

File No. 100918

Committee Item No. 1

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 20, 2010

Board of Supervisors Meeting

Date September 28, 2010

Cmte Board

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OTHER

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☒	☒	<u>Redevelopment Agency Consistency Determination, dtd June 4, 2010</u>
☒	☒	<u>Planning Department General Plan Letter, dtd June 23, 2010</u>
☒	☒	<u>Department of Public Works Order No. 178,752</u>
☒	☒	<u>Offer of Improvements</u>
☒	☒	<u>Map No. A-17-163</u>
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Completed by: Alisa Somera

Date September 17, 2010

Completed by: Alisa Somera

Date September 22, 2010

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

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

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.

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

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

Section 1. Findings.

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

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.

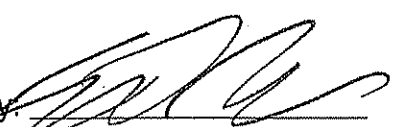
10 (b) The Board hereby authorizes the Director of Property to execute the Easement on
11 behalf of the City.

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.

1 RECOMMENDED:

2 DEPARTMENT OF PUBLIC WORKS

3
4 By: 

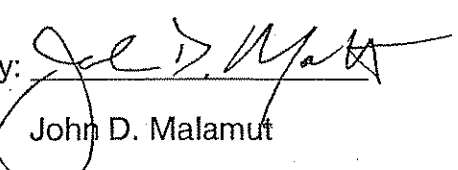
5 Edward D. Reiskin

6 Director of Public Works

7
8 APPROVED AS TO FORM:

9 Dennis J. Herrera

10 City Attorney

11
12 By: 

13 John D. Malamut

14 Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

15
16
17
18
19
20
21
22
23
24
25
By: 

26 Fuad S. Sweiss

Deputy Director of Engineering

and City Engineer

LEGISLATIVE DIGEST

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

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.

Existing Law

The Board of Supervisors adopted and approved the Redevelopment Plan for the Mission Bay North Project Area by Ordinance No. 327-98 on October 26, 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-17-163 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 King Street, Berry Street, Fourth Street and Fifth Street for maintenance and liability purposes, subject to limitations and approve an easement for pedestrian and City utilities on the mid-block walkways, located between King and Berry Streets and Fourth and Fifth Streets, all in accordance with the procedures established for the Mission Bay North Redevelopment 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 North Redevelopment Plan, the General Plan, and the priority policy findings of the Planning Code Section 101.1.

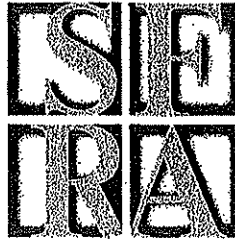
Background Information

This legislation relates to the Infrastructure Improvements lying adjacent to Mission Bay North Blocs N3-N3A on Assessor's Block 3796, 8705 and 8708 being portions of King Street, Berry Street, Fourth Street and Fifth Street within the Mission Bay North Redevelopment Plan.

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
Francea Covington
Leroy King

Fred Blackwell, Executive Director

June 4, 2010

126-028.10-206

Ms. Grace Kwak
Project Manager
Mission Bay Task Force
Department of Public Works
30 Van Ness, Room 4200
San Francisco, CA 94102

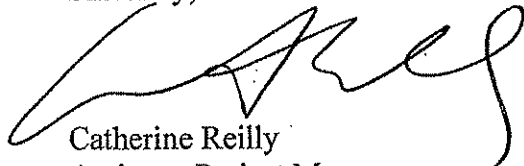
RE: Mission Bay North Blocks N3-N3A Public Infrastructure Improvements
Consistency Determination

Dear Ms. Kwak:

The Agency has received your request regarding the Blocks N3-N3A public infrastructure improvements and their consistency with the Mission Bay North Redevelopment Plan and Plan Documents.

The Agency has reviewed the documents and related materials concerning the acceptance of the Blocks N3-N3A public infrastructure improvements and other related actions thereto, finds these consistent with the Mission Bay North 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

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



SAN FRANCISCO PLANNING DEPARTMENT

2010 JUN 29 PM 3: 26

June 23, 2010

Ms. Grace Kwak, Project Manager
Department of Public Works c/o Mission Bay Task Force (MBTF)
30 Van Ness Ave., Suite 4200
San Francisco, CA 94103

Re: Case 2010.0328R Mission Bay North
City Acceptance of Surface and Subsurface Public Infrastructure
(AB 8705 Lot 003-010 and AB 8708, lots 002, 003, 007, and 008)

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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 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 dedicating certain public infrastructure improvements, including surface (roadway, sidewalks, lighting, etc) and subsurface infrastructure (dry utilities, sewer, stormwater, etc) improvements, more fully described in the body of this letter. 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 acceptance of said infrastructure improvements.

PROPOSED ACTIONS BY THE BOARD OF SUPERVISORS

1. Acceptance of Dedication of Public Infrastructure Improvements.

The Department of Public Works has determined that the facilities have been constructed in accordance with the Plans and Specifications and are ready for their intended use. Accordingly, the Developer is obligated to dedicate the Infrastructure Improvements to the City. The dedication will be for the areas adjacent to Assessor's Blocks/Lot Nos. 8705/003-010 and 8708/002, 003, 007 and 008. In addition to the horizontal improvements described below, the applicant proposes Acceptance of Dedication for low pressure and reclaimed waterlines, sewer, storm, gas and electric lines, street lighting, traffic signal modifications, auxiliary water supply systems, sidewalks, special pavement and landscaping as included in previously approved Improvement Plans. The Public Horizontal Infrastructure facilities to be dedicated will be for the following streets adjacent to Assessor's Blocks 8705 and 8708 as follows:

- King Street south of the Muni tracks between Fifth Street and Fourth Street: approximately 900 feet in length, three east bound lanes, sidewalk, a bus turnout and an additional left turn lane approaching the Fourth Street intersection.

- Fourth Street west of the Muni tracks between Berry Street and the Channel: approximately 300 feet in length, two southbound lanes and sidewalks.
- Fourth Street west of the Muni tracks between Berry Street and King Street: approximately 240 feet in length, two southbound lanes with sidewalk and parking.
- Berry Street between Fourth Street and Fifth Street: approximately 900 feet in length, one eastbound lane, one westbound lane, sidewalks on both sides and parking on the south side of the street.
- Fifth Street between King Street and Berry Street: approximately 250 feet in length, two northbound lanes, two southbound lanes, and sidewalks on both sides.

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. Other actions include those described below:

1. The Final Subsequent Environmental Impact Report for Mission Bay (FSEIR) as prepared pursuant to the California Environmental Quality Act and was certified adequate, accurate and objective by:
 - The Redevelopment Commission Resolution No. 182-98 on September 17, 1998
 - Planning Commission Resolution No. 14696 on September 17, 1998
 - Board of Supervisors affirmed the Planning Commission's certification by Resolution No. 854-98 on October 19, 1998
 - Redevelopment Agency issued Addendum #6 to the FSEIR on September (See Exhibit C).
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. 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.
5. The Mission Bay Parcels N3, N3A, N4 and N4A of the Tentative Map 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. DCP determinations and conditions, within the Conditions of Approval were set forth in the DCP letter dated February 5, 2001 from Gerald Green, DCP to Thomas Trimbur, DPW, included in the file as Exhibit F.
6. The SFRA has stated that the N3, N3A, N4, and N4A Tentative map, conditionally approved on February 5, 2001 is consistent with the Mission Bay North Redevelopment Plan, including the Mission Bay Northern Plan, the Scope of Development and the Design for Development, 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. A letter from SFRA to Terry Conners, Mission Bay Task Force dated February 12, 2001 included in the file as Exhibit G.

7. the N3-N3A Final Map was approved by the Board of Supervisors and recorded on March 15, 2001 in Book Z of Maps at Pages 175-178 included in the file as Exhibit H.

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 Andres Power, PD

The following Exhibits, referenced herein, are contained in Planning Dept. Docket No. 2010.0328R and are available for review at the Planning Department offices.

Exhibit A - Location Map

Exhibit B - Excerpts of the Mission Bay Blocks N3/N3A As-Built Drawings

Exhibit C - FSEIR Addendum #6

Exhibit D - DCP General Plan Consistency for Land Transfers

Exhibit E - Mission Bay North Owner Participation Agreement, Attachment D (Infrastructure Plan), Text description and cross sections of Improvements

Exhibit F - DCP General Plan Consistency for Blocks N3, N3A, N4 and N4A Tentative Map

Exhibit G - SFRA approval of Blocks N3, N3A, N4 and N4A Tentative Map

Exhibit H - Final Map of Mission Bay Blocks N3/N3A

CASE REPORT

ATTACHMENT 1

Case 2010.0328R Mission Bay North

City Acceptance of Surface and Subsurface Public Infrastructure
(AB 8705 Lot 003-010 and AB 8708, lots 002, 003, 007, and 008)

Staff Andres Power

DATE: June 14, 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 provides new housing units at all levels of affordability in a livable and context sensitive way. The infrastructure to support these units has been provided and meets DPW standards and specifications. The quality of the streetscape improvements generally exceed what is typically built in San Francisco.

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 North 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

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 10

LOCATE WASTEWATER FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE AND EFFICIENT TREATMENT OF STORM AND WASTEWATER.

POLICY 10.1

Provide facilities for treatment of storm and wastewater prior to discharge into the Bay or ocean. Locate such facilities according to the Wastewater and Solid Waste Facilities Plan.

Comment: The Project includes acceptance of elements of a stormwater collection and treatment system. These improvements will serve as part of the City's storm water system that will discharge treated stormwater to the Bay. Unlike most areas of the City, Mission Bay has separate systems for stormwater and wastewater. Wastewater (sewage) will continue to be delivered to separate facilities for additional treatment.

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.

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.

The project includes acceptance of 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.

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.

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

Planning Code Section 101.1(b) Policies

ATTACHMENT 2

Case 2010.0328R Mission Bay North

City Acceptance of Surface and Subsurface Public Infrastructure
(AB 8705 Lot 003-010 and AB 8708, lots 002, 003, 007, and 008)

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. The Project actions considered in this case would implement policies and plans contained in the Mission Bay South Redevelopment Plan and the Design for Development document, which were found consistent with the General Plan in Case No. 1996.771EMTZR. The project would not negatively affect the level of neighborhood serving retail.

- (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. City acceptance of dedication of horizontal public infrastructure improvements (streets and related improvements are necessary for the Redevelopment Project to be implemented as approved. 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 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



(415) 554-6920
FAX (415) 554-6944
<http://www.sfdpw.com>

Department of Public Works
Office of the Director
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645

July 6, 2010

**FINDINGS OF DEPARTMENT OF PUBLIC WORKS
ORDER NO. 178,752**

Re: Recommendation for formal acceptance of the Mission Bay North Blocks N3-N3A Public Infrastructure Improvements on portions of King Street, Berry Street, Fourth Street and Fifth Street; declaring City Property as open public right-of-way; designation of City Property and improvements for street and roadway purposes; establishing of street grades and sidewalk widths, acceptance of maintenance and liability for said facilities, subject to specified limitations; and approval of a pedestrian access and city utility easement within the mid-block walkways between King and Berry Streets and Fourth and Fifth Streets.

WHEREAS, On October 30, 1998, the Board of Supervisors of the City and County of San Francisco approved and adopted Ordinance No. 328-98 ordering the vacation of certain street areas within Mission Bay of which a portion of Berry Street between Fourth Street and Fifth Street was a part thereof; 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 North Mission Bay 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 North Interagency Cooperation Agreement; and

WHEREAS, On July 30, 1999, the City and County of San Francisco conveyed to Catellus Development Corporation that portion of Berry Street between Fourth Street and Fifth Street vacated by Ordinance 328-98; and

WHEREAS, On February 5, 2001, the City conditionally approved the Tentative Map for Blocks N3, N3A, N4 and N4A; and

WHEREAS, On March 1, 2001, Catellus and the City entered into a Public Improvement Agreement with regard to the Blocks N3-N3A Improvements; and

WHEREAS, On March 15, 2001, the Blocks N3-N3A Final Map was filed for record in Book Z of Maps, at pages 175-178, San Francisco City and County records; and

WHEREAS, On May 3, 2001, the City, Department of Public Works issued Street Improvement Permit No. 01IE-123 to construct the "Mission Bay Block N3-N3A Improvements Project"; and

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

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

WHEREAS, On November 25, 2003, Catellus and the City and County of San Francisco entered into a property exchange agreement; and

WHEREAS, On November 25, 2003, Catellus granted Assessor's Block 8705, Lots 3, 4 and 5, all its right, title, interest and obligations with respect thereto, to the City, recorded in Reel I522, Image 1310, Official Records of the City and County of San Francisco; and

WHEREAS, On November 25, 2003 the City granted certain easements to Catellus over Assessor's Block 8705, Lot 3 (The Berry Street Property) for the interim period between the date that the Berry Street Property is transferred to City and the date of final dedication and acceptance thereof as a public street; and

WHEREAS, On November 25, 2003, the City and County of San Francisco granted to Catellus a portion of Assessor's Block 8705, Lot 2, recorded in Reel I522, Image I313, Official Records of the City and County of San Francisco; 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, CLDC granted certain properties, including Assessor's Blocks 8705, Lot 3 and Lot 6 and Assessor's Block 8708, Lot 7 and Lot 8, 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 April 23, 2009, the Department of Public Works issued a notice determining that as of March 24, 2009 the "Mission Bay Block N3-N3A Improvement Project" has been substantially completed pursuant to Improvement Permit No. 01IE-0123 and is ready for its intended use; and

WHEREAS, On May 7, 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 N3-N3A approved by the Department of Public Works on May 3, 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 (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 B) dated June 23, 2010 the City Planning Department determined that the acceptance of the Mission Bay Blocks N3-N3A Public Improvements and other actions are consistent with the General Plan consistency findings of Case No. 2010.0328R, 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 A) dated June 4, 2010 the Redevelopment Agency found the acceptance of the Mission Bay Blocks N3-N3A Public Improvements and other actions are "consistent with the Mission Bay North Redevelopment Plan and Plan Documents, described therein, and recommends Board of Supervisors approval"; 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, and improvement plan As-Built drawings have been received for the Blocks N3-N3A 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 North Acquisition Agreement.
- c. Mission Bay Development Group, LLC on behalf of FOCIL-MB, LLC, 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 April 23, 2009 the Department of Public Works has determined that as of March 24, 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 N3-N3A Public Improvements Project approved by the Department of Public Works on March 21, 2001, or any authorized revision thereto, and has been constructed in accordance with all City codes, regulations, standards and the Mission Bay North 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-17-163 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.

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 N3-N3A Public Infrastructure Improvements which are now expired.

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 King Street, Berry Street, Fourth Street and Fifth Street as shown on the Department of Public Works Drawing No. Q-20-680, dated July 6, 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 King Street, Berry Street, Fourth Street and Fifth Street shall be modified as shown on Department of Public Works Drawing No. Q-20-680, dated July 6, 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.

The acceptance also acknowledges FOCIL's Conditional Assignment of Guaranties and Warranties.

With respect to the Easement (Pedestrian Access and Public Utility Easement):

I hereby recommend that the Board of Supervisors accept the Easement (Pedestrian Access and Public Utility Easement) for public pedestrian access and public utilities located on Lot A of Assessor's Block 8705 and Lots A and B of Assessor's Block 8708 between King and Berry

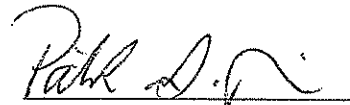
Streets and Fourth and Fifth Streets as shown on that certain map entitled "Final Map Planned Development Mission Bay (N3-N3A)" recorded on March 15, 2001, filed in Book Z of Maps, at pages 175-178, San Francisco City and County Records.

I further recommend that the Board of Supervisor authorize the Director of Property to execute the easement on behalf of the City.

Sincerely,



Edward D. Reiskin
Director of Public Works



for Fuad S. Sweiss
Deputy Director of Engineering
and City Engineer

cc: Grace Kwak, Project Manager for Mission Bay
Catherine Reilly, Acting Project Manager, SFRA
John Malamut, City Attorney's Office
Barbara Moy, DPW-BSM
Bruce Storrs, DPW-BSM
Amy L. Brown, DRE
Joshua Dapice, FOCIL-MB, LLC
Phil Owen, Mission Bay Development Group, LLC
MBTF File

[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

(Block N3 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 01IE-123(Mission Bay) dated May 3, 2001, issued thereunder, for Block N3 Infrastructure 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, SBC or AT&T conduits, or other private service conduits.

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

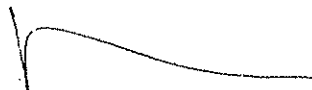
It is understood and agreed that: (i) upon acceptance of this offer of public improvements the City shall own and be responsible for maintenance of the offered public facilities and improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever hereunder 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 7th day of May, 2009.

FOCIL-MB, LLC,
a Delaware limited liability company

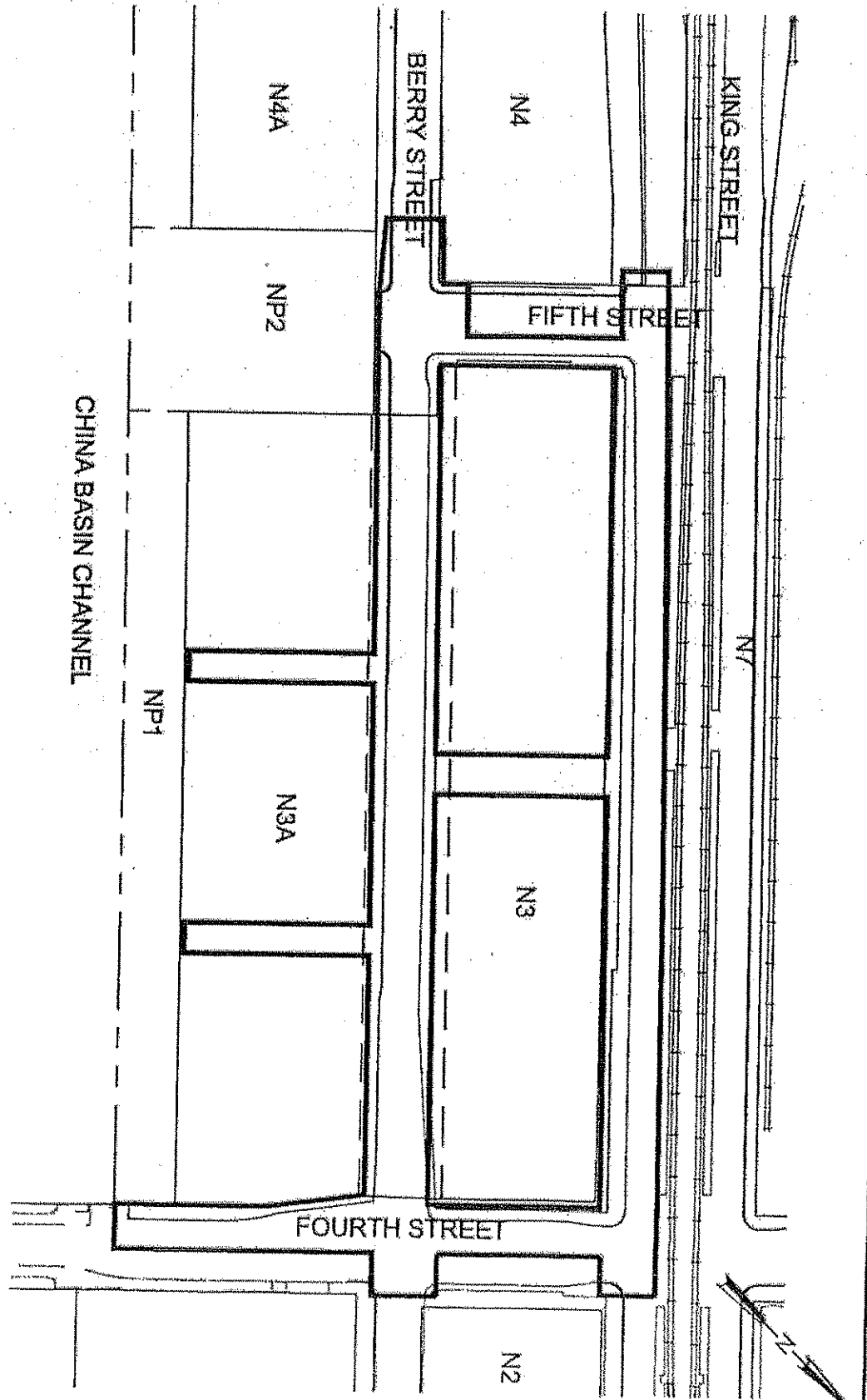
By: Farallon Capital Management, L.L.C.,
a Delaware limited liability company,
Its Manager

By:  _____

Name: Richard B. Fried
Managing Member

Title: _____

EXHIBIT A
[Plat Map]



LEGEND



OFFER OF IMPROVEMENTS



CHINA BASIN CHANNEL

MISSION BAY PROJECT
SAN FRANCISCO, CA

WINDZLER & SKEELLY
417 MONTGOMERY ST., SUITE 200 PM 11100 SAN FRANCISCO, CA 94104
TEL (415) 398-4800 FAX (415) 398-4800



BLOCKS N3/N3A

OFFER OF IMPROVEMENTS

DATE

SCALE

CHART NO.

Exhibit A



AB 8702

AB 8701

KING STREET

AB 3796

AB 8705

AB 8706 LOT 2

AB 8707

AB 8708

AB 8709

AB 8710

AB 8711

FIFTH STREET

BERRY STREET

FOURTH STREET

N43°41'53"W 0.59'

N43°41'53"W 151.37'

N43°41'53"W 169.16'

N43°41'53"W 177.75'

N43°41'53"W 169.75'

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AB 3803

AB 8708

AB 8707

APPROVED: _____ CITY ENGINEER
APPROVED AS TO FORM: _____ CITY ATTORNEY
BY: _____ DEPUTY CITY ATTORNEY
APPROVED THIS _____ DAY OF _____, 200_____
BY ORDER NO. _____ DIRECTOR OF PUBLIC WORKS
ATTEST: _____ ASST. DIRECTOR OF PUBLIC WORKS

THIS MAP, COMPRISING OF _____ SHEET(S), IS APPROVED AND MADE OFFICIAL AND THE PARCEL(S), SHOWN HATCHED HEREON, IS (ARE) DECLARED TO BE OPEN PUBLIC STREET(S), DEDICATED TO PUBLIC USE TO BE KNOWN BY NAME(S) AS SHOWN ON THIS MAP BY RESOLUTION NO. _____ OF THE BOARD OF SUPERVISORS ADOPTED THIS _____ DAY OF _____, 200_____

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

SCALE: 1" = 100'
SURVEYED _____ INDEX NO. _____ ORDER NO. _____
COMPILED _____ COMPUTED _____ CHECKED _____
DRAWN _____ TRACED _____ CHECKED _____

REFERENCES _____ SHEET _____ OF _____ SHEETS _____

A-17-163

