

File No. 101216

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 25, 2010

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |                                              |
|-------------------------------------|--------------------------|----------------------------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input 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 |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU                                          |
| <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 type="checkbox"/> | <u>Board of Supervisors Ordinance No. 335-98</u>               |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Redevelopment Agency Letters, dtd 7/20/10 &amp; 6/29/10</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Department Determination Letter, dtd 7/15/10</u>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPW Order No. 178,869</u>                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPW Order No. 178,870</u>                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Offer of Improvements</u>                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                                          |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                                          |

Completed by: Alisa Somera Date October 22, 2010

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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 - 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.**

15  
16  
17 Note: Additions are single-underline italics Times New Roman;  
18 deletions are ~~striketrough italics Times New Roman~~.  
19 Board amendment additions are double underlined.  
20 Board amendment deletions are ~~striketrough 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.  
25

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.

3  
4  
5  
6 RECOMMENDED:

7 DEPARTMENT OF PUBLIC WORKS

8 By: 

9 Edward D. Reiskin

10 Director of Public Works

11  
12  
13 APPROVED AS TO FORM:

14 Dennis J. Herrera

15 City Attorney

16  
17 By: 

18 John D. Malamut

19 Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

20  
21  
22  
23  
24  
25 By: 

Fuad S. Sweiss

Deputy Director of Engineering  
and City Engineer



## **LEGISLATIVE DIGEST**

[Mission Bay South – Fourth Street, Channel Street and Third Street Public Infrastructure Improvements.]

**Ordinance accepting the Irrevocable Offers of property along portions of Channel Street and Third Street and the irrevocable offers of Improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; 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 Department of Public Works Order No. 178,869; 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 area as open public right-of-ways, and take related actions.

### **Amendments to Current Law**

This legislation would accept and designate new public right-of-way; approve Map No. A-17-165 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 Third Street, Fourth Street and Channel Street for maintenance and liability purposes, subject to limitations all in accordance with the procedures established for the Mission Bay South Development 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 Public Infrastructure Improvements located on portions of Third Street, Fourth Street and Channel Street adjacent to Assessor's Blocks 8711, 8713, 8714, 8715, 8719, 8720, 8731 and 3837 within the Mission Bay South Redevelopment Plan.

1 [Mission Bay South Redevelopment Plan]

2 APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE MISSION BAY  
3 SOUTH PLAN AREA, WHICH IS GENERALLY BOUNDED BY THE SOUTH EMBANKMENT  
4 OF THE CHINA BASIN CHANNEL AND SEVENTH STREET, INTERSTATE 280, MARIPOSA  
5 STREET, TERRY FRANCOIS BOULEVARD AND THIRD STREET AND CONTAINS  
6 APPROXIMATELY 238 ACRES OF LAND; APPROVING AND AUTHORIZING AN  
7 INTERAGENCY COOPERATION AGREEMENT BETWEEN THE CITY AND COUNTY OF  
8 SAN FRANCISCO AND THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY  
9 OF SAN FRANCISCO, IN FURTHERANCE OF THE ADOPTION AND IMPLEMENTATION  
10 OF THE REDEVELOPMENT PLAN; ADOPTING FINDINGS PURSUANT TO THE  
11 CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS THAT THE PLAN  
12 AND RELATED COOPERATION AGREEMENT ARE CONSISTENT WITH THE CITY'S  
13 GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION  
14 101.1; AND ADOPTING OTHER FINDINGS PURSUANT TO THE CALIFORNIA  
15 COMMUNITY REDEVELOPMENT LAW.

16  
17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. FINDINGS. The Board of Supervisors of the City and County of  
19 San Francisco hereby finds, determines and declares that:

20 A. The Redevelopment Agency of the City and County of San Francisco (the  
21 "Redevelopment Agency") has proposed the adoption of a Redevelopment Plan for the  
22 Mission Bay South Redevelopment Project, which is generally bounded by the South  
23 embankment of the China Basin Channel and Seventh Street, Interstate 280, Mariposa  
24 Street, Terry Francois Boulevard and Third Street and contains approximately 238 acres of  
25 ///

SUPERVISOR, YAKI, TENG, NEWSOM, BIERMAN, MEDINA, BROWN, AMMIANO, KATZ, LENO, YEE  
BOARD OF SUPERVISORS

1 and, as more particularly described in the Redevelopment Plan referred to in paragraph B  
2 below (the "South Plan Area").

3 B. The Redevelopment Agency has transmitted to this Board of Supervisors  
4 certified copies of its Resolution No. 190-98, adopted following a duly noticed public  
5 hearing held on September 17, 1998, attaching its report to the Board of Supervisors and  
6 recommending the adoption of the Redevelopment Plan for the Mission Bay South  
7 Redevelopment Project (the "Redevelopment Plan"), a copy of which report and  
8 Redevelopment Plan are on file with the Clerk of the Board of Supervisors in File No.  
9 981441.

10 C. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community  
11 Redevelopment Law of California, and in order to promote development in accordance with  
12 objectives and purposes of the Redevelopment Plan and documents relating to the  
13 Redevelopment Plan, the City intends to undertake and complete proceedings and actions  
14 necessary to be carried out by the City under the provisions of the Redevelopment Plan and  
15 provide for the expenditure of monies by the community in carrying out the Redevelopment  
16 Plan, and, specifically, the City wishes to enter into an Interagency Cooperation Agreement  
17 with the Redevelopment Agency, in the form on file with the Clerk of the Board in File  
18 No. 981441 (the "Interagency Cooperation Agreement"), to provide for cooperation  
19 between the City and the Redevelopment Agency in administering the process for control and  
20 approval of subdivisions, and all other applicable land use, development, construction,  
21 improvement, infrastructure, occupancy and use requirements and in establishing the policies  
22 and procedures relating to such approvals. Catellus Development Corporation is a third party  
23 beneficiary of the Interagency Cooperation Agreement.

24 D. The Port Commission, by Resolution No. 98-88, adopted on  
25 September 22, 1998, endorsed the Redevelopment Plan and recommended approval of the

SUPERVISOR YAKI  
BOARD OF SUPERVISORS

Page 2  
9/14/98

1 Redevelopment by the Board of Supervisors, to the extent the Redevelopment Plan affects  
2 property under the jurisdiction of the Port.

3 E. The Planning Commission has reviewed the proposed Redevelopment Plan and  
4 has transmitted to this Board of Supervisors certified copies of its Resolution No.  
5 14698, adopted on September 17, 1998, in which the Planning Commission finds  
6 that the proposed Redevelopment Plan and the Interagency Cooperation Agreement, when  
7 effective, will be consistent with the General Plan of the City and County of San Francisco, as  
8 amended, and with the eight Priority Policies of City Planning Code Section 101.1, and  
9 recommends the adoption of the Redevelopment Plan and the Interagency Cooperation  
10 Agreement to this Board of Supervisors.

11 F. On September 3, 1998, the Planning Department and Redevelopment  
12 Agency published a Final Subsequent Environmental Impact Report ("Final SEIR") for the  
13 development project contemplated in the South Plan Area. Implementation of the  
14 development project includes the adoption of the Redevelopment Plan and approval of the  
15 Interagency Cooperation Agreement. On September 17, 1998, the Planning Commission  
16 and the Redevelopment Agency evaluated and certified the Final SEIR jointly, by Planning  
17 Commission <sup>Motion</sup> ~~Resolution~~ No. 14696 and Redevelopment Agency Commission  
18 Resolution No. 182-98, respectively, which certification was affirmed by the Board of  
19 Supervisors by Motion No. M98-132.

20 G. This Board of Supervisors adopted Resolution No. 854-98 on  
21 October 19, 1998, making findings pursuant to the California Environmental  
22 Quality Act and adopting a mitigation monitoring program. This Board of Supervisors hereby  
23 adopts and incorporates the environmental findings under the California Environment Quality  
24 Act contained in such Resolution by reference as though such findings were fully set forth in  
25 this Ordinance.

SUPERVISOR YAKI  
BOARD OF SUPERVISORS

Page 3  
9/14/98

1           H.     On October 19, 1998, this Board of Supervisors held a public hearing on  
2 the Redevelopment Plan, which hearing was closed and notice of which hearing was  
3 published in accordance with Section 33349 of the California Health and Safety Code and  
4 Section 6063 of the California Government Code, in the San Francisco Independent, a  
5 newspaper of general circulation, printed, published and distributed in the City and County of  
6 San Francisco, and at such hearing this Board considered the report and recommendations  
7 of the Redevelopment Agency and the Planning Commission, the Final SEIR, and all  
8 evidence and testimony for and against the proposed Redevelopment Plan, and hereby  
9 adopts written findings to the extent required by the Community Redevelopment Law as set  
10 forth in this Ordinance.

11           I.     Due to the great need for low and moderate income housing at affordable cost  
12 in all areas of the City as shown in the "Analysis of the OAHPP Formula prepared by the  
13 Department of City Planning in November 1994" (as identified in Section 313.2 of the  
14 Planning Code) and due to the lack of available sites for such housing in redevelopment  
15 project areas, the Agency's and the City's use of funds in the Low and Moderate Income  
16 Housing Fund created under Board of Supervisors' Resolution No. 489-89 both inside and  
17 outside of the South Plan Area will be of benefit to the South Plan Area.

18           Section 2.   PURPOSES AND INTENT. The purposes and intent of the Board of  
19 Supervisors with respect to the South Plan Area are to adopt a Redevelopment Plan for the  
20 South Plan Area in accordance with the Community Redevelopment Law of California (Health  
21 & Safety Code Section 33000 et seq.) and to achieve the objectives for redevelopment of the  
22 South Plan Area specified in the Redevelopment Plan.

23           Section 3.   By this reference, the Redevelopment Plan, a copy of which is on file with  
24 the Clerk of the Board of Supervisors under File No. 981441, is incorporated in and  
25 made a part of this Ordinance with the same force and effect as though set forth fully herein.

SUPERVISOR YAKI  
BOARD OF SUPERVISORS

Page 4  
9/14/98

1 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE  
2 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,  
3 determines and declares that:

4 A. The South Plan Area, which is the subject of the Redevelopment Plan, is a  
5 blighted area, the redevelopment of which is necessary to effectuate the public purposes  
6 declared in the Community Redevelopment Law.

7 B. The Redevelopment Plan will redevelop the South Plan Area in conformity with  
8 the Community Redevelopment Law and in the interests of the public peace, health, safety,  
9 and welfare.

10 C. The adoption and carrying out of the Redevelopment Plan is economically  
11 sound and feasible.

12 D. The Redevelopment Plan and the Interagency Cooperation Agreement  
13 contemplated thereby, when effective, will be consistent with the General Plan of the City and  
14 County of San Francisco, as amended, including, but not limited to, the housing element,  
15 which substantially complies with the requirements of Article 10.6 (commencing with Section  
16 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other  
17 applicable requirements of law, and is consistent with the eight Priority Policies in City  
18 Planning Code Section 101.1 for the reasons set forth in City Planning Commission  
19 Resolution No. 14699, which findings are incorporated herein by reference as  
20 though fully set forth herein.

21 E. The carrying out of the Redevelopment Plan will promote the public peace,  
22 health, safety and welfare of the community and effectuate the purposes and policies of the  
23 Community Redevelopment Law.

24 F. The condemnation of real property, to the extent provided for in the  
25 Redevelopment Plan, is necessary to the execution of the Redevelopment Plan and

SUPERVISOR YAKI  
BOARD OF SUPERVISORS

Page 5  
9/14/98

1 adequate provisions have been made for payment for property to be so acquired as provided  
2 by law.

3 G. There are no persons living in housing facilities in the South Plan Area who will  
4 be displaced by the Redevelopment Plan. Accordingly, no residential relocation plan is  
5 required.

6 H. There are no non-contiguous areas in the South Plan Area.

7 I. The South Plan Area includes lands, buildings and improvements which are not  
8 individually detrimental to the public health, safety or welfare but which are necessary for the  
9 effective redevelopment of the South Plan Area; any area included in the South Plan Area is  
10 necessary for effective redevelopment and is not included for the purpose of obtaining an  
11 allocation of tax increment revenues from the South Plan Area pursuant Section 33670 of the  
12 California Health and Safety Code without other substantial justification for its inclusion.

13 J. The elimination of blight and the redevelopment of the South Plan Area could  
14 not reasonably be expected to be accomplished by private enterprise acting alone without the  
15 aid and assistance of the Redevelopment Agency.

16 K. The South Plan Area is predominantly urbanized, as defined by California  
17 Health and Safety Code Section 33320.1(b).

18 L. The time limitation and the limitation on the number of dollars to be allocated to  
19 the Redevelopment Agency that are contained in the Redevelopment Plan are reasonably  
20 related to the proposed projects to be implemented in the South Plan Area and to the ability  
21 of the Redevelopment Agency to eliminate blight within the South Plan Area.

22 M. The Agency's and the City's expenditure of funds in the Low and Moderate  
23 Income Housing Fund created under Board of Supervisors' Resolution No. 498-89 within the  
24 territorial limits of the City, whether within or outside the territorial limits of the South Plan  
25 Area, will be of benefit to the South Plan Area; provided, however, any such expenditure shall

SUPERVISOR YAKI  
BOARD OF SUPERVISORS

Page 6  
9/14/98

1 be subject to the terms and conditions of the Tax Allocation Agreement for the South Plan  
2 Area, a copy of which is on file with the Board of Supervisors in File No. 98-1441.

3 Section 5. The Board of Supervisors hereby approves and adopts the  
4 Redevelopment Plan and designates the approved Redevelopment Plan as the official  
5 Redevelopment Plan of the South Plan Area.

6 Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a  
7 copy of this Ordinance to the Redevelopment Agency pursuant to California Health and  
8 Safety Code Section 33372, whereupon the Redevelopment Agency shall be vested with the  
9 responsibility for carrying out the Redevelopment Plan, (2) record or ensure that the  
10 Redevelopment Agency records a description of the South Plan Area and a certified copy of  
11 this Ordinance pursuant to California Health and Safety Section 33373, and (3) transmit, by  
12 certified mail, return receipt requested, a copy of this Ordinance, together with a copy of the  
13 Redevelopment Plan, which contains a legal description of the South Plan Area and a map  
14 indicating the boundaries of the South Plan Area, to the Controller, the Tax Assessor, the  
15 State Board of Equalization and all taxing agencies in the South Plan Area pursuant to  
16 California Health and Safety Code Sections 33670 and 33375.

17 Section 7. In furtherance of the adoption and implementation of the Redevelopment  
18 Plan and in accordance with the recommendations of various City commissions and  
19 departments, the Board of Supervisors hereby approves the proposed Interagency  
20 Cooperation Agreement. In connection therewith, for purposes of Section 53316.2(b) of the  
21 Mello-Roos Community Facilities Act of 1982, as amended, (California Government Code),  
22 the Board of Supervisors hereby finds and determines that the Interagency Cooperation  
23 Agreement is and will be beneficial to the residents of the City and the South Plan Area. In  
24 accordance with the Interagency Cooperation Agreement, the City will agree to undertake  
25 and complete all actions or undertakings necessary or appropriate to ensure the continued

SUPERVISOR YAKI  
BOARD OF SUPERVISORS

Page 7  
9/14/98



1 fulfillment of the objectives of the Redevelopment Plan and Plan Documents (as defined  
2 therein), including, without limitation, preventing the recurrence or spread of the conditions  
3 causing blight in the South Plan Area. Such agreement by the City shall also include, without  
4 limitation, compliance with those mitigation measures which are set forth in, and denominated  
5 as the obligation of the City in, Attachment L to the Mission Bay South Owner Participation  
6 Agreement, a copy of which is on file with the Clerk of the Board of Supervisors in  
7 File No. 981441.

8 Section 8. The Board of Supervisors authorizes and urges the Mayor, the Director of  
9 Public Works and all other appropriate City officials to execute the Interagency Cooperation  
10 Agreement, in the name and on behalf of the City, in substantially the form of such agreement  
11 presented to this Board of Supervisors.

12 Section 9. The Board of Supervisors authorizes the Mayor and the Director of Public  
13 Works (or any successor City officer designated by law) to enter into and approve any  
14 additions, amendments or other modifications to the Interagency Cooperation Agreement  
15 (including, without limitation, the exhibits, or the Environmental Investigation and Response  
16 Program, Design Review and Document Approval Procedure or Housing Program) that they  
17 shall determine, in consultation with the City Attorney and any affected City agencies, are in  
18 the best interests of the City, provided that any such additions, amendments or modifications  
19 do not materially increase the costs or liabilities of the City, do not materially decrease the  
20 time periods required for review or approval by any City Agency of permits, approvals,  
21 agreements and entitlements in connection with the implementation of the Redevelopment  
22 Plan and Plan documents, do not materially alters the obligations of the City agencies or the  
23 principal benefits to the City (including, without limitation, the principal benefits accruing to the  
24 City from the affordable housing elements of the Housing Program), and are necessary or  
25 advisable to effectuate the implementation of the Redevelopment Plan, Plan Documents (as

SUPERVISOR YAKI  
BOARD OF SUPERVISORS

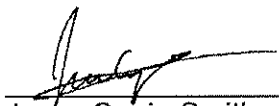
1 defined therein) and this Ordinance, such determination to be conclusively evidenced by the  
2 execution and delivery by the Mayor and Director of Public Works of the Interagency  
3 Cooperation Agreement and any amendments thereto.

4 Section 10. The Board of Supervisors authorizes and urges the Mayor, Director of  
5 Public Works and any other officers, agents and employees of the City to take any and all  
6 steps (including, but not limited to, the execution and delivery of any and all agreements,  
7 notices, consents and other instruments or documents including, without limitation, any  
8 agreements to extend any applicable statutes of limitation) as they or any of them deem  
9 necessary or appropriate, in consultation with the City Attorney, in order to consummate the  
10 Interagency Cooperation Agreement in accordance with this Ordinance, or to otherwise  
11 effectuate the purpose and intent of this Ordinance, such determination to be conclusively  
12 evidenced by the execution and delivery by such person or persons of any such documents.

13 Section 11. The approval under this Ordinance shall take effect upon the effective  
14 date of the amendments to the General Plan approved under Board of Supervisors  
15 Ordinance No. 324-98, adopted on October 30, 1998.

16  
17 APPROVED AS TO FORM:

18 LOUISE H. RENNE, City Attorney

19  
20 By:   
21 \_\_\_\_\_  
22 Jesse Capin Smith  
23 Deputy City Attorney  
24  
25

SUPERVISOR YAKI  
BOARD OF SUPERVISORS



## City and County of San Francisco

Veterans Building  
401 Van Ness Avenue, Room 308  
San Francisco, CA 94102-4532

### Tails

### Ordinance

---

**File Number:** 981441

**Date Passed:**

Ordinance approving and adopting Redevelopment Plan for the Mission Bay South Plan Area, which is generally bounded by the south embankment of the China Basin Channel and Seventh Street, Interstate 280, Mariposa Street, Terry Francois Boulevard and Third Street and contains approximately 238 acres of land; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Plan and related cooperation agreement are consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1; and adopting findings pursuant to the California Community Redevelopment Law.

---

October 19, 1998 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee

Absent: 1 - Newsom

Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Leno, Medina, Newsom, Teng, Yaki, Yee

Absent: 1 - Katz

Excused: 1 - Kaufman

November 2, 1998 Board of Supervisors — FINALLY PASSED

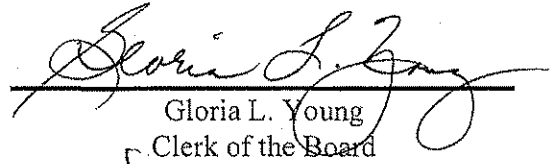
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki,

Yee

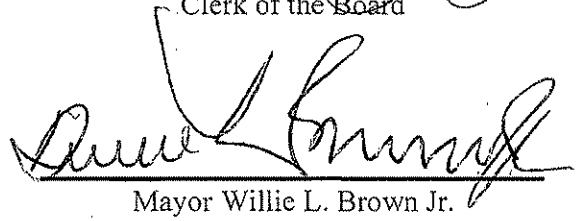
Excused: 1 - Kaufman

File No. 981441

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on November 2,  
1998 by the Board of Supervisors of the City  
and County of San Francisco.

  
Gloria L. Young  
Clerk of the Board

NOV - 2 1998  
Date Approved

  
Mayor Willie L. Brown Jr.

File No. 981441 continued...

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  
London Breed  
Miguel M. Bustos  
Francee Covington  
Leroy King

Fred Blackwell, Executive Director

July 20, 2010

126-034.10-206

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-Third Street Accelerated Public Infrastructure Improvements  
Consistency Determination

Dear Ms. Kwak:

The Agency has received your request regarding the Third Street Accelerated 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 Third Street Accelerated 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,

A handwritten signature in black ink, appearing to read 'C. Reilly', is written over the typed name and title.

Catherine Reilly  
Assistant Project Manager

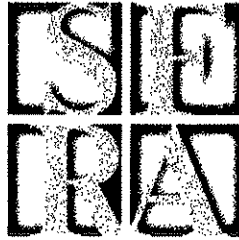
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 20 AM 8:11

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

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  
London Breed  
Miguel M. Bustos  
Francee Covington  
Leroy King

Fred Blackwell, Executive Director

July 20, 2010

126-033.10-206

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 2-7 and 13 Phase 1 Public Infrastructure Improvements  
Consistency Determination

Dear Ms. Kwak:

The Agency has received your request regarding the Blocks 2-7 and 13 Phase 1 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 2-7 and 13 Phase 1 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,

A handwritten signature in black ink, appearing to read 'C. Reilly', with a large, stylized flourish at the end.

Catherine Reilly  
Assistant Project Manager

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

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  
London Breed  
Miguel M. Bustos  
Francee Covington  
Leroy King

Fred Blackwell, Executive Director

June 29, 2010

126-029.10-206

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 10-10A Public Infrastructure Improvements  
Consistency Determination

Dear Ms. Kwak:

The Agency has received your request regarding the Blocks 10-10A 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 10-10A 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

A handwritten signature in black ink, appearing to read 'C. Reilly', is written over the typed name and title.

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



# SAN FRANCISCO PLANNING DEPARTMENT

2010 JUL 21 AM 11:24

July 15, 2010

Ms. Grace Kwak, Project Manager,  
Mission Bay Task Force (MBTF)  
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 2010.0326R Mission Bay South Acceptance of Land and Improvements**  
City Acceptance of Land and Public Infrastructure Improvements  
(AB 8711/023, 024, 026, 029, 032; AB 8715, lots 003; AB 8720, lots 016; AB 8731 Lot 001 and  
AB 3837 Lot 002)

Dear Ms. Kwak,

We are in receipt of your letter dated April 30, 2010, requesting that the Planning Department consider a General Plan referral application concerning City acceptance of land and public improvements and related actions, pursuant to Section 4.105 of the Charter and Section 2A.53 of the Administrative Code. The project is, on balance in conformity with the General Plan, as described in the Case Report, included as **Attachment 1**.

The Mission Bay Task Force (MBTF) proposes a number of actions to implement the Mission Bay South Redevelopment Plan Project Area, located south of Channel Street. The Mission Bay South Redevelopment Plan Project was approved as part of Planning Case 1996.771EMTZR. The Planning Commission found the Mission Bay North and Mission Bay South Redevelopment Plan Projects, on balance, in conformity with the General Plan by Resolution 14699, on September 17, 1998. The specific actions considered as part of the current Project require a General Plan Referral consistency determination and consideration and approval by the Board of Supervisors for City approval of the actions referenced above, including acceptance of real property and public infrastructure improvements. The proposed Project is described in further detail below.

## **PROPOSED ACTIONS BY THE BOARD OF SUPERVISORS**

### **1. Acceptance of land (real property) for street and roadway use purposes**

Acceptance of a portion of Block 8711, lot 023, 024, 026, 029, & 032 and a portion of Assessor's Block 08720, lot 016, as shown on the Final Map and Offer of Dedication, shown in Exhibits B (Offer of Dedication), Exhibit C (Final Map Planned Development Mission Bay 2-7 and 13), and (Blocks 9-9A and 10/10A Phase 1 Public Improvements). Exhibits B, and C are located in Docket 2010.0326R and available for review at the Planning Department offices. The real property is described further described below.

### **2. Acceptance of Dedication of Public Infrastructure Improvements.**

The Department of Public Works (DPW) has determined that the public infrastructure facilities have been constructed in accordance with the City-approved plans and specifications and are



ready for their intended use. The Project sponsor is obligated to dedicate the infrastructure facilities to the City and County. The Board of Supervisors must consider taking action to accept the dedication of the public infrastructure facilities. The public infrastructure improvements include: parts of Channel Street, Third Street, and Fourth Street, low pressure water lines, reclaimed water lines, sewer, storm, gas and electric lines, street lighting, an auxiliary water supply system, sidewalks, pavement and landscaping. The Infrastructure Improvements are shown in the submittal Exhibits D01, D-2, and D-3.

The Public Infrastructure facilities to be dedicated to the City and County of San Francisco include streets and public infrastructure improvements adjacent to Assessor's Block 8719 and 8720, including low pressure and reclaimed water lines, sewer, storm, gas and electric lines, street lighting, auxiliary water supply system elements, sidewalks, street pavement delineation, landscaping, Improvements to Park P18, and Storm Water Pump Station No. 6, further described below:

- a. Channel Street (Formerly Owens Street) between Third and Fourth Street: approximately 400 feet in length, one eastbound lane and one westbound lane with a parking lane and sidewalks on both sides of the street.
- b. Third Street south of channel Street: approximately 500 feet in length, two northbound lanes and a turn lane at intersection of Channel Street, two southbound lanes and a turn lane at intersection of Mission Rock Street, median with side platforms (no parking).
- c. Third Street between Mission Rock Street and Mission Bay Blvd. North: approximately 600 feet in length, two northbound lanes with an additional turn lane, two southbound lanes, sidewalks on both sides, and a median with side platforms (no parking).
- d. Fourth Street north of Channel Street: approximately 200 feet in length, one northbound lane, two southbound lanes and a Muni light rail track.

## **ENVIRONMENTAL REVIEW**

The Major Environmental Analysis section of the Planning Department completed Environmental Analysis of the Mission Bay Final Subsequent Environmental Impact Report (FSEIR) as part of Case no. 1996.771EMTZR. The FSEIR included analysis of regulatory and physical aspects of the Plan, including acceptance of real property for public road rights-of-way and other public uses, and acceptance of offers of dedication of horizontal improvements (infrastructure) including streets, sidewalks, street lighting, utility lines, and improved public open spaces, among other actions.

The Final Subsequent Environmental Impact Report for Mission Bay (FSEIR) was prepared pursuant to the California Environmental Quality Act and was certified as adequate, accurate and objective in the following actions:

- Redevelopment Commission Resolution No. 182-98 on September 17, 1998;
- Planning Commission Resolution No. 14696 on September 17, 1998, certifying the Mission Bay North and Mission Bay South FSEIR;
- Board of Supervisors affirming the Planning Commission's certification by Resolution No. 854-98 on October 19, 1998.
- FSEIR Addendum # 6, issued by the Redevelopment Agency on September 10, 2008.

The Mission Bay Plan and implementation of the Plan were analyzed as part of the FSEIR certified by the Planning Commission and affirmed by the Board of Supervisors, and in subsequent FSEIR Addenda. The Major Environmental Analysis Section of the Department determined that the subject Project (acceptance of real property and acceptance of dedication of public infrastructure improvements) were analyzed in earlier actions, are non-physical events, and are exempt from Environmental Review pursuant to Sec. 15060(c)(2) of CEQA Guidelines

#### **PREVIOUS ACTIONS RELATED TO THIS PROJECT**

In previous actions related to the Mission Bay Project, the Planning Commission found the Mission Bay North and Mission Bay South Redevelopment Plans, dated September 4, 1998, in-conformity with the San Francisco General Plan. The current Project (acceptance of real property and acceptance of Dedication of Public Infrastructure Improvements in the Mission Bay South Redevelopment Area) was proposed as part of the Mission Bay South Redevelopment Plan approved in the earlier Planning Commission and Board of Supervisor actions. Other actions include those described below:

1. An Owner Participation Agreement (OPA) was executed between the Redevelopment Agency of the City and County of San Francisco and the Project Sponsor on November 16, 1998. The OPA required the owner to implement the Infrastructure Plan and to construct the horizontal infrastructure and improvements that are incorporated into the subject project, contained in an Attachment D to that document.
2. The Mission Bay Tentative Map and Land Transfers were found to be consistent with the General Plan and Section 101.1 of the Planning Code in the Planning Department's letter to Mark A. Primeau of the Redevelopment Agency on November 13, 1998.
3. The Final Land Transfer Map was approved by the Board of Supervisors by Motion M9979 and recorded in Book Z of Maps, pages 97-117, Official Records.
4. The Mission Bay South Blocks (9-9A and 10-10A Tentative Map, conditionally approved on May 19, 2004, were found consistent with the General Plan and Section 101.1(b) of the Planning Code, subject to the CEQA mitigation measures adopted by the Board of Supervisors and the Redevelopment Commission as part of the Mission Bay North and South Development Plans. The Planning Department determinations and Conditions of Approval were set forth in a letter dated

April 16, 2004, from the Planning Department to the Real Estate Department. The letter is included in Case 2010.0198R Project files as Exhibit J.

5. In a letter dated May 19, 2004, the SFRA determined that the Block 9-9A and 10-10A Tentative Map, conditionally approved on May 19, 2004, is consistent with the Mission Bay South Redevelopment Plan, including the Scope of Development and the Design for Development document, pursuant to Section 1434 of the Mission Bay Subdivision Code and that the Project is in substantial conformance with the Major Phase approved by the Redevelopment Commission. The letter is included in the Case 2010.0198R Project file as Exhibit K.

6. The Mission Bay South Block 9-9A and 10-10A Final Map was approved by the Board of Supervisors and recorded on May 31, 2005, in Book BB of Maps, pages 6-10. A copy is included in the Case 2010.0198R Project File as Exhibit C.

#### SUMMARY OF FINDINGS

In summary, the Project is, on balance, in conformity with the General Plan, as described in the attached Case Report (Attachment 1). The project is consistent with Planning Code Section 101.1 policies, included as Attachment 2.

Sincerely,



John Rahaim  
Director of Planning

#### Attachments

1. Case Report
2. Planning Code Section 101(b) Priority Policies

cc Ed Reiskin, Director of Public Works  
Bruce Storrs, City and County Surveyor  
Kelley Kahn, SFRA

General Plan Referral  
Case No. 2010.0326R

The following Exhibits, referenced herein, are contained in Planning Dept. Docket No. 2010.0326R and are available for review at the Planning Department offices.

Exhibit A - Location Map

Exhibit B - Offer of Dedication

Exhibit C - Final Map of Mission Bay (MB) South Blocks 9-9A and 10-10A

Exhibit D - Excerpts of MB South Blocks 10-10A - As Built Improvement Plans

Exhibit E - Excerpts of MB Park P18 Improvement Plans

Exhibit F - Excerpts of the MB South Storm Water Pump Station No. 6 - As Built Plans

Exhibit G - FSEIR Addendum No. 6

Exhibit H - DCP General Plan Consistency letter for Land Transfer

Exhibit I - Excerpt of MB Bay Owner Participation Agreement /Infrastructure Plan

Exhibit J - DCP General Plan Consistency findings for MB Blocks 9-9A, 10-10A Tentative Map

Exhibit K - SFRA letter approving MB Blocks 9-9A, 10-10A Tentative Map

**CASE REPORT**

**ATTACHMENT 1**

**Case 2010.0326R Mission Bay South**  
**City Acceptance of Land and Public Infrastructure Improvements**

**Staff**

**Reviewer:**      **Kearstin Dischinger**

**DATE:**          **July 15, 2010**

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

**2004 HOUSING ELEMENT**

**OBJECTIVE 11**

**IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.**

**POLICY 11.2**

**Ensure housing is provided with adequate public improvements, services, and amenities.**

*The Mission Bay project will provide a significant amount of new housing, including affordable housing units, consistent with these policies. The subject project is limited City-acceptance of property and public improvements, including provision of streets, sidewalks and related infrastructure, and improvements to publicly accessible open space in Assessor's Blocks 3837, lot 002 and Block 8720, lots 002-009, 012 and 016. The proposed project is generally consistent with the plans considered in earlier official actions by the Planning Commission, including Res. No. 14699, finding the Mission Bay North and Mission Bay South Redevelopment Plans in conformity with the General Plan. The proposed Project is required in order to implement the Mission Bay South Redevelopment Project, including construction of public infrastructure that will support development of a significant number of new housing units, including market rate and low-cost dwelling units.*

**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 South Redevelopment Plan, which calls for high quality design features in public rights-of-way*

*and adjacent development. Implementation of the Project would permit development of neighborhood commercial uses and new residential development*

## **ENVIRONMENTAL PROTECTION ELEMENT**

### **POLICY 3.3**

**Implement plans to improve sewage treatment and halt pollution of the Bay and Ocean.**

*New development in Mission Bay will construct separate systems for stormwater and wastewater management. Wastewater will continue to be delivered to facilities for treatment before discharge, reducing the amount of untreated (combined) sewage/wastewater that is discharged to the Bay after storm events.*

### **POLICY 5.1**

**Maintain an adequate water distribution system within San Francisco.**

Storage reservoirs and distribution lines within San Francisco should match the pattern of development in the city.

### **POLICY 5.5**

**Improve and extend the Auxiliary Water Supply system of the Fire Department for more effective fire fighting.**

*The public infrastructure systems to be accepted by the City include water supply lines, sewage lines, reclaimed water lines, as well as elements of the auxiliary water supply system. Accepting the public infrastructure improvements implements the referenced General Plan policies.*

## **RECREATION AND OPEN SPACE ELEMENT**

### **POLICY 2.1**

**Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.**

### **POLICY 2.7**

**Acquire additional open space for public use.**

### **POLICY 3.5**

**Provide new public open spaces along the shoreline.**

#### **Mission Bay**

The area known as Mission Bay is governed primarily by the Mission Bay North and Mission Bay South Redevelopment Plans...

The concept for the open space system for Mission Bay is to provide opportunities for local, citywide and regional recreational usage. The intent is to develop: (1) flexible/multiple use spaces

that can accommodate heavy, active recreational uses as well as a balance of active and passive uses; and (2) spaces that will accommodate the immediate as well as the long-term/changing needs of the local community and the City.

## **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 1.6**

**Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.**

*Comment: The project includes acceptance of real property and infrastructure improvements, including improvements to rights-of-way that will accommodate all users, including trucks/vehicles, pedestrians and bicyclists.*

### **POLICY 27.1**

**Expand and improve access for bicycles on city streets and develop a well-marked, comprehensive system of bike routes in San Francisco.**

*Comment: The Project includes acceptance of public infrastructure improvements, including improvements to street rights-of-way that have been designed to accommodate safe travel by vehicular, pedestrian and bicycle use.*

## **URBAN DESIGN ELEMENT**

### **Objective 4**

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

*Comment: The Project includes 1) City acceptance of real property to implement the Mission Bay South Redevelopment Project, 2) improvements to public rights-of-way, and 3) City acceptance of horizontal infrastructure improvements in public rights-of-way, including street roadways, sidewalks, street furniture and related infrastructure. The project sponsor has constructed public streets and other public infrastructure improvements (horizontal infrastructure improvements) consistent with City- approved plans. The City would accept the street areas and infrastructure improvements including improved Park P18, consistent with approved plans, when the improvements have been completed.*

## **CENTRAL WATERFRONT AREA PLAN**

**POLICY 6.2**

**Encourage additional housing within established residential areas.**

*The Central Waterfront Area Plan references the Mission Bay North and Mission Bay South Redevelopment Plans.*

**OBJECTIVE 8**

**IMPROVE TRANSPORTATION CONDITIONS WITHIN THE SUBAREAS.**

**POLICY 8.1**

**Improve internal vehicular circulation through the construction, repair, and maintenance of public streets, and the provision of appropriate signing and lighting.**

**POLICY 8.2**

**Maintain and construct sidewalks on streets with pedestrian traffic.**

*The project will result in improvements to public rights-of-way, including portions of roadways, sidewalks, and related horizontal infrastructure. The Project will improve vehicular and pedestrian access to the neighborhood.*

The Project is, on balance,   X   in conformity with the General Plan.



**Planning Code Section 101.1(b) Policies**

**ATTACHMENT 2**

**Case 2010.0198R Mission Bay South**

City Acceptance of Land and Public Infrastructure Improvements  
(AB 3837 Lot 002 and AB 8720, lots 002-009, 012 and 016) [Blocks 9-9A,  
10-10A Phase I, Park P18 and Storm Water Pump Station No. 6]

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.*

- (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 considered would have no adverse effect on existing housing and neighborhood character. The Project is necessary in order to establish new residential and mixed-use development on the site.*

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

*The Project in itself (accepting real property and infrastructure improvements) would have no effect on the City's supply of affordable housing. Implementation of the Mission Bay North and South Redevelopment Plans, as adopted and approval of the Project actions would ultimately result in increasing the City's supply of affordable housing through adherence to the Community Redevelopment Law that requires at least 15% of all new and substantially rehabilitated dwelling units developed within the Project Area be affordable and occupied by, persons and families of low- or moderate income as defined by the California Health and Safety Code.*

- (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.*

- (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 property was once the site of rail yards and related development, subsequently vacant.*

(6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

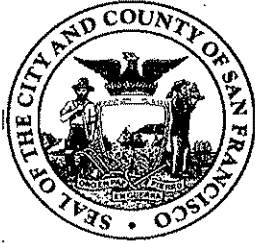
*The Project, limited to acquisition of real property and acceptance of public infrastructure improvements (once constructed consistent with approved plans) would not adversely affect City preparedness against injury or loss of life in an earthquake. All development would be constructed consistent with current Building and Seismic Codes and regulations.*

(7) That landmarks and historic buildings be preserved.

*The Project would not adversely affect landmarks or historic buildings.*

(8) That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project would not adversely affect parks and open space and their access to sunlight and vistas.*



Gavin Newsom, Mayor

Edward D. Reiskin, 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: 178,869**

September 16, 2010

**FINDINGS OF DEPARTMENT OF PUBLIC WORKS  
ORDER NO. \_\_\_\_\_**

Re: Recommendation for formal acceptance of the Public Infrastructure Improvements and along Channel Street, Fourth Street and Third Street and the acceptance of the irrevocable offers of dedication of additional property for right-of-way and roadway purposes along Channel Street and Third Street; declaring the additional property and City Property as open public right-of-way; designation of additional property and improvements for street and roadway purposes; establishing 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 (the "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 (the "City") and the Redevelopment Agency entered into the Mission Bay South Interagency Cooperation Agreement; and

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

WHEREAS, On October 4, 2001, Catellus irrevocably offered to the City and County of land for Channel Street and widening of Third Street; and

WHEREAS, On October 12, 2001, the Department of Public Works issued Permit No. 01IE-479 to construct the "Third Street Accelerated Public Infrastructure Improvements"; 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 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 October 16, 2005, the Department of Public Works issued Permit No. 05IE-0507 to construct the Mission Bay Blocks (9-9a) (10-10a) Phase 1 Public Improvements (Block 10-10A Improvements"); and

WHEREAS, On December 6, 2006, the Department of Public Works issued Permit No. 06IE-0684 to construct the Mission Bay Blocks 2-7 and 13 Phase 1 Public Improvements("Blocks 2-7&13 Improvements"); and

WHEREAS, On January 7, 2009, FOCIL irrevocably offered to the City the public infrastructure improvements and facilities as constructed or installed pursuant to the Improvement Plans for the Third Street Accelerated Public Infrastructure Improvements, as approved by the Department of Public Works on October 12, 2001, 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, and all temporary or interim facilities constructed as shown on said improvement plans (Focil Irrevocable Offer); and

WHEREAS, On November 1, 2008, the Department of Public Works issued a notice determining that as of November 1, 2008 the Project is substantially complete pursuant to the Improvement Permit #01IE-479 and is ready for its intended use; and

WHEREAS, On June 24, 2009 the Department of Public Works issued a notice that the permanent sidewalk on the west side of Third Street is substantially complete pursuant to the Improvement Permit No. 06IE-0684 and is ready for its intended use; and

WHEREAS, On September 16, 2009 the Department of Public Works issued a notice determining that as of July 16, 2009 the final street and permanent sidewalk improvements on the east side of Third Street are substantially complete pursuant to the Improvement Permit No. 05IE-0507 and are ready for their intended use; and

WHEREAS, On September 17, 2009, FOCIL irrevocably offered to the City the final street grades and permanent sidewalk improvements on the east side of Third Street as constructed or installed pursuant to the Improvement Plans for the Mission Bay South Block 10-10A Public Infrastructure Improvements, as approved by the Department of Public Works on October 16, 2005, 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, and all temporary or interim facilities constructed as shown on said improvement plans (Focil Irrevocable Offer); and

WHEREAS, In a letter (attached as Exhibit A) dated June 29, 2010, the Redevelopment Agency found the acceptance of the final street grades and permanent sidewalk improvements on the east side of Third Street 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, In a letter (attached as Exhibit B) dated July 15, 2010, the City Planning Department determined that the acceptance of the Third Street Accelerated Public Infrastructure Improvements and the sidewalk improvements related to Blocks 2-7 & 13 and other actions are consistent with the General Plan consistency findings of Case No. 2010.0326R, 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 21000 et seq.); and

WHEREAS, In a letter (attached as Exhibit C) dated July 20, 2010, the Redevelopment Agency found the acceptance of the Third Street Accelerated Public Infrastructure 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, In a letter (attached as Exhibit D) dated July 20, 2010, the Redevelopment Agency found the acceptance of the permanent sidewalk improvements on the west side of Third Street 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, On August 23, 2010, FOCIL irrevocably offered to the City the permanent sidewalk improvements on the west side of Third Street as constructed or installed pursuant to the Improvement Plans for the Mission Bay

South Blocks 2-7 and 13 Phase 1, as approved by the Department of Public Works on December 6, 2006, 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, and all temporary or interim facilities constructed as shown on said improvement plans (Focil Irrevocable Offer); and

WHEREAS, The City Engineer and Director of Public Works 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, permit terms have been or will be met and improvement plan As-Built drawings have been received for the Third Street Accelerated Public Infrastructure Improvements, sidewalk improvements along Channel Street and Third Street related to the Blocks 2-7 and 13 Public Infrastructure Improvements, and improvements along Third Street related to the Blocks 10-10A Public Infrastructure Improvements.
- b. The construction for a part of this Project was for joint trench underground utilities which included the construction 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 letter dated January 7, 2009, the Department of Public Works has determined that as of November 1, 2008 the Third Street Accelerated work is ready for its intended use and has been completed substantially in conformance with the Plans and Specifications for Third Street Accelerated Public Infrastructure Improvements Project approved by or on behalf of the Director of Public Works on October 12, 2001 or any authorized revision thereto, and has been constructed in accordance with all City codes, regulations, standards and the Mission Bay Plan and Plan Documents governing this Project excluding all temporary or interim facilities constructed as shown on said improvement plans.
- e. By the letter dated September 16, 2009 the Department of Public Works has determined that as of July 16, 2009 the Blocks 10-10A Improvements along the East side of Third Street are ready for their intended use and have been completed substantially in conformance with the Plans and Specifications for the Mission Bay Blocks (9-9a) (10-10a) Public Infrastructure Project approved by or on behalf of the Director of Public Works on October 16, 2005 or any authorized revision thereto, and have been constructed in accordance with all City codes, regulations, standards and the Mission Bay South Plan and Plan Documents governing this Project excluding the curb and gutter at Mission Bay Park P16.
- f. By the letter dated June 24, 2009, the Department of Public Works has determined that the Mission Bay South Blocks 2-7&13 Phase 1 Improvements along Channel Street and Third Street are ready for their intended use and have been completed substantially in conformity with the Plans and Specifications for the Mission Bay Blocks 2-7 and 13 Public Infrastructure Project approved by or on behalf of the Director of Public Works on December 6, 2006 or any authorized revision thereto, and have been constructed in accordance with all City codes, regulations, standards and the Mission Bay South Plan and Plan Documents governing this Project, excluding the curb and gutter at future Mission Bay Park P15 and Park P16
- g. The curbs and sidewalks adjacent to Mission Bay Park P15 and Park P16 are being constructed in conformance with the Mission Bay South Plan and Plan Documents. A letter of determination completeness will be issued for the sidewalk improvements adjacent to Park P15 and Park P16 after the improvements and facilities have been inspected and determined that they are ready for their intended use.

**NOW THEREFORE BE IT ORDERED THAT,**

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

I hereby recommend that the Board of Supervisors accept the Focil Irrevocable Offers of Improvements and Irrevocable Offers of Dedication of additional property for right-of-way and roadway purposes, including the acceptance of the Grant Deeds.

I hereby recommend that the Board of Supervisors accept the BOSA Irrevocable Offers of Dedication of additional property for right-of-way and roadway purposes, including the acceptance of the Grant Deeds.

I further recommend that the Board of Supervisors authorize the Director of Property to execute the Grant Deeds.

I further recommend that the Board of Supervisors approve Map No. A-17-165 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 affect 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.

As set forth above, some of the improvements have been delayed in construction and said improvements are not recommended for acceptance at this time. However, I recommend that the Board of Supervisors authorize the Director of Public Works to act on its behalf with respect to future acceptance of the curb and sidewalk improvements adjacent to Park P15 and Park P16 and acknowledgement of the Conditional Assignment of Warranties and Guaranties as set forth above in accordance with the Mission Bay South Acquisition Agreement.

***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 those portions of Third Street, Fourth Street and Channel Street as shown on the Department of Public Works Drawing No. Q-20-688, dated September 10, 2010.

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 that 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 those portions of Third Street, Fourth Street and Channel Street shall be modified as shown on Department of Public Works Drawing No. Q-20-688, dated September 10, 2010;*

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

I further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City 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 below.

The acceptance is subject to the following: (1) the portions of streets being accepted for street and roadway purposes are constructed from back of curb to back of curb, 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 affect existing maintenance agreements between the City and parties to such agreements.

[Click here to sign this section](#)

9/17/2010

**X** Fuad Sweiss, City Engineer

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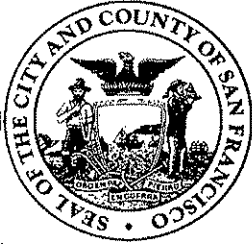
**Signed by Fuad Sweiss** [View details](#)  
on Friday, September 17, 2010 3:48 PM (Pacific Daylight Time)

9/17/2010

**X** Edward D. Reiskin

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**Signed by Reiskin, Ed** [View details](#)  
on Friday, September 17, 2010 4:25 PM (Pacific Daylight Time)



Gavin Newsom, Mayor

Edward D. Reiskin, Director



(415) 554-6920

FAX (415) 554-6944

<http://sfdpw.org>

**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: 178,870**

September 16, 2010

**FINDINGS OF DEPARTMENT OF PUBLIC WORKS  
ORDER NO. \_\_\_\_\_**

Re: Recommendation for formal acceptance of the Mission Bay South Blocks 10-10A Public Infrastructure Improvements along China Basin Street, Terry Francois Boulevard and Mission Bay Boulevard North; 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 (the "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 (the "City") and the Redevelopment Agency entered into the South Interagency Cooperation Agreement; and

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

WHEREAS, On October 4, 2001, Catellus irrevocably offered to dedicate certain strips of land with regard to Blocks 10-10A to the City and County of San Francisco for public street and roadway purposes; 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 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 February 10, 2005, The City conditionally approved the Tentative Map for Mission Bay Blocks 9-9A and 10-10A; and

WHEREAS, On March 30, 2005, FOCIL and the City entered into a Public Improvement Agreement with regard to the Blocks 10-10A Improvements; and



WHEREAS, On May 31, 2005, The Final Map for Mission Bay Blocks 9-9A and 10-10A was recorded in Book BB of Maps, at Pages 171-174, San Francisco City and County Records; and

WHEREAS, On September 16, 2005, the City, Department of Public Works issued Street Improvement Permit No. 05IE-0557 to construct the "Mission Bay Blocks 10-10A Improvements Project"; and

WHEREAS, On November 8, 2005, Potter Electric Inc. granted Lot 2 of Assessor's Block 3837 to BOSA Development California II, Inc. in that certain Grant Deed recorded November 16, 2005 in Reel J018, Image 0014, Official Records of the City and County of San Francisco; and

WHEREAS, On November 22, 2005, FOCIL granted Lot 16 of Assessor's Block 8720 to BOSA Development California II, Inc., recorded November 22, 2005 in Reel J062, Image 0560, Official Records of the City and County of San Francisco; and

WHEREAS, On September 16, 2009, the Department of Public Works (DPW) issued a notice determining that the "Mission Bay Blocks 10-10A Improvements Project" is substantially complete as of July 16, 2009 pursuant to Improvement Permit No. 05IE-0557 and is ready for its intended use; and

WHEREAS, On September 17, 2009, 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 10-10A approved by the Department of Public Works on September 16, 2005, 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 A) dated May 4, 2010 the City Planning Department determined that the acceptance of the Mission Bay Blocks 10-10A Public Improvements and other actions are consistent with the General Plan consistency findings of Case No. 2010.0198R, 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 21000 et seq.); and

WHEREAS, In a letter (attached as Exhibit B) dated June 29, 2010 the Redevelopment Agency found the acceptance of the Mission Bay Blocks 10-10A 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 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 Blocks 10-10A 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 letter dated September 16, 2009 DPW has determined that as of July 16, 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 10-10A Public Improvements Project approved by the Department of Public Works on September 16, 2005 in Permit No. 05IE-0557, 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-17-166 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 10-10A 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 those portions of China Basin Street, Terry Francois Boulevard and Mission Bay Boulevard North as shown on the Department of Public Works Drawing No. Q-20-689, dated September 10, 2010.

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 those portions of China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North shall be modified as shown on Department of Public Works Drawing No. Q-20-689, dated September 10, 2010;*


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

I further recommend the Board of Supervisors direct the Department of Public Works to revise the Official City 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 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](#)

9/17/2010

**X** Fuad Sweiss, City Engineer

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**Signed by Fuad Sweiss** [View details](#)  
on Friday, September 17, 2010 3:49 PM (Pacific Daylight Time)

9/17/2010

**X** Edward D. Reiskin

---

**Signed by Reiskin, Ed** [View details](#)  
on Friday, September 17, 2010 4:27 PM (Pacific Daylight Time)

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

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**OFFER OF IMPROVEMENTS**

**(Third Street Accelerated Project)**

FOCIL-MB, LLC, a Delaware limited liability company ("Focil"), being the owner of the herein described improvements, hereby irrevocably offers to dedicate to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("City"), and its successors and assigns, public street and roadway improvements, public utility facilities and other ancillary improvements, constructed or installed by or on behalf of Focil pursuant to Street Improvement Permit No. #01IE-479 (Mission Bay), dated October 12, 2001 for said improvements, generally referred to as the Third Street Accelerated Project, and identified on the as-built drawings delivered to and on file with the City, and specifications described therein, but excepting from such offer of dedication of improvements:

Those portions of the Improvements which are identified on said as-built drawings as:

"AT&T" facilities, "Comcast" facilities, and "Pacific Gas and Electric" facilities.

The improvements and the property where the improvements are located, in, on and around the public right of ways along Third Street in the City and County of San Francisco, State of California, including certain portions of Focil property as described in previously recorded Offers of Street Dedication, are generally shown on the site plan attached as Exhibit A hereto.

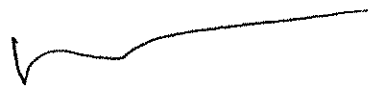
It is understood and agreed that: (i) upon acceptance of this offer of dedication of improvements the City shall assume title and responsibility for the operation and maintenance of the offered public improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever with respect to such offer of dedication 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 7 day of January, 2009.

FOCIL-MB, LLC,  
a Delaware limited liability company

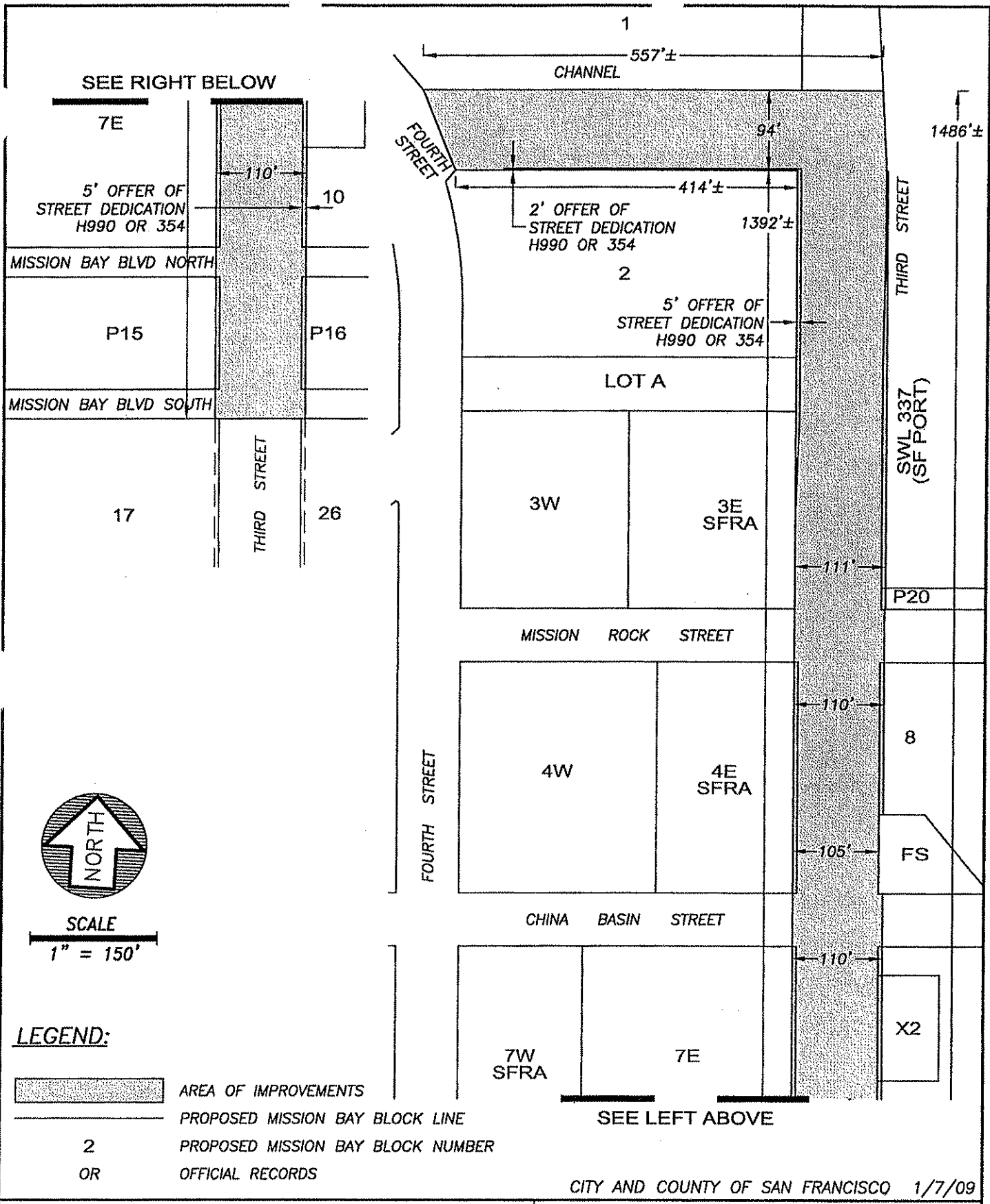
By: Farallon Capital Management, L.L.C.,  
a Delaware limited liability company,  
Its Manager

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

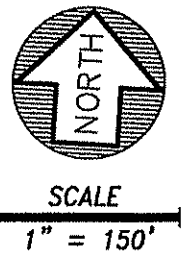
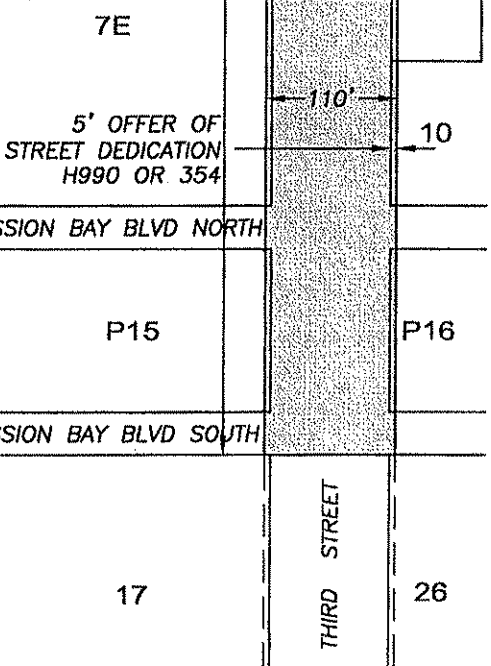
Name: Richard B. Fried  
Managing Member

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

**EXHIBIT A**  
**[SITE PLAN]**



SEE RIGHT BELOW



**LEGEND:**

- AREA OF IMPROVEMENTS
- PROPOSED MISSION BAY BLOCK LINE
- 2 PROPOSED MISSION BAY BLOCK NUMBER
- OR OFFICIAL RECORDS

SEE LEFT ABOVE

CITY AND COUNTY OF SAN FRANCISCO 1/7/09

**F&L** Freyer & Laureta, Inc.  
 civil engineers • surveyors • construction managers  
 144 North San Mateo Drive • San Mateo, CA 94401  
 (650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com

EXHIBIT A: SITE PLAN  
 THIRD STREET ACCELERATED WORK  
 OFFER OF IMPROVEMENTS





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

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**OFFER OF IMPROVEMENTS**

(Blocks 2, 3, 4 and 7 Project, 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. #061E-0684 (Mission Bay Blocks 2-7, 13, etc.), dated December 7, 2006, for the Blocks 2, 3, 4 and 7 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 Focil and the City, located in the City and County of San Francisco, including certain portions as described in previously recorded Offers of Street Dedication, as shown.

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 August, 2010.

FOCIL-MB, LLC,  
a Delaware limited liability company

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

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

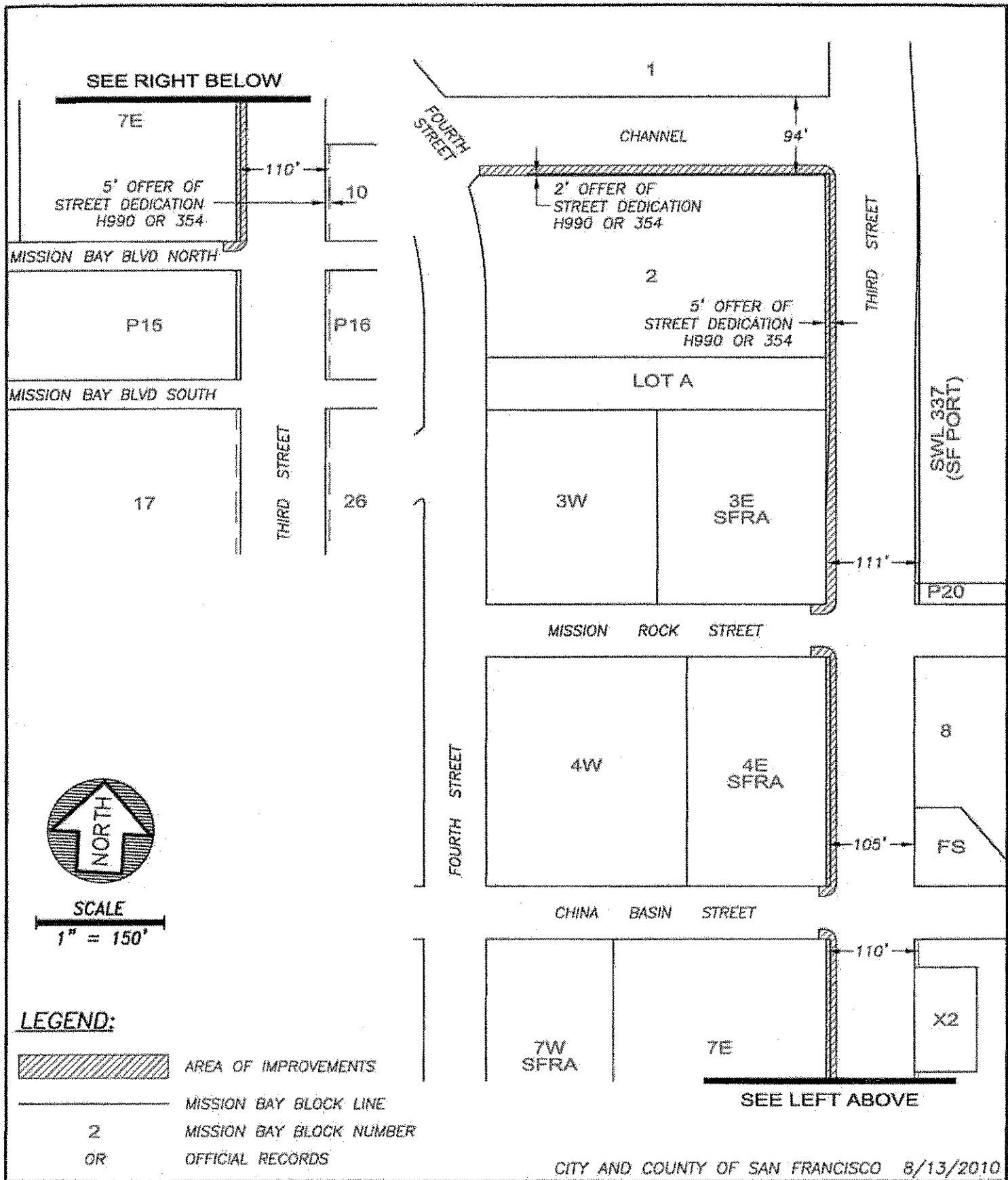
Name: Richard B. Fried  
Managing Member

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

**EXHIBIT A**

**SITE PLAN**

**(See attached)**



**FL FREYER LAURETA, INC.**  
 CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS  
 144 North San Mateo Drive • San Mateo, CA 94401  
 (650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com

**EXHIBIT A: SITE PLAN**  
**BLOCKS 2, 3, 4 AND 7 PROJECT**  
**OFFER OF IMPROVEMENTS**



[Not for Recording]  
City and County of San Francisco  
Director of Property  
25 Van Ness Avenue  
Suite 400  
San Francisco, CA 94102

---

**OFFER OF IMPROVEMENTS**

**(Mission Bay Blocks 10/10A Infrastructure Improvements)**

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 right-of-way improvements and underground public utility facilities constructed or installed by or on behalf of FOCIL pursuant to Street Improvement Permit 051E-0557 (Mission Bay), dated Sept. 16 2005 issued thereunder, for **Mission Bay Blocks 10/10A Phase I Public Improvements**, and the improvement plans and specifications described therein, but excepting therefrom those portions of the facilities which are identified on the "as-built" drawings delivered to and on file with the City as PG&E service conduits and vaults, and Comcast service conduits, and AT&T service conduits.

The property where the improvements are located is shown on Exhibit A hereto, constituting City property located in the City.

It is understood and agreed that: (i) upon acceptance of this offer of public improvements the City shall own and be responsible for maintenance of the offered public facilities and improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever hereunder 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 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 17 day of SEPTEMBER, 2009.

FOCIL-MB, LLC,  
a Delaware limited liability company

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


By:   
Name: Stephen L. Millham  
Managing Member  
Title: \_\_\_\_\_

EXHIBIT A  
[Plat Map]



**LEGEND**

- MISSION BAY BLOCK LINE
- EXISTING PROPERTY LINE
- LIMIT OF WORK LINE
- PORT JURISDICTION LINE
- OFFER OF IMPROVEMENTS



SCALE  
1" = 120'

CITY AND COUNTY  
OF SAN FRANCISCO  
7/18/2008

MISSION ROCK STREET

P20

9

BLOCK 879  
LOT 3  
BB MAPS 6-10

9A

BLOCK 879  
LOT 5  
BB MAPS 6-10

P19

CHINA BASIN STREET

10

BLOCK 8720  
LOT 16  
BB MAPS 6-10

10A

BLOCK 8720  
LOT 17  
BB MAPS 6-10

P18

MISSION BAY BLVD NORTH

P16

P17

P21

THIRD STREET

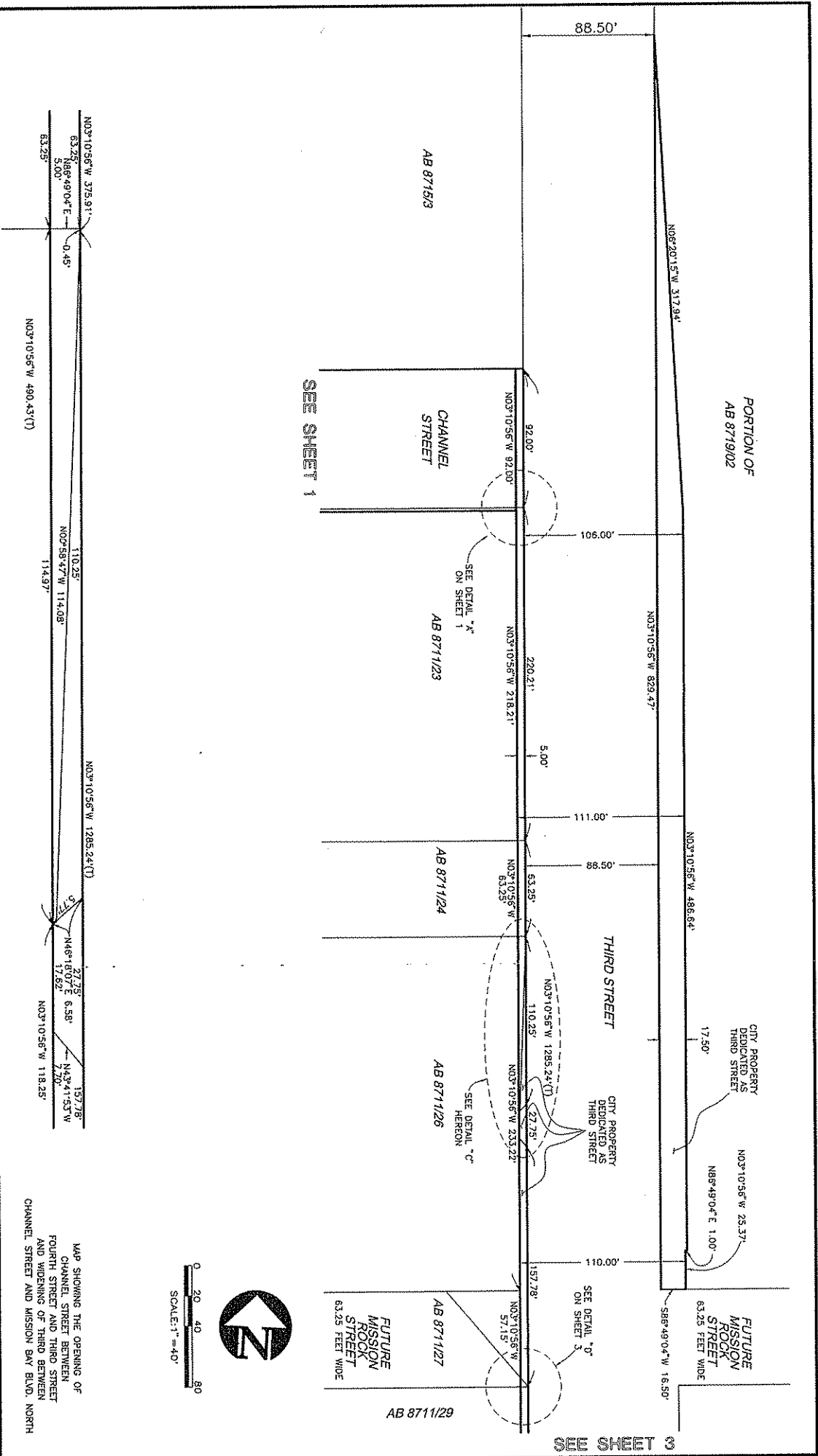
3637/02  
4487 OR 192



**Freyer & Laureta, Inc.**  
 civil engineers • surveyors • construction managers  
 144 North San Mateo Drive • San Mateo, CA 94401  
 (650)344-5901 • Fax (650)344-9920 • www.freyerlaureta.com

IMPROVEMENTS EXHIBIT  
 MISSION BAY BLOCKS 10-10A





DETAIL C  
SCALE: 1"=10'

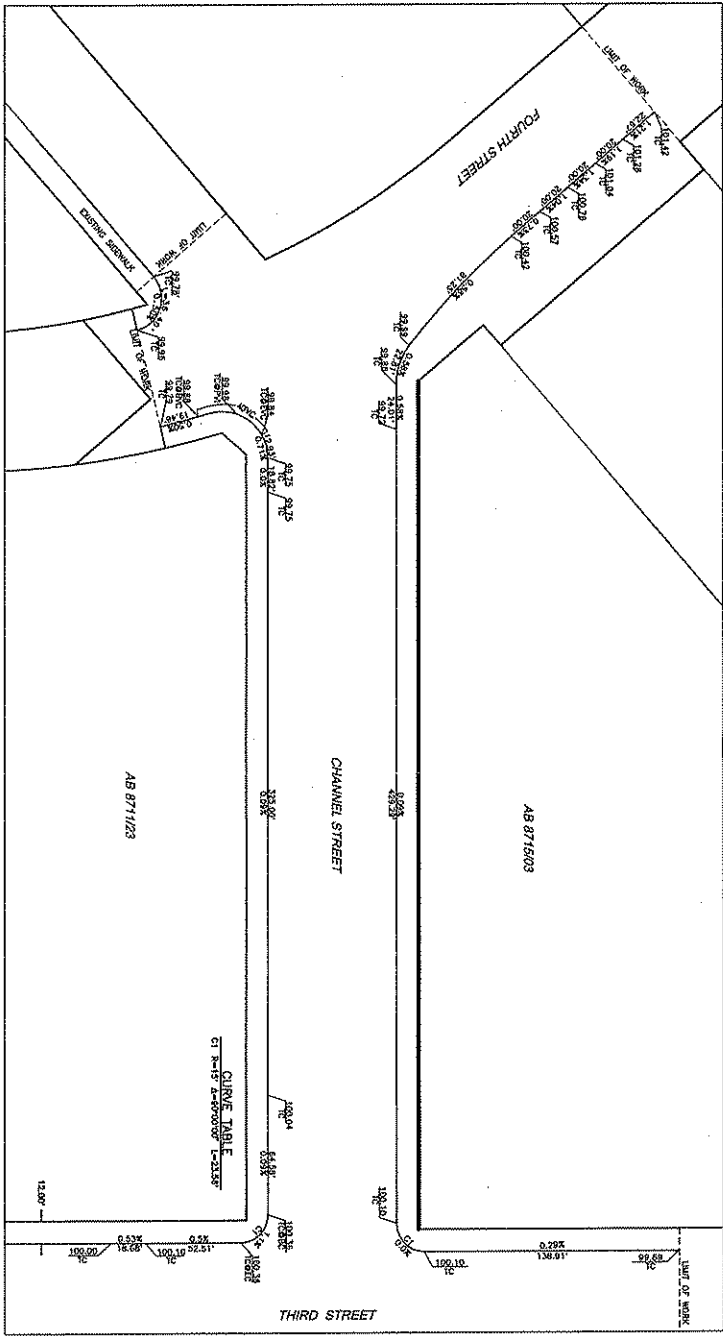


MAP SHOWING THE OPENING OF  
CHANNEL STREET BETWEEN  
FOURTH STREET AND THIRD STREET  
AND WIDENING OF THIRD STREET  
AND MISSION BAY BLVD. NORTH

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

SCALE: 1"=40'  
REFERENCES:  
BOOK Z OF MAPS, PAGES 97-119  
BOOK BB OF MAPS, PAGES 54-58



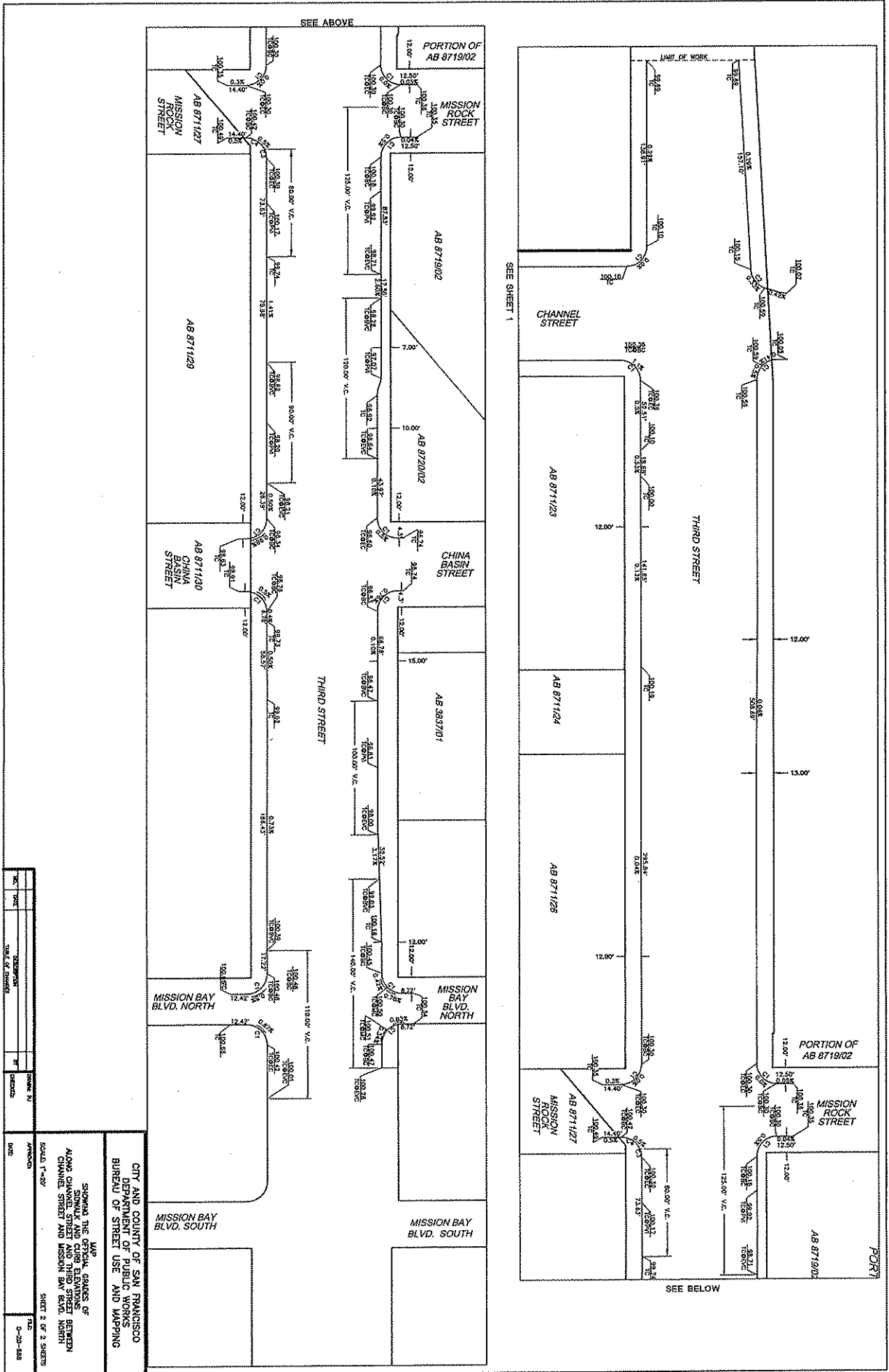


THIRD STREET  
SEE SHEET 2

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

MAP  
SHOWING THE FINAL COURSE OF  
SMALL AND GLOBE EDWARDS'  
ALONG CHANNEL STREET AND THIRD STREET BETWEEN  
CHANNEL STREET AND MASON BAY BLVD. NORTH  
SCALE 1"=40'  
SHEET 1 OF 2 SHEETS

DATE	BY	CHECKED	APPROVED	FILED



DATE	APPROVED	SCALE	SHEET
		1" = 40'	2 OF 2 SHEETS
SHOWING THE PLACEMENT OF SIMULTANEOUS CURB ELEVATIONS ALONG CHANNEL STREET AND THIRD STREET BETWEEN CHANNEL STREET AND MISSION BAY BLVD. NORTH			
CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS BUREAU OF STREET USE AND MAPPING			
DRAWN BY: [Name] CHECKED BY: [Name]			
DATE: [Date]			