

1 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]

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3 **Ordinance accepting the irrevocable offer of public infrastructure improvements**
4 **associated with Mission Bay South Blocks 10-10A including acquisition facilities on**
5 **China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North;**
6 **declaring City property as shown on official Department of Public Works maps as open**
7 **public right-of-way; dedicating such improvements for public use and designating**
8 **such areas and improvements for street and roadway purposes; establishing street**
9 **grades and sidewalk widths; accepting said facilities for City maintenance and liability**
10 **purposes, subject to specified limitations; adopting environmental findings and**
11 **findings that such actions are consistent with the City's General Plan, eight priority**
12 **policy findings of City's Planning Code Section 101.1, and the Mission Bay South**
13 **Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and**
14 **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 ~~strikethrough italics Times New Roman~~.
18 Board amendment additions are double underlined.
19 Board amendment deletions are ~~strikethrough normal~~.

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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
Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in the Clerk of
the Board of Supervisors File No. 101217.

1 (b) The San Francisco Redevelopment Agency, in a letter dated June 29, 2010,
2 determined that the acceptance of the Mission Bay Blocks 10-10A Public Infrastructure
3 Improvements constructed pursuant to Permit #05IE-0557, dated September 16, 2005
4 (“Project”) and other actions herein set forth are consistent with the Mission Bay South
5 Redevelopment Plan (“Plan”) and Plan Documents described therein. A copy of the
6 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
7 101217 and is incorporated herein by reference.

8 (c) The City Planning Department, in a letter dated May 4, 2010 determined that the
9 acceptance of the Mission Bay Blocks 10-10A Public Infrastructure Improvements and other
10 actions herein set forth are within the scope of the General Plan consistency findings of Case
11 No. 2010.0198R, 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. 101217 and is incorporated herein by reference.

16 (d) In DPW Order No. 178,870 dated September 16, 2010, including Map No. A-17-
17 166, dated September 10, 2010 and the Drawing No. Q-20-689, dated September 10, 2010
18 and entitled “PROPOSED OFFICIAL STREET GRADES AND SIDEWALK WIDTHS ON
19 CHINA BASIN STREET, TERRY A. FRANCOIS BOULEVARD AND MISSION BAY
20 BOULEVARD”, the City Engineer and Director certified that: (a) FOCIL-MB, LLC (“Focil”) has
21 irrevocably offered the Project Improvement facilities to the City, (b) the Mission Bay Blocks
22 10-10A Public Infrastructure Improvements have been inspected and were certified as
23 complete on July 16, 2009; the Project has been constructed in accordance with the Project
24 Plans and Specifications and all City codes, regulations, standards and Mission Bay South
25 Plan and Plan Documents governing this project and such Improvements are ready for their

1 intended use; (c) the facilities are recommended for acceptance as acquisition facilities,
2 dedication as public right-of-way, dedication for public use and designation for street and
3 roadway purposes; establishment of street grades and sidewalk widths, and acceptance for
4 City maintenance and liability purposes, subject to specified limitations. A copy of the DPW
5 Order, including official City maps, and Offer are on file with the Clerk of the Board of
6 Supervisors in File No. 101217 and are incorporated 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 September 17, 2009 for the Project; acceptance of
17 said facilities and right-of-way for City maintenance and liability responsibilities; establishment
18 of 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.

22 (b) The Board of Supervisors approves Map No. A-17-166 and designates the areas
23 shown hatched on said Map No. A-17-166 to be open public right-of-way, and hereby directs
24 the Department of Public Works to revise the official City Street Right-of-Way Maps in
25 accordance with this Ordinance.

1 (c) Pursuant to California Streets and Highways Code Section 1806 and San
2 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June
3 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco
4 and Catellus Development Corporation, a Delaware Corporation, and the Department of
5 Public Works Order No. 178,870 dated September 16, 2010, the Board of Supervisors hereby
6 dedicates facilities described in the Focil Irrevocable Offer of Improvements for public use;
7 designates such facilities for street and roadway purposes; and accepts such facilities for City
8 maintenance and liability purposes, subject to the conditions listed in subsections (d) and (e).
9 The Board's acceptance of improvements pursuant to this Subsection is for the Blocks 10-10A
10 Public Infrastructure Improvements only and is subject to the warranty obligations under the
11 Blocks 10-10A Public Improvements Permit No. 051E-0557.

12 (d) The Blocks 10-10A Public Infrastructure Improvements accepted by the Board
13 pursuant to Subsections (b) and (c) are subject to the following: (1) the portions of streets
14 being accepted for street and roadway purposes are constructed from back of sidewalk to
15 back of sidewalk, unless specified otherwise or as shown on Project Improvement Plans, (2)
16 acceptance of project facilities for City maintenance and liability purposes is from back of curb
17 to back of curb, unless specified otherwise, (3) encroachments that are permitted, not
18 permitted, or both are excluded from acceptance, and (4) the acceptance of the streets does
19 not obviate, amend, alter, or in any way affect existing maintenance agreements between the
20 City and parties to such agreements.

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

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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 China Basin Street, Terry A.
6 Francois Boulevard and Mission Bay Boulevard North as set forth in the Department of Works
7 Order No. 178,870, Drawing No. Q-20-689, dated September 10, 2010 and hereby directs the
8 Department of Public Works to revise the Official City Street Grade Maps in accordance with
9 this Ordinance.

10 Section 5. Establishment of Sidewalk Widths.

11 (a) In accordance with the recommendation in Department of Public Works Order
12 No. 178,870, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of
13 Sidewalks, a copy of which is in the Clerk of the Board of Supervisor's Book of General
14 Ordinances, in effect May, 11, 1910, is hereby amended by adding thereto a new section to
15 read as follows:

16 Section 15 . *The width of sidewalks on those portions of China Basin Street, Terry A.*
17 *Francois Boulevard and Mission Bay Boulevard North shall be modified as shown on the*
18 *Department of Public Works Drawing No. Q-20-689 , dated September 10 , 2010.*

19 (b) The street sidewalk widths established by the Board pursuant to Subsection (a)
20 for those portions of China Basin Street, Terry A. Francois Boulevard and Mission Bay
21 Boulevard North do not obviate, amend, alter, or in any other way affect the maintenance
22 obligations of the adjacent property owners as set forth in the Public Works Code.

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

1 Section 6. Authorization for Implementation

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

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11 RECOMMENDED:

12 DEPARTMENT OF PUBLIC WORKS

13
14 By: _____

15 Edward D. Reiskin

16 Director of Public Works

17
18 APPROVED AS TO FORM:

19 Dennis J. Herrera

20 City Attorney

21
22 By: _____

23 John D. Malamut

24 Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

25 By: _____

Fuad S. Sweiss

Deputy Director of Engineering
and City Engineer