

1 [Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]

2  
3 Ordinance accepting the irrevocable offer of public infrastructure improvements  
4 associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on  
5 portions of King Street, Berry Street, Fourth Street and Fifth Street; declaring such  
6 areas as shown on official Department of Public Works maps as open public right-of-  
7 way; designating such areas and improvements for street and roadway purposes;  
8 establishing street grades and sidewalk widths; accepting said facilities for City  
9 maintenance and liability purposes, subject to specified limitations; accepting a  
10 pedestrian access and utility easement relating to the project; adopting environmental  
11 findings and findings that such actions are consistent with the City's General Plan,  
12 eight priority policy findings of City's Planning Code Section 101.1, and the Mission  
13 Bay North Redevelopment Plan; accepting Department of Public Works Order No.  
14 178,752; and authorizing official acts in connection with this Ordinance.

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

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

20 Section 1. Findings.

21 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to  
22 them pursuant to the Mission Bay North Redevelopment Plan and Plan Documents described  
23 therein, approved and adopted by the Board of Supervisors of the City and County of San  
24 Francisco by Ordinance No. 327-98, on October 26, 1998, a copy of which is in the Clerk of  
25 the Board of Supervisors File No. 981441.

1 (b) The San Francisco Redevelopment Agency, in a letter dated June 4, 2010,  
2 determined that the acceptance of the Mission Bay Blocks N3-N3A Public Infrastructure  
3 Improvements constructed pursuant to Permit #01IE-123, dated May 3, 2001 (the "Project")  
4 and other actions herein set forth are consistent with the Mission Bay North Redevelopment  
5 Plan ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency  
6 letter is on file with the Clerk of the Board of Supervisors in File No. 100918 and is  
7 incorporated herein by reference.

8 (c) The City Planning Department, in a letter dated June 23, 2010 determined that the  
9 acceptance of the Mission Bay Blocks N3-N3A Public Infrastructure Improvements and other  
10 actions herein set forth are within the scope of the General Plan consistency findings of Case  
11 No. 2010.0328R, the Eight Priority Policies of Planning Code Section 101.1 and the  
12 contemplated actions do not trigger the need for subsequent environmental review pursuant  
13 the California Environmental Quality Act (CEQA) (California Public Resources Code Sections  
14 21000 et seq.). A copy of the Planning Department letter is on file with the Clerk of the Board  
15 of Supervisors in File No. 100918 and is incorporated herein by reference.

16 (d) In DPW Order No. 178,752 dated July 6, 2010, including Map No. A-17-163,  
17 dated July 6, 2010 and the Drawing No. Q-20-680, dated July 6, 2010 and entitled  
18 "PROPOSED OFFICIAL STREET GRADES AND SIDEWALK WIDTHS ON KING STREET,  
19 BERRY STREET, FOURTH STREET AND FIFTH STREEET", the Director and the City  
20 Engineer certified that: (a) FOCIL-MB, LLC ("Focil") has irrevocably offered the Project  
21 Improvement facilities to the City, (b) the Mission Bay Blocks N3-N3A Public Infrastructure  
22 Improvements have been inspected and were certified as complete on March 24, 2009; the  
23 Project has been constructed in accordance with the Project Plans and Specifications and all  
24 City codes, regulations, standards and Mission Bay North Plan and Plan Documents  
25 governing this project; and such improvements are ready for their intended use, (c) the

1 facilities are recommended for acceptance as acquisition facilities, dedication as public right-  
2 of-way; designation for street and roadway purposes; establishment of street grades and  
3 sidewalk width; acceptance for City maintenance and liability purposes, and (d) acceptance of  
4 pedestrian access and utility easement. A copy of the DPW Order and Offer are on file with  
5 the Clerk of the Board of Supervisors in File No. 100918 and are incorporated  
6 herein by reference.

7 Section 2. Adoptions and Approvals.

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

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

14 (c) The Board of Supervisors has reviewed and approves the City Engineer's  
15 certification and Director's recommendation concerning the acceptance of the Focil  
16 Irrevocable Offer of Improvements dated May 7, 2009 for the Project; acceptance of said  
17 facilities and right-of-way for City maintenance and liability responsibilities; establishment of  
18 the street grades and sidewalk widths; and other related actions.

19 Section 3. Acceptance of New Acquisition Facilities and Assumption of Maintenance  
20 Responsibilities.

21 (a) The Board of Supervisors accepts the Focil irrevocable offer of improvements on  
22 portions of King Street, Berry Street, Fourth Street, and Fifth Street.

23 (b) The Board of Supervisors approves Map No. A-17-163 and designates the areas  
24 shown hatched on said Map No. A-17-163 to be open public right-of-way, and hereby directs  
25

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

3 (c) Pursuant to California Streets and Highways Code Section 1806 and San  
4 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June  
5 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco  
6 and Catellus Development Corporation, and the Department of Public Works Order No.  
7 178,752 dated July 6, 2010, the Board of Supervisors hereby dedicates facilities described in  
8 the Focil Irrevocable Offer of Improvements for public use; designates such facilities for street  
9 and roadway purposes; and accepts such facilities for City maintenance and liability purposes,  
10 subject to the conditions listed in subsections (d) and (e). The Board's acceptance of  
11 improvements pursuant to this Subsection is for the Blocks N3-N3A Public Infrastructure  
12 Improvements only and is subject to the warranty obligations under the Blocks N3-N3A Public  
13 Improvements Permit No. 01IE-123.

14 (d) The Blocks N3-N3A Public Infrastructure Improvements accepted by the Board  
15 pursuant to Subsections (b) and (c) are subject to the following: (1) the portion of streets being  
16 accepted for street and roadway purposes is from back of sidewalk to back of sidewalk,  
17 unless specified otherwise or as shown on Project Improvement Plans, (2) acceptance of  
18 project facilities for City maintenance and liability purposes is from back of curb to back of  
19 curb, unless specified otherwise, (3) encroachments that are permitted, not permitted, or both  
20 are excluded from acceptance, and (4) the acceptance of the streets does not obviate,  
21 amend, alter, or in any way affect existing maintenance agreements between the City and  
22 parties to such agreements.

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

1 Section 4. Establishment of Street Grades.

2 (a) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the  
3 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et  
4 seq., chooses to follow its own procedures for the establishment of street grades. The Board  
5 hereby establishes the street grades for those portions of King Street, Berry Street, Fourth  
6 Street and Fifth Street as set forth in the Department of Works Order No. 178,752, Drawing  
7 No. Q-20-680, dated July 6, 2010 and hereby directs the Department of Public Works to  
8 revise the Official City Street Grade Maps in accordance with this Ordinance.

9 Section 5. Establishment of Sidewalk Widths.

10 (a) In accordance with the recommendation in Department of Public Works Order  
11 No. 178,752, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of  
12 Sidewalks, a copy of which is in the Clerk of the Board of Supervisor's Book of General  
13 Ordinances, in effect May, 11, 1910, is hereby amended by adding thereto a new section to  
14 read as follows:

15 Section 15 . The width of sidewalks on those portions of King Street, Berry Street,  
16 Fourth Street and Fifth Street shall be modified as shown on the Department of Public Works  
17 Drawing No. Q-20-680, dated July 6, 2010.

18 (b) The street sidewalk widths established by the Board pursuant to Subsection (a) for  
19 those portions of King Street, Berry Street, Fourth Street and Fifth Street do not obviate,  
20 amend, alter, or in any other way affect the maintenance obligations of the adjacent property  
21 owners as set forth in the Public Works Code.

22 (c) The Board of Supervisors hereby directs the Department of Public Works to add  
23 these sidewalk segments to its Official City Maps in accordance with this Ordinance.  
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1 Section 6. Acceptance of Easement for Pedestrian Access and City Utilities.

2 (a) Pursuant to the Department of Public Works Order No. 178,752, dated July 6,  
3 2010, the Board of Supervisors hereby accepts the Easement (Pedestrian Access and Public  
4 Utility Easement Mid-Block Walkways), providing rights to the City for public pedestrian  
5 access and City utilities. The easement is located on Lot A of Assessor's Block 8705 and  
6 Lots A and B of Assessor's Block 8708, between King and Berry Streets and Fourth and Fifth  
7 Street, as shown on that certain map entitled "Final Map Planned Development Mission Bay  
8 (N3-N3A)" recorded on March 15, 2001, filed in Book Z of Maps, at pages 175-178, San  
9 Francisco City and County records.


10 (b) The Board hereby authorizes the Director of Property to execute the Easement on  
11 behalf of the City.

12 Section 7. Authorization for Implementation.

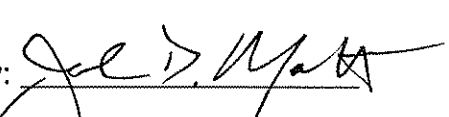
13 All actions heretofore taken by the officers of the City with respect to such Ordinance  
14 are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of  
15 Property, and Director of Public Works are hereby authorized and directed to take any and all  
16 actions which they or the City Attorney may deem necessary or advisable in order to  
17 effectuate the purpose and intent of this Ordinance, including, but not limited to, the  
18 recordation of this Ordinance, the accompanying A-17 Map, and easement agreement in the  
19 Official Records of the City and County of San Francisco.

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RECOMMENDED:  
DEPARTMENT OF PUBLIC WORKS

By:   
Edward D. Reiskin  
Director of Public Works

APPROVED AS TO FORM:  
Dennis J. Herrera  
City Attorney

By:   
John D. Malamut  
Deputy City Attorney

DESIGNATION CERTIFIED BY:  
DEPARTMENT OF PUBLIC WORKS

By:   
Fuad S. Sweiss  
Deputy Director of Engineering  
and City Engineer



**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 100918

**Date Passed:** October 05, 2010

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official 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; accepting a pedestrian access and utility easement relating to the project; 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 North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance.

September 28, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar and Maxwell

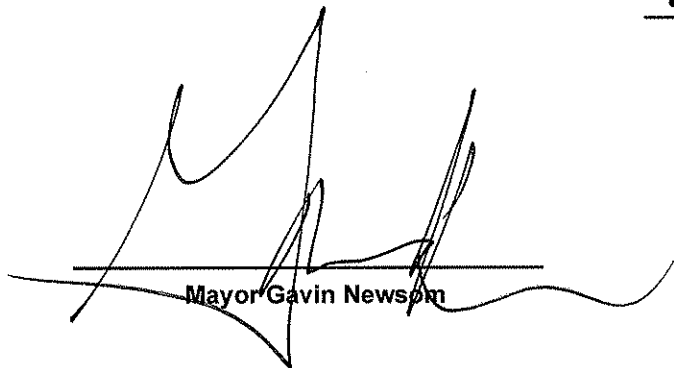
Excused: 1 - Mirkarimi

October 05, 2010 Board of Supervisors - FINALLY PASSED

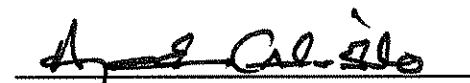
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100918

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/5/2010 by the Board of Supervisors of the City and County of San Francisco.



\_\_\_\_\_  
Mayor Gavin Newsom



\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

\_\_\_\_\_  
October 14, 2010  
Date Approved