ready for their intended use, the Developer is obligated to dedicate the Horizontal Infrastructure facilities to the City. The dedication will be for Owens Street adjacent to the subdivision, north of AB 8709, Lot 13 (formerly Lot A).

The Board of Supervisors must act to accept the dedication of these public facilities. The Horizontal Infrastructure facilities include but are not limited to approximately 550 linear

Case No. 2007.1236R  
Ms. Grace Kwak  
Page 3

feet of a 4-lane roadway (without parking), curbs, gutters, sidewalks, street lights, water lines, recycled water lines, sewer lines, storm drain lines, joint trench, traffic striping and signs. The Horizontal Infrastructure will be constructed pursuant to the adopted Improvement Plans, that were found in conformity with the General Plan

The new work included in Phase 2 is consistent with the Phase 1 work on Owens Street, south of AB 8709, Lot 13 (formerly Lot A), that has been constructed and accepted by the Board of Supervisors. The Planning Department found that the Acceptance of Horizontal Infrastructure Facilities in Phase 1 was in conformity with the General Plan in a letter dated January 28, 2004. That General Plan Consistency finding also referenced the Planning Commission's earlier determination that the Mission Bay North and South Redevelopment Plans, was in conformity with the General Plan (Planning Case No. 1996.771R, Resolution 14699 adopted Sept. 17, 1998.

The land beneath the public facilities already belongs to the City and therefore is not part of this referral. The roads within the subdivision area are not part of this referral because these roads are private and will not be dedicated; the roads within the subdivision will be built and maintained by private land owners. The improvements proposed to be accepted are limited to those associated with Owens Street.

The Horizontal Infrastructure for Phase 2 will be constructed on the land dedicated for Horizontal Infrastructure noted above and consistent with the DPW-approved Tentative Map. Acceptance of the Dedication of the Horizontal Public Infrastructure for Phase 2 is, on balance, **in conformity** with the General Plan, as further described in the General Plan Case Report, included as **Attachment 1**.

### **Environmental Review**

The San Francisco Board of Supervisors certified a Final Subsequent Environmental Impact Report (FSEIR) for the Mission Bay North/South Redevelopment Plans on Sept. 19, 1998 (Resolution No. 182-98/14696. Pursuant to California Public Resources Code (PRC) Section 21090 and Section 15180 of the State CEQA Guidelines, all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, and the FSEIR of the Redevelopment Plan is treated as a Program Environmental Impact Report (EIR) with no subsequent EIRs required for individual components of the Redevelopment Plan because of events specified in PRC Section 21166 and State CEQA Guidelines Section 15162 and/or 15163 have not occurred. Specifically, no substantial changes in the project, and no new information has become available that would cause new significant environmental impacts. Also no mitigation measures or alternatives previously found to be unfeasible have been found to be feasible, and no different mitigation measures or alternatives that would substantially reduce one or more significant effects of the project have been identified.

Case 2006.1479R  
Ms. Grace Qwak  
Page 4

### Findings Summary

As described in the attached Case Report included as **Attachment 1**, the Project is, on balance, **in conformity** with the San Francisco General Plan. General Plan Priority Policies (Planning Code Section 101 (b) are included as **Attachment 2**.  
Sincerely,



Dean L. Macris  
Director of Planning

### Attachments

- 1 Case Report
- 2 Exhibit B - "Limits of Pending Final Map"
- 3 Prop. M Findings

copy: Ashur J. Yoseph, HPSTF  
Don Miller, HPSTF  
John Malamut, Deputy City Attorney  
Amy Neches, SFRA  
S. Shotland, PD

**Additional Materials Contained in Case Docket 2007.1236R (not attached)**

- 1 General Plan Referral Application and supplemental material
- 2 Exhibit A – Mission Bay Location Map
- 3 Exhibit B – Limits of Pending Final Map
- 4 Exhibit C – Excerpts of Pending Final Map
- 5 Exhibit D – Excerpts of 41-43 Phase 2 Improvement Plans
- 6 Exhibit E1 – Limits of the first Tentative Map for the 41, 42, 43 and 45 subdivision
- 7 Exhibit E2 – Tentative Map Conditions dated Dec. 22, 2000 for the 41, 42, 43 and 45 Subdivision
- 8 Exhibit E3 – DCP General Plan Consistency Letter for the first Tentative Map, dated December 19, 2000
- 9 Exhibit F1 – Limits of first Final Map for the 41, 42, 43 and 45 subdivision
- 10 Exhibit F2 – DCP General Plan Consistency Letter for acceptance of Phase 1 Infrastructure, dated Jan. 28, 2004
- 11 Exhibit G1 – Limits of Second Tentative Map for the 41, 42, 43 and 45 subdivision
- 12 Exhibit G2 – Second Tentative Map Conditions dated Dec. 21, 2006 for the 41, 42, 43 and 45 subdivision
- 13 Exhibit H – SFRA approval of Second Tentative Map

**Case 2007.1236R**

**Mission Bay South properties:**, former Mission Bay Planning blocks 41-43, 45 previously subdivided into AB 8709, Lots 13 (Formerly Lot A), 6, 9 and 10. The proposed Final Subdivision Map would make some lot line adjustments to those reviewed earlier and establish new Assessor's Block 8709, with lot numbers to be determined in the future. The project includes (1) review and consideration of a Final Subdivision Map; and (2) Acceptance of dedication of horizontal public infrastructure for Phase 2 .

**Staff**

**Reviewer:** Stephen Shotland

**DATE:** Nov. 26, 2007

Note: General Plan **OBJECTIVES** in **Bold CAPS**, Policies in **Bold font**; General Plan text is in regular font; Staff Comments in *italic font*

**COMMERCE & INDUSTRY ELEMENT**

**Policy 6.7**

**Promote high quality urban design on commercial streets.**

*Comment: Streets and other public infrastructure improvements will be constructed consistent with the Mission Bay Redevelopment Plan and related planning documents. The proposed street grid and roadway improvements have been found to be consistent with the Redevelopment Plan and on balance, in conformity with the General Plan. The proposed changes to lot lines are limited and in general are consistent with the Tentative Map found consistent with the General Plan in earlier review and action. Implementation of the Project as proposed would allow redevelopment of the site and provide space for new commercial, institutional and mixed uses.*

**TRANSPORTATION ELEMENT**

**Objective 1**

**Meet the needs of all residents and visitors for safe, convenient and inexpensive travel within San Francisco and between the city and other parts of the region while maintaining the high quality living environment of the bay Area.**

**POLICY 18.2**

**Design streets for a level of traffic that serves, but will not cause a detrimental impact on adjacent land uses, or eliminate the efficient and safe movement of transit vehicles and bicycles.**

**POLICY 23.1**

**Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.**

*Comment: The project would result in redesign, construction and acceptance of new public infrastructure, including all infrastructure constructed as part of improvements to Owens Boulevard (road surface), curbs, gutters, street lights, water lines, recycled water lines, sewer lines, utility trench, sidewalks, traffic striping, signs and related infrastructure. The new streets and public infrastructure would accommodate vehicular access, be pedestrian-friendly, making the streets safer for pedestrians. Streets developed within the subdivision would not be dedicated public streets, but would be constructed and maintained by the private property owners.*

## **URBAN DESIGN ELEMENT**

### **Conservation**

#### **Policy 3.8**

**Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city.**

#### **Objective 4**

**Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.**

*The property, as proposed to be reconfigured, is consistent with the Mission Bay South Redevelopment Plan, which was found to be consistent with the General Plan in earlier actions by the Planning Commission and/or Planning Department. The small changes in lot alignment as currently configured on the proposed Final Subdivision Plan are generally consistent with the Tentative Subdivision Plans found in-conformity with the General Plan in earlier action by the Planning Department.*

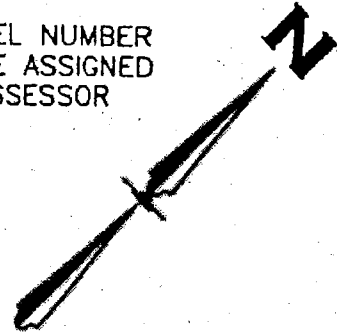
On balance, the Project is, on balance, xx in conformity with the General Plan.



EXHIBIT B

LIMITS OF PENDING FINAL MAP  
PLANNING BLOCKS 41, 42, 43 & 45  
ASSESSOR'S BLOCK 8709

◆ PARCEL NUMBER  
TO BE ASSIGNED  
BY ASSESSOR



0 200 400

SCALE: 1"=200'

SEVENTH STREET

P9

P7

BLOCK 14

BLOCK 18A

ANNE'S STREET

NOT A PART

BLOCK 21

SOUTH STREET

Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of projects for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The Project actions considered in this case would, with small changes to lot lines considered in earlier actions, implement policies and plans contained in the Mission Bay Redevelopment Plan and Design for Development, which were found consistent with the General Plan. The project would not negatively affect the level of neighborhood serving retail.*

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project would have no adverse effect on existing housing and neighborhood character. The proposed Final Subdivision Map and acceptance of horizontal public infrastructure improvements for Phase 2 would not affect existing housing or neighborhood character.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The Project in itself would have no adverse effect on the City's supply of affordable housing, as none currently exists on the subject property. However, the project is necessary to implement the Mission Bay Redevelopment Plan, as adopted. When implemented, the Plan would add to the City's supply of affordable housing through adherence to the Community Redevelopment Law.*

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not adversely impede MUNI transit service or overburden city streets and neighborhood parking. Once new public streets and other horizontal public infrastructure are constructed and accepted, the improvements would provide adequate space for MUNI transit service and parking.*

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project would not adversely affect a diverse economic base. The site has been vacant for a number of years.*



Edwin M. Lee, Mayor

Mohammed Nuru, ... , Director



**Department of Public Works  
GENERAL - DIRECTOR'S OFFICE**

City Hall, Room 348

1 Dr. Carlton B. Goodlett Place, S.F., CA 94102

**DPW Order No: 179,517**

September 8, 2011

Re: Recommendation for formal acceptance of the Mission Bay South Blocks 41-43 Phase 2 Public Infrastructure Improvements located on a portion of Owens Street north of 16<sup>th</sup> Street, including underground facilities within public utility easements in private streets; declaration of City property as open public right-of-way; designation of City Property and improvements for street and roadway purposes; establishment of street grades and sidewalk widths, acceptance of maintenance and liability for said facilities, subject to specified limitations.

WHEREAS, On November 2, 1998, the Board of Supervisors adopted the Mission Bay South Redevelopment Plan by its Ordinance No. 335-98; and

WHEREAS, On November 16, 1998, the Redevelopment Agency of the City and County of San Francisco ("Redevelopment Agency") and Catellus Development Corporation ("Catellus") entered into the Mission Bay South Owner Participation Agreement; and

WHEREAS, On November 16, 1998, the City and County of San Francisco ("City") and the Redevelopment Agency entered into the South Interagency Cooperation Agreement; and

WHEREAS, On December 22, 2000, the City conditionally approved the Tentative Map for Mission Bay Blocks 41-43 Phase 1; and

WHEREAS, On January 25, 2001 the Final Map for Mission Bay Blocks 41-43 Phase 1 was recorded in Book Z of Maps, at Pages 154-163, San Francisco City and County Records; and

WHEREAS, On June 1, 2001, the Redevelopment Agency and Catellus entered into the Mission Bay South Acquisition Agreement; and

WHEREAS, On December 1, 2003, Catellus merged into Catellus Operating Limited Partnership, a Delaware limited partnership ("COLP"); and on December 31, 2003 COLP, as successor by merger to Catellus contributed most of its interests in Mission Bay to Catellus Land and Development Corporation ("CLDC") a Delaware Corporation, thereby making CLDC a wholly owned subsidiary of COLP following the merger, including all rights and obligations under the Project Permit and the Permit to Enter related to the Project; and

WHEREAS, On August 30, 2004, CLDC granted certain properties including the property described herein to ARE-San Francisco No. 15, a Delaware limited liability company, recorded September 1, 2004 in Reel I714 Image 0537, Official records of the City and County of San Francisco; and

WHEREAS, On November 22, 2004, Catellus Land and Development Corporation granted certain properties, including the property described herein, and all its right, title, interest and obligations with respect thereto, to FOCIL-MB, LLC, a Delaware limited liability company ("FOCIL"), recorded December 1, 2004 in Reel I774, Image 0005, Official Records of the City and County of San Francisco; and

WHEREAS, On December 21, 2006, the City conditionally approved the Tentative Map for Mission Bay Blocks

1-43 Phase 2; and

WHEREAS, In a letter (attached as Exhibit A) dated November 29, 2007 the City Planning Department determined that the acceptance of the Mission Bay Blocks 41-43 Phase 2 Public Improvements and other actions are consistent with the General Plan consistency findings of Case No. 2007.1236R, the Eight Priority Policies of Planning Code Section 101.1 and the contemplated actions do not trigger the need for subsequent environmental review pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 1000 et seq.); and

WHEREAS, On July 16, 2008, FOCIL and the City entered into a Public Improvement Agreement with regard to the Blocks 41-43 Phase 2 Public Improvements; and

WHEREAS, On August 23, 2008, the City, Department of Public Works issued Street Improvement Permit No. 07IE-0293 to construct the "Mission Bay Blocks 41-43 Phase 2 Improvements Project"; and

WHEREAS, On April 8, 2009 The Final Map for Mission Bay Blocks 41-43 Phase 2 was recorded in Book CC of Survey Maps, at Pages 123-131, San Francisco City and County Records; and

WHEREAS, On August 31, 2009, the Department of Public Works (DPW) issued a notice determining that the work for "Mission Bay Blocks 41-43 Phase 2 Project: Owens Street Only" is substantially complete as of August 20, 2009 pursuant to Improvement Permit No. 07IE-0293 and is ready for its intended use; and

WHEREAS, On April 23, 2010, the Department of Public Works (DPW) issued a notice determining that the deferred work for "Mission Bay Blocks 41-43 Phase 2 Project: Owens Street Only" is substantially complete as of February 23, 2010 pursuant to Improvement Permit No. 07IE-0293 and is ready for its intended use; and

WHEREAS, On April 23, 2010, FOCIL irrevocably offered to the City the public infrastructure improvements and facilities as constructed or installed pursuant to the Improvement Plans for Mission Bay Blocks 41-43 Phase 2 approved by the Department of Public Works on August 23, 2008, and any authorized revisions or contract change orders thereto, but excluding there from those portions of the Improvements which are identified on the As-Built drawings as "Pacific Gas and Electric (PG&E), AT&T, Comcast and RCN Cable service conduits" facilities (Focil Irrevocable Offer); and together with an assignment of all guaranties and warranties related to the construction of all the improvements; and

WHEREAS, In a letter (attached as Exhibit B) dated January 10, 2011 the Redevelopment Agency found the acceptance of the Mission Bay Blocks 41-43 Phase 2 Public Improvements and other actions are "consistent with the Mission Bay South Redevelopment Plan and Plan Documents, described therein, and recommends Board of Supervisors approval"; and

WHEREAS, The Warranties and Guaranties with regard to the Blocks 41-43 Phase II Improvements are valid for a period of one (1) year and are now expired; and

WHEREAS, The City Engineer and Director hereby certify the following:

- a. All inspections have been performed, test results have been obtained, permit conditions and mitigation measures have been complied with, punch list items have been resolved, and improvement plan As-Built drawings have been received for the 41-43 Phase 2 Public Infrastructure Improvements.
- b. The construction for a part of this Project was for joint trench underground utilities, in addition to the construction and sale of some public utility conduits, vaults, and boxes. Certain conduits, vaults, and boxes were: 1) designated for City utility purposes, 2) intentionally unassigned or 3) the public utilities identified as participants in the trench may have cancelled their contract of purchase, or otherwise declined to use or occupy the facilities, and these unassigned or otherwise unused facilities are available for future lease or sale under the Mission Bay South Acquisition Agreement.

- c. Mission Bay Development Group, LLC on behalf of FOCIL, has submitted a copy of record Notice of Completion, Assignments of Warranties and Guaranties, Assignments of Reimbursements to the Agency from third parties, if applicable, and evidence of acceptability of the facilities from all applicable public entities and/or non-City utilities.
- d. By the letters dated April 23, 2010 and August 31, 2009 DPW has determined that as of February 23, 2009 and August 20, 2009 the work is ready for its intended use and has been completed substantially in conformance with the Plans and Specifications for Mission Bay Blocks 41-43 Phase 2 Public Improvements Project approved by the Department of Public Works on August 23, 2008 in Permit No. 07IE-0293, or any authorized revision thereto, and has been constructed in accordance with all City codes, regulations, standards and the Mission Bay South Plan and Plan Documents governing this Project.

**NOW THEREFORE BE IT ORDERED THAT,**

***With respect to facilities and right-of-way acceptance:***

I hereby recommend the Board of Supervisors accept the FOCIL Irrevocable Offer of Improvements.

I further recommend the Board of Supervisors approve Map No. A-17-169 and dedicate the areas shown hatched as open public right-of-way and designate said areas for street and roadway purposes, subject to the following limitations: (1) the portions of streets being accepted for street and roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on Project Improvement Plans, (2) encroachments that are permitted, not permitted, or both are excluded from acceptance, and (3) the acceptance of the streets does not obviate, amend, alter, or in any way after existing maintenance agreements between the City and parties to such agreements.

I further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City Street Right-of-Way Maps to reflect the above mentioned actions.

I recommend that the Board of Supervisors acknowledge FOCIL's Conditional Assignment of Warranties and Guaranties to the City and County of San Francisco with regard to the Blocks 41-43 Phase 2 Infrastructure Improvements.

***With Respect to the Street Grades:***

I hereby recommend the Board of Supervisors, relying on its own procedures pursuant to Administrative Code Section 1.51 et seq., and notwithstanding California Streets and Highways Code Sections 8000 et seq., establish the street grades for that portion of Owens Street as shown on the Department of Public Works Drawing No. Q-20-700, dated August 31, 2011.

I further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City Street Grade Maps to reflect the aforementioned action.

***With Respect to the Sidewalk Widths:***

I hereby recommend the Board of Supervisors amend Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto a new section to read as follows:

*Section 15 \_\_\_\_\_ the widths of sidewalks on that portion of Owens Street shall be modified as shown on Department of Public Works Drawing No. Q-20-700, dated August 31, 2011;*

The establishment of sidewalk widths does not obviate, amend, alter, or in any other way affect existing maintenance obligations of the adjacent property owners. 277

further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City Sidewalk Width Maps to reflect the aforementioned action.

***With Respect to Street Maintenance and Liability:***

Pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq., I hereby recommend that the Board of Supervisors accept the facilities for maintenance and liability purposes, subject to the limitations specified herein and below.

The acceptance is subject to the following: (1) acceptance of project facilities for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise.

[Click here to sign this section](#)

9/9/2011

**X** Fuad Sweiss, City Engineer

**Signed by Sweiss, Fuad** [View details](#)  
on Friday, September 09, 2011 7:07 PM (Pacific Daylight Time)

## Enterprise Applications

Home > Enterprise Applications > Tasks > Please approve 179517

### Tasks: Please approve 179517

Delete Item

This workflow task applies to 179517.

#### Approval Requested

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Status: Completed

Outcome: Approved by Nuru, Mohammed

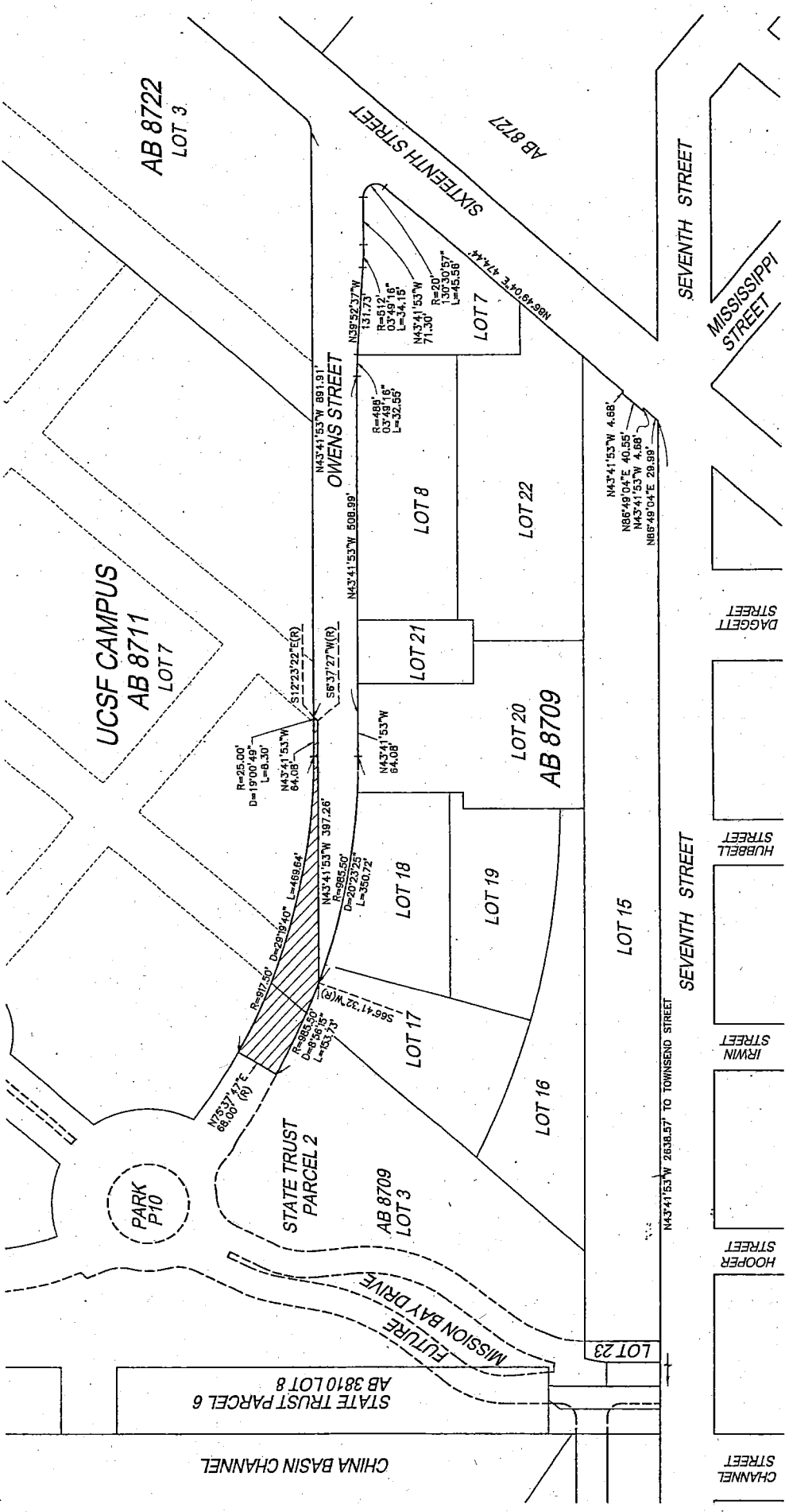
From: Werdmuller Von Elgg, Maurits

Due by: 9/10/2011 7:12:00 PM

Request for DPW Order approval-Acceptance of the Mission Bay South Blocks 41-43 Phase 2 Public Infrastructure Improvements

Type comments to include with your response:

Cancel



MAP SHOWING THE OPENING  
A PORTION OF OWNES STREET

**CITY AND COUNTY OF SAN FRANCISCO**  
**DEPARTMENT OF PUBLIC WORKS**  
**BUREAU OF STREET USE AND MAPPING**

SCALE: 1" = 100'  
 REFERENCES:  
 BOOK CC OF SURVEY MAPS, PAGES 123-131

SHEET 1 OF 1 SHEET A-17-108

THIS MAP, COMPRISING OF ONE (1) SHEET, IS APPROVED AND MADE OFFICIAL AND THE PARCELS SHOWN HEREON ARE DECLARED TO BE OPEN PUBLIC STREET, DEDICATED TO PUBLIC USE TO BE KNOWN BY NAME AS SHOWN ON THIS MAP BY ORDINANCE NO. \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011, OF THE BOARD OF SUPERVISORS, ADOPTED THIS \_\_\_\_\_ 2011.

APPROVED AS TO FORM:  
 BY: \_\_\_\_\_ CITY AND COUNTY SURVEYOR  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011  
 BY ORDER NO. \_\_\_\_\_ DIRECTOR OF PUBLIC WORKS

RECORDER'S STATEMENT  
 FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011, AT \_\_\_\_\_ M.  
 IN BOOK \_\_\_\_\_ OF SURVEY MAPS, AT PAGE \_\_\_\_\_ AT THE  
 REQUEST OF THE COUNTY SURVEYOR OF THE CITY AND COUNTY  
 OF SAN FRANCISCO.

SIGNED \_\_\_\_\_ COUNTY RECORDER

- LEGEND
- AREA TO BE DEDICATED AS RIGHT-OF-WAY
  - FUTURE STREET CURRENTLY UNDER CONSTRUCTION



FUTURE OWENS STREET

UCSF CAMPUS  
AB 8711  
LOT 7

AB 8709  
LOT 3

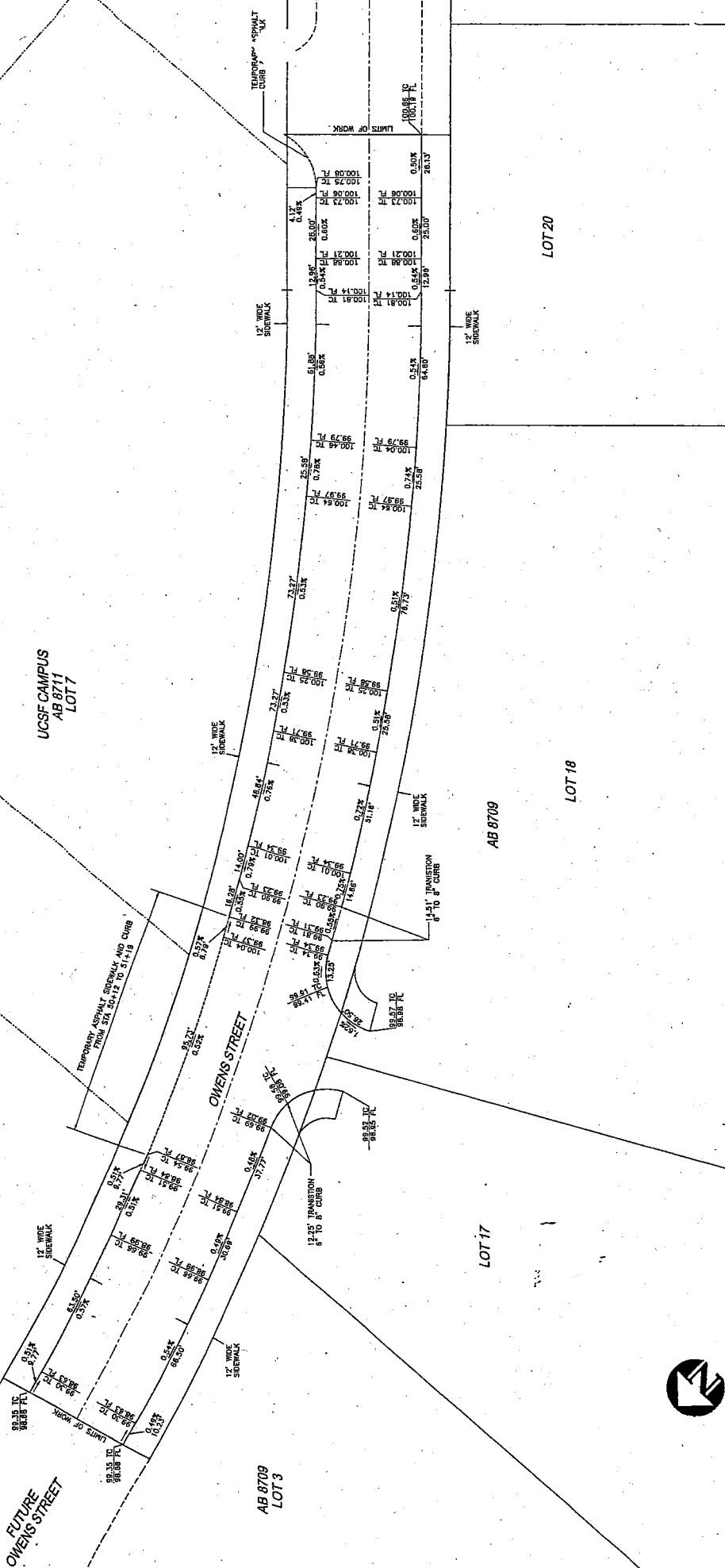
281

LOT 17

AB 8709

LOT 18

LOT 20



CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF STREET USE  
AND MAPPING

PROPOSED OFFICIAL STREET GRADES  
AND SIDEWALK WIDTHS ALONG OWENS STREET

SCALE: 1"=20'  
SHEET 1 OF 1 SHEETS  
FILE: C-20-700

NO.	DATE	DESCRIPTION TABLE OF CHANGES	BY	CHECKED:	APPROVED:



LEGEND:  
 — FLOW LINES  
 — CURB

NOT FOR RECORDING  
Director of Property  
Real Estate Department  
City and County of San Francisco  
25 Van Ness Avenue, Suite 401  
San Francisco, CA 94102

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**OFFER OF IMPROVEMENTS**

(Blocks 41, 42, & 43 Phase II Public Improvements, Mission Bay)

FOCIL-MB, LLC, a Delaware limited liability company ("FOCIL") does hereby irrevocably offer to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("City"), and its successors and assigns, all of the public street and roadway improvements, public utility facilities and other ancillary improvements constructed or installed by or on behalf of FOCIL pursuant to the Street Improvement Excavation Permit No. #07IE-0293, dated August 23, 2007, for the Blocks 41, 42, & 43 Phase II Public Improvements Project, and the improvement plans and specifications described therein, but excepting therefrom those portions of the improvements which are identified on the "as-built" drawings as joint trench private utilities (including, but not limited to, facilities owned by Comcast, PG&E and AT&T).

The property where the improvements are located is shown on the site plan attached as Exhibit A hereto, constituting property owned by ARE – San Francisco No. 15, LLC, and the City, located in the City and County of San Francisco.

It is understood and agreed that: (i) upon acceptance of this offer of improvements the City shall own and be responsible for the operation and maintenance of the offered public facilities and improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered public improvements, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 23 day of APRIL, 2010.

FOCIL-MB, LLC,  
a Delaware limited liability company

By: Farallon Capital Management, L.L.C.,  
a Delaware limited liability company,  
Its Manager

By:  \_\_\_\_\_

Name: Richard B. Fried  
Managing Member

Title: \_\_\_\_\_

**EXHIBIT A**

**SITE PLAN**

**(See attached)**

