

1 [Public Infrastructure Improvements - Mission Bay South-66" Sewer Force Main Relocation]

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3 **Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements**
4 **associated with Mission Bay 66" Sewer Force Main Relocation, including acquisition**
5 **facilities located under portions of State Trust Parcel 8 and future Owens Street**
6 **between Sixteenth Street and Mariposa Street; 2) accepting said facilities for City**
7 **maintenance and liability purposes; 3) adopting environmental findings and findings**
8 **that such actions are consistent with the City's General Plan eight priority policy**
9 **findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment**
10 **Plan; 4) accepting a Department of Public Works Order; and 5) authorizing official acts**
11 **in connection with this Ordinance.**

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

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

17 Section 1. Findings.

18 (a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to
19 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
20 therein, approved and adopted by the Board of Supervisors of the City and County of San
21 Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in the Clerk of
22 the Board of Supervisors File No. 981441.

23 (b) The City Planning Department, in a letter dated March 9, 2011 determined that
24 the acceptance of the Mission Bay 66" Sewer Force Main Relocation Public Infrastructure
25 Improvements and other actions herein set forth are within the scope of the General Plan

1 consistency findings of Case No. 2011.0057R, the Eight Priority Policies of Planning Code
2 Section 101.1 and the contemplated actions do not trigger the need for subsequent
3 environmental review pursuant to the California Environmental Quality Act (CEQA) (California
4 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is
5 on file with the Clerk of the Board of Supervisors in File No. 120257 and is incorporated herein
6 by reference.

7 (c) The San Francisco Redevelopment Agency, in a letter dated January 30, 2012,
8 determined that the acceptance of the Mission Bay 66” Sewer Force Main Relocation Public
9 Infrastructure Improvements constructed pursuant to Street Excavation Permit No. 09E-0056,
10 dated April 14, 2009 and the revised Street Excavation Permit No.09E-0114 dated July 17,
11 2009 (the “Project”) and other actions herein set forth are consistent with the Mission Bay
12 South Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the
13 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
14 120257 and is incorporated herein by reference.

15 (d) The San Francisco Public Utilities Commission on December 9, 2011 signed and
16 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties
17 regarding the Mission Bay 66” Sewer Force Main Relocation Improvements. A copy of said
18 Conditional Assignment of Warranties and Guaranties is on file with the Clerk of the Board of
19 Supervisors in File No. 120257 and is incorporated herein by reference.

20 (e) The San Francisco Public Utilities Commission on January 10, 2011
21 acknowledged the acceptance of the Determination of Completeness for the Mission Bay 66”
22 Sewer Force Main.

23 (f) In DPW Order No. 180,044 dated March 8, 2012, the Director and the City
24 Engineer certified that: (a) FOCIL-MB, LLC (“Focil”) made an irrevocable offer of the Project
25 Improvement facilities to the City (“Offer”), (b) the Mission Bay 66” Sewer Force Main

1 Relocation Public Infrastructure Improvements have been inspected and were certified as
2 complete on January 10, 2011; the Project has been constructed in accordance with the
3 Project Plans and Specifications and all City codes, regulations, standards and Mission Bay
4 South Plan and Plan Documents governing this project; and such improvements are ready for
5 their intended use, (c) the facilities are recommended for acceptance as acquisition facilities
6 and for City maintenance and liability purposes. A copy of the DPW Order and Offer are on
7 file with the Clerk of the Board of Supervisors in File No. 120257 and are incorporated herein
8 by reference.

9 Section 2. Adoptions and Approvals.

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

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

16 (c) The Board of Supervisors has reviewed and approves the City Engineer's
17 certification and Director's recommendation concerning the acceptance of the Focil Offer
18 dated April 11, 2011 for the Project; acceptance of said facilities for City maintenance and
19 liability responsibilities; and other related actions.

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

22 (a) The Board of Supervisors accepts the Focil Offer for the Mission Bay 66" Sewer
23 Force Main Relocation Improvements located under portions of State Trust Parcel 8 and
24 future Owens Street between Sixteenth Street and Mariposa Street.

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1 (b) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
2 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
3 City and County of San Francisco and Catellus Development Corporation, and the
4 Department of Public Works Order No. 180,044 dated March 8, 2012, the Board of
5 Supervisors hereby dedicates the facilities described in the Focil Offer for public use and
6 accepts such facilities for City maintenance and liability purposes. The Board's acceptance of
7 improvements pursuant to this Subsection is for the Mission Bay 66" Sewer Force Main
8 Relocation Improvements only and is subject to the warranty obligations under the 66" Sewer
9 Force Main Relocation Street Excavation Permit No. 09E-0054 and revised Street Excavation
10 Permit No. 09E-0114.

11 (c) The Board of Supervisors hereby acknowledges Focil's conditional assignment of
12 guaranties and warranties in accordance with the related Street Excavation Permits and the
13 Mission Bay South Acquisition Agreement.

14 Section 4. Authorization for Implementation.

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

21 Section 5. Effective Date. This Ordinance shall become effective 30 days from the date
22 of passage.

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1 RECOMMENDED:
2 DEPARTMENT OF PUBLIC WORKS

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4 By: _____

5 Mohammed Nuru

6 Director of Public Works

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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