

1 [Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure
2 Improvements.]

3 **Ordinance accepting the 16th Street and Vermont Street Intersection Public**
4 **Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition**
5 **facilities for public use and maintenance purposes; adopting environmental findings**
6 **and findings that such actions are consistent with the City’s General Plan, eight priority**
7 **policy findings of City’s Planning Code section 101.1, and the Mission Bay South**
8 **Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and**
9 **authorizing official acts in connection with this ordinance.**
10

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

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

16 **Section 1. Findings.**

17 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to
18 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
19 therein, approved and adopted by the Board of Supervisors of the City and County of San
20 Francisco by Ordinance No. 335-98, on November 8, 1998, a copy of which is in the Clerk of
21 the Board of Supervisors File No. 981441.

22 (b) The San Francisco Redevelopment Agency, in a letter dated January 16, 2009
23 determined that the acceptance of the 16th Street and Vermont Street Intersection Public
24 Infrastructure Improvements constructed pursuant to Permit No. 07IE-0278, dated May 24,
25 2007 (the “Project”), and other actions herein set forth are consistent with the Mission Bay

1 South Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the
2 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
3 _____ and is incorporated by reference as though fully set forth herein.

4 (c) The San Francisco Redevelopment Agency on January, 2009 signed and
5 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties. A copy
6 of the Assignment is on file with the Clerk of the Board of Supervisors in File No.
7 _____ and is incorporated by reference as though fully set forth herein.

8 (d) The City Planning Department, in a letter dated November 6, 2008 determined
9 that the acceptance of the 16th Street and Vermont Street Intersection Public Infrastructure
10 Improvements and other actions herein set forth are within the scope of the General Plan
11 consistency findings of Case No. 2008.1164R, the eight priority policies of Planning Code
12 Section 101.1 and the contemplated actions do not trigger the need for subsequent
13 environmental review pursuant the California Environmental Quality Act (CEQA) (California
14 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is
15 on file with the Clerk of the Board of Supervisors in File No. _____ and is
16 incorporated by reference as though fully set forth herein.

17 (e) In DPW Order No. 178,016, dated January 14, 2009 the Director of the
18 Department of Public Works and the City Engineer certified that: the Mission Bay 16th Street
19 and Vermont Street Intersection Public Infrastructure Improvements have been inspected and
20 were certified as complete on June 30, 2008; the Project has been constructed in accordance
21 with the Project Plans and Specifications and all City codes, regulations, standards and
22 Mission Bay South Plan and Plan Documents governing this project; and such improvements
23 are ready for their intended use; and the acquisition facilities are recommended for
24 acceptance for public use and maintenance purposes. A copy of the DPW Order is on file
25

1 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
2 herein by reference.

3 **Section 2. Adoptions and Approvals.**

4 (a) The Board of Supervisors adopts as its own the consistency findings of the San
5 Francisco Redevelopment Agency in connection with the acceptance of the Mission Bay 16TH
6 and Vermont Street Intersection Public Infrastructure Improvements Project and other actions
7 set forth herein.

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

10 (c) The Board of Supervisors has reviewed and approves the Director of the
11 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,
12 LLC Irrevocable Offer of Improvements for the 16th Street and Vermont Street Intersection
13 Public Infrastructure Improvement Project, dated April 22, 2008, respectively, and
14 maintenance responsibility with respect thereto.

15 **Section 3. Acceptance of Offer of Improvements.**

16 Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the Mission
17 Bay Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency
18 of the City and County of San Francisco and Catellus Land Development Corporation with
19 respect to the Project, and Department of Public Works Order No. 178,016 dated January 14,
20 2008, the Board of Supervisors hereby accepts the 16th and Vermont Street Intersection
21 Irrevocable Offer of Improvements dated April 22, 2008, and designate such facilities for
22 public use and maintenance purposes, subject to subsection (b) of this Section. Copies of
23 said Offer of Improvements are on file with the Clerk of the Board of Supervisors in File
24 No. _____ and are incorporated herein by reference.

25

1 (a) The Board of Supervisors acceptance of improvements is for the 16th and Vermont
2 Street Intersection Improvements only. The accepted improvements are subject to the
3 FOCIL-MB, LLC warranty obligations under the Mission Bay 16th and Vermont Street
4 Intersection Improvements Project Permit No. 07IE-0278.

5 (b) The Board of Supervisors hereby acknowledges FOCIL-MB, LLC Conditional
6 Assignment of Guaranties and Warranties related to the construction of the above Public
7 Infrastructure Improvements.

8 **Section 4. Authorization of Implementation**

9 All actions heretofore taken by the officers of the City with respect to such
10 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
11 and Director of Public Works are hereby authorized and directed to take any and all actions
12 which they or the City Attorney may deem necessary or advisable in order to effectuate the
13 purpose and intent of this Ordinance, including, but not limited to, the filing of the Ordinance in
14 the Official Records of the City and County of San Francisco

15

16 RECOMMENDED:
17 DEPARTMENT OF PUBLIC WORKS
18 By: _____
19 Edward D. Reiskin
20 Director of Public Works

21

22

23

24

25

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA
3 City Attorney
4 By: _____
5 John D. Malamut
6 Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS
By: _____
Fuad Sweiss
Deputy Director of Engineering
and City Engineer

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25