

1 [Public Infrastructure Improvements - Mission Bay South - Blocks 2-7 and 13 Phase I]

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3 **Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements**
4 **associated with Mission Bay South Blocks 2-7 and 13 Phase I including acquisition**
5 **facilities on portions of Fourth Street, Mission Rock Street, China Basin Street, Mission**
6 **Bay Boulevard North, and Mission Bay Boulevard South; 2) accepting additional**
7 **property on portions of Fourth Street, Mission Rock Street, and China Basin Street; 3)**
8 **declaring City property and additional property as shown on official Department of**
9 **Public Works maps as open public right-of-way; 4) dedicating such improvements for**
10 **public use and designating such areas and improvements for street and roadway**
11 **purposes; 5) establishing street grades and sidewalk widths; 6) accepting said facilities**
12 **for City maintenance and liability purposes, subject to specified limitations; 6) adopting**
13 **environmental findings and findings that such actions are consistent with the City's**
14 **General Plan, eight priority policy findings of City's Planning Code Section 101.1, and**
15 **the Mission Bay South Redevelopment Plan; 7) accepting a Department of Public**
16 **Works Order; and 8) authorizing official acts in connection with this Ordinance.**

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18 Note: Additions are single-underline italics Times New Roman;
19 deletions are ~~strikethrough italics Times New Roman~~.
20 Board amendment additions are double underlined.
21 Board amendment deletions are ~~strikethrough normal~~.

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

23 Section 1. Findings.

24 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to
25 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
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. 981441.

3 (b) The San Francisco Redevelopment Agency, in a letter dated July 20, 2010,
4 determined that the acceptance of the Mission Bay Blocks 2-7 & 13 Phase I Public
5 Infrastructure Improvements constructed pursuant to Permit #06IE-0684, dated December 6,
6 2006 ("Project") and other actions herein set forth are consistent with the Mission Bay South
7 Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the
8 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
9 120003 and is incorporated herein by reference.

10 (c) The City Planning Department, in a letter dated December 15, 2011 determined
11 that the acceptance of the Mission Bay Blocks 2-7 & 13 Phase I Public Infrastructure
12 Improvements and other actions herein set forth are within the scope of the General Plan
13 consistency findings of Case No. 2011.1139R, the Eight Priority Policies of Planning Code
14 Section 101.1 and the contemplated actions do not trigger the need for subsequent
15 environmental review pursuant the California Environmental Quality Act (CEQA) (California
16 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is
17 on file with the Clerk of the Board of Supervisors in File No. 120003 and is incorporated herein
18 by reference.

19 (d) In DPW Order No. 179,841 dated December 20, 2011, including Map No. A-17-
20 170 dated December 20, 2011 and the Drawing No. Q-20-703 dated December 20, 2011 and
21 entitled "PROPOSED OFFICIAL STREET GRADES AND SIDEWALK WIDTHS ON FOURTH
22 STREET, MISSION ROCK STREET, CHINA BASIN STREET, MISSION BAY BOULEVARD
23 NORTH AND MISSION BAY BOULEVARD SOUTH ", the City Engineer and Director certified
24 that: (a) FOCIL-MB, LLC ("Focil") has irrevocably offered the Project Improvement facilities to
25 the City, (b) the Mission Bay Blocks 2-7 & 13 Phase I Public Infrastructure Improvements

1 have been inspected and were certified as complete on June 24, 2009 (Stage 1), March 19,
2 2010 (Stage 2) and December 13, 2010 (Stage 3), (c) the Project has been constructed in
3 accordance with the Project Plans and Specifications and all City codes, regulations,
4 standards and Mission Bay South Plan and Plan Documents governing this project and such
5 Improvements are ready for their intended use; and (d) the facilities are recommended for
6 acceptance as acquisition facilities, dedication as public right-of-way, dedication for public use
7 and designation for street and roadway purposes; establishment of street grades and
8 sidewalk widths, and acceptance for City maintenance and liability purposes, subject to
9 specified limitations. A copy of the DPW Order, including official City maps, and Offer are on
10 file with the Clerk of the Board of Supervisors in File No. 120003 and are incorporated herein
11 by reference.

12 Section 2. Adoptions and Approvals.

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

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

19 (c) The Board of Supervisors has reviewed and approves the City Engineer's
20 certification and Director's recommendation concerning the acceptance of the Focil
21 Irrevocable Offer of Improvements dated February 1, 2011 for the Project; acceptance of said
22 facilities and right-of-way for City maintenance and liability responsibilities; establishment of
23 the street grades and sidewalk widths; and other related actions.

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1 Section 3. Designation of Right-of-Way, Acceptance of New Acquisition Facilities and
2 Assumption of Maintenance Responsibilities.

3 (a) The Board of Supervisors accepts the Focil Irrevocable Offer of Improvements
4 and irrevocable offer of dedication of real property for additional right-of-way purposes,
5 including the acceptance of Grant Deeds. The Board of Supervisors hereby delegates
6 authority to the Director of Property to execute the Grant Deeds.

7 (b) The Board of Supervisors acknowledges the typical nature of the proposed right-
8 of-way to allow future accommodation of a UCSF utility easement and approves Map No. A-
9 17-170 dated December 20, 2011, to be an open public right-of-way dedicated for public use,
10 designates the street names "Fourth Street, China Basin Street, Mission Rock Street, Mission
11 Bay Boulevard North and Mission Bay Boulevard South" as shown on said Map No.
12 A-17-170, and hereby directs the Department of Public Works to revise the official City Street
13 Right-of-Way Maps in accordance with this Ordinance.

14 (c) Pursuant to California Streets and Highways Code Section 1806 and San
15 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June
16 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco
17 and Catellus Development Corporation, a Delaware Corporation, and the Department of
18 Public Works Order No. 179,841 dated December 20, 2011, the Board of Supervisors hereby
19 dedicates facilities described in the Focil Irrevocable Offer of Improvements for public use;
20 designates such facilities for street and roadway purposes; and accepts such facilities for City
21 maintenance and liability purposes, subject to the conditions listed in subsection (d). The
22 Board's acceptance of improvements pursuant to this Subsection is for a portion of the Blocks
23 2-7 & 13 Phase I Public Infrastructure Improvements only and is subject to the warranty
24 obligations under the Blocks 2-7 & 13 Phase I Public Improvements Permit #06IE-0684.
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1 (d) The Blocks 2-7 & 13 Phase I Public Infrastructure Improvements accepted by the
2 Board pursuant to Subsections (b) and (c) are subject to the following: (1) the portions of
3 streets being accepted for street and roadway purposes are constructed from back of
4 sidewalk to back of sidewalk, unless specified otherwise or as shown on Project Improvement
5 Plans, (2) acceptance of project facilities for City maintenance and liability purposes is from
6 back of curb to back of curb, unless specified otherwise, (3) encroachments that are
7 permitted, not permitted, or both are excluded from acceptance, and (4) the acceptance of the
8 streets does not obviate, amend, alter, or in any way affect existing maintenance agreements
9 between the City and parties to such agreements.

10 (e) Authority is hereby delegated to the Director of Property in consultation with the
11 Director of Public Works to proceed with the negotiation of a UCSF utility easement below the
12 area designated as 4th Street. When complete, the easement shall be presented to the Board
13 of Supervisors under separate legislation for its approval.

14 (f) The Board of Supervisors hereby acknowledges Focil's Conditional Assignment
15 of Warranties and Guaranties in accordance with the related Street Improvement Permit and
16 the Mission Bay South Acquisition Agreement.

17 Section 4. Establishment of Street Grades.

18 (a) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
19 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
20 seq., chooses to follow its own procedures for the establishment of street grades. The Board
21 hereby establishes the street grades for those portions of Fourth Street, Mission Rock Street,
22 China Basin Street, Mission Bay Boulevard North and Mission Bay Boulevard South as set
23 forth in the Department of Works Order No. 179,841, Drawing No. Q-20-703 dated December
24 20, 2011 and hereby directs the Department of Public Works to revise the Official City Street
25 Grade Maps in accordance with this Ordinance.

1 Section 5. Establishment of Sidewalk Widths.

2 (a) In accordance with the recommendation in Department of Public Works Order
3 No. 179,841, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of
4 Sidewalks, a copy of which is in the Clerk of the Board of Supervisor's Book of General
5 Ordinances, in effect May, 11, 1910, is hereby amended by adding thereto a new section to
6 read as follows:

7 Section 1594 . The width of sidewalks on those portions of Fourth Street, Mission Rock
8 Street, China Basin Street, Mission Bay Boulevard North and Mission Bay Boulevard South shall
9 be modified as shown on the Department of Public Works Drawing No. Q-20-703 dated December
10 20, 2011.

11 (b) The street sidewalk widths established by the Board pursuant to Subsection (a)
12 for those portions of Fourth Street, Mission Rock Street, China Basin Street, Mission Bay
13 Boulevard North and Mission Bay Boulevard South do not obviate, amend, alter, or in any
14 other way affect the maintenance obligations of the adjacent property owners as set forth in
15 the Public Works Code.

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

18 Section 6. Authorization for Implementation

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

1 RECOMMENDED:
2 DEPARTMENT OF PUBLIC WORKS

3 By: _____
4 Mohammed Nuru
5 Interim Director of Public Works
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8

9 APPROVED AS TO FORM:
10 Dennis J. Herrera
11 City Attorney
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13 By: _____
14 John D. Malamut
15 Deputy City Attorney
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DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

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