

1 [Mission Bay North-Acceptance of Land and Improvements for Block N2.]

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3 **Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth,**
4 **Berry, and King Streets; approving the dedication of the strips of land along the west**
5 **side of Third Street, East Side of Fourth Street, North side of Berry Street and South**
6 **Side of King Street for right-of-way purposes; designating street grades and sidewalk**
7 **widths; accepting the irrevocable offer for the acquisition facilities for public use and**
8 **maintenance purposes; adopting environmental findings and findings that such**
9 **actions are consistent with the City’s General Plan, eight priority policy findings of**
10 **City’s Planning Code section 101.1, and the Mission Bay North Redevelopment Plan;**
11 **accepting Department of Public Works Order No. 177,778; and authorizing official acts**
12 **in connection with this ordinance.**

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

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

18 Section 1. Findings.

19 (a) The San Francisco Redevelopment Agency, in a letter dated August 22, 2008,
20 determined that the acceptance of the Mission Bay Block N2 Public Improvements
21 constructed pursuant to Permit No. 01IE-143, dated April 23, 2001 (the “Project”), and other
22 actions herein set forth are consistent with the Mission Bay North Redevelopment Plan
23 (“Plan”) and Plan Documents described therein. A copy of the Redevelopment Agency letter
24 is on file with the Clerk of the Board of Supervisors in File No. _____ and is
25 incorporated by reference as though fully set forth herein.

1 (b) The San Francisco Redevelopment Agency on October 25, 2007 signed and
2 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties. A copy
3 of the Assignment is on file with the Clerk of the Board of Supervisors in File No.
4 _____ and is incorporated by reference as though fully set forth herein.

5 (c) The City Planning Department, in a letter dated July 9, 2008 determined that the
6 acceptance of the Project and other actions herein set forth are within the scope of the
7 General Plan consistency findings of Case No. _____, the eight priority policies of
8 Planning Code Section 101.1 and the contemplated actions do not trigger the need for
9 subsequent environmental review pursuant the California Environmental Quality Act (CEQA)
10 (California Public Resources Code Sections 21000 et seq.). A copy of the Planning
11 Department letter 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) In DPW Order No. 177,778, dated July 16, 2008 the Director of the Department of
14 Public Works and the City Engineer certified that: the Project has been inspected and were
15 certified as complete on March 2, 2007; the Project has been constructed in accordance with
16 the Project Plans and Specifications and all City codes, regulations, standards and Mission
17 Bay North Plan and Plan Documents governing this project; such improvements are ready for
18 their intended use; and the acquisition facilities are recommended for formal acceptance and
19 acceptance for maintenance purposes. A copy of the DPW Order is on file with the Clerk of
20 the Board of Supervisors in File No. _____ and is incorporated by reference as
21 though fully set forth herein.

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

1 Section 2. Adoptions and Approvals.

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

5 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
6 findings of the Planning Department in connection with the Project.

7 (c) The Board of Supervisors has reviewed and approves the Director of the
8 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,
9 LLC irrevocable offer of the Project dated October 25, 2007 and maintenance responsibility
10 with respect thereto.

11 Section 3. Acceptance of Offer of Improvements.

12 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
13 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
14 City and County of San Francisco and Catellus Land Development Corporation with respect to
15 Project, and the Department of Public Works Order No. 177,778 dated July 16, 2008, the
16 Board of Supervisors hereby accepts the irrevocable offer of the Project dated October 25,
17 2007 and designates such facilities for public use and maintenance purposes, subject to the
18 conditions listed in subsection (b).

19 (b) The Board of Supervisors acceptance of improvements pursuant to Subsection (a)
20 is for the Project only. The accepted improvements are subject to the FOCIL-MB, LLC
21 warranty obligations under the Block N2 Public Improvements Permit No. 01IE-143.

22 (c) The Board of Supervisors hereby acknowledges FOCIL-MB, LLC conditional
23 assignment of all guaranties and warranties related to the construction of the above
24 improvements.

1 Section 4. Acceptance of Land.

2 The Board of Supervisors approves the grant deed of Parcel A Lot 5, Parcel B Lot
3 6 and Parcel C Lot 7 to the City for right-of-way and roadway purposes and hereby authorizes
4 the Director of Real Estate to execute said instrument.

5 Section 5. Right-of-Way Dedication and Acceptance for Maintenance and Liability.

6 The Board of Supervisors approves Map No. A-17-_____ dated
7 _____, 2008 designating those portions of Third Street, Fourth Street, Berry Street
8 and King Street shown hatched on said Map No. A-17-_____ to be an open public right-of-
9 way dedicated for roadway purposes and accepted for maintenance and liability purposes;
10 and hereby directs the Department of Public Works to revise the Official City Street Right-of-
11 Way Maps in accordance with this Ordinance.

12 Section 6. Acceptance of Street Grades.

13 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
14 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
15 seq., chooses to follow its own procedures for the establishment of street grades and hereby
16 accepts and designates the street grades for that portion of Third Street as set forth in the
17 Department of Public Works Order No. 177,778, Drawing No. Q-20-_____, dated
18 _____, 2008 and hereby directs the Department of Public Works to revise
19 the Official City Street Grade Maps in accordance with this Ordinance.

20 Section 7. Designation of Sidewalks.

21 (a) In accordance with the recommendation in Department of
22 Public Works Order No. 177,778 the Board of Supervisors hereby designates the sidewalk
23 width of 12.00 feet for those portions of Third Street, Fourth Street, Berry Street and King
24 Street along Assessor's Block 8706 as shown on Department of Public Works Drawing No. Q-
25 20____, dated _____, 2008.

1 (b) The street sidewalk widths designated by the Board pursuant
2 to Subsection (a) for those portions of Third Street, Fourth Street, Berry Street and King
3 Street along Assessor's Block 8706 does not obviate, amend, alter, or in any other way affect
4 the maintenance obligations of the adjacent property owners.

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

7 Section 8. 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 which they or the City Attorney may deem necessary or advisable in order
11 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of
12 the Ordinance in the Official Records of the City and County of San Francisco and recordation
13 of the Grant Deed.

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS
By: _____
Edward D. Reiskin
Director of Public Works

1 APPROVED AS TO FORM:
2 Dennis J. Herrera
3 City Attorney

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5 By: _____
6 John D. Malamut
7 Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: _____
James Chia
Acting City Engineer

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