

1 [Improvements - Mission Bay Drive Extension Public Infrastructure]

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

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

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

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 January 30, 2012,  
4 determined that the acceptance of the Mission Bay Drive Extension Public Infrastructure  
5 Improvements constructed pursuant to Permit #10IE-016, dated March 9, 2010 ("Project") and  
6 other actions herein set forth are consistent with the Mission Bay South Redevelopment Plan  
7 ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency letter  
8 is on file with the Clerk of the Board of Supervisors in File No. 130297 and is incorporated  
9 herein by reference.

10 (c) The San Francisco Planning Department, in a letter dated December 15, 2011,  
11 determined that the acceptance of the Mission Bay Drive Extension 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. 130297 and is incorporated herein  
18 by reference.

19 (d) In Department of Public Works (DPW) Order No. 181147 dated March 26, 2013,  
20 including Map No. A-17-172, dated March 26, 2013, and the Drawing No. Q-20-715, dated  
21 March 26, 2013, and entitled "Proposed Official Street Grades and Sidewalk Widths on  
22 Mission Bay Drive, Mission Bay Circle and a Portion of Owens Street," the City Engineer and  
23 Director of Public Works certified that: (i) FOCIL-MB, LLC ("Focil") has irrevocably offered the  
24 Project Improvement facilities to the City ("Offer"), (ii) the Mission Bay Drive Extension Public  
25 Infrastructure Improvements have been inspected and were certified as complete on March

1 26, 2013; (iii) the Project has been constructed in accordance with the Project Plans and  
2 Specifications and all City codes, regulations, standards and Mission Bay South  
3 Redevelopment Plan and Plan Documents governing this project and such Improvements are  
4 ready for their intended use; (iv) the facilities are recommended for acceptance as acquisition  
5 facilities, dedication as public right-of-way, dedication for public use and designation for street  
6 and roadway purposes; establishment of street grades and sidewalk widths on Mission Bay  
7 Drive, Mission Bay Circle and a portion of Owens Street, and (v) acceptance for City  
8 maintenance and liability purposes, but excluding therefrom the sanitary sewer, storm drain,  
9 low pressure water and auxiliary water supply system facilities located east of Mission Bay  
10 Circle. These facilities have been excluded and are proposed for delayed acceptance. A  
11 copy of the DPW Order, including official City maps, and Offer are on file with the Clerk of the  
12 Board of Supervisors in File No.130297 and are incorporated herein by reference.

13 Section 2. Adoptions and Approvals.

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

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

20 (c) The Board of Supervisors has reviewed and approves the City Engineer's  
21 certification and Director's recommendation concerning the acceptance of the Focil  
22 Irrevocable Offer of Improvements dated January 23, 2012, the Project; acceptance of said  
23 facilities and Mission Bay Drive, Mission Bay Circle and Owens Street rights-of-way for City  
24 maintenance and liability responsibilities; establishment of the street grades and sidewalk  
25 widths; and other related actions, subject to Section 1 (d).

1 (d) Authority to accept the delayed public facilities specified in Section 1 (d) and to  
2 acknowledge the Conditional Assignment of Warranties and Guaranties is hereby delegated  
3 to the Director of Public Works acting on behalf of the Board of Supervisors to accept said  
4 public facilities in the future together with the future public facilities on Mission Bay Drive,  
5 located east of Mission Bay Circle, and Mission Bay Boulevard South as depicted in those  
6 certain Public Improvement Plans entitled "The Infrastructure Plans for Block 11 and Block 12  
7 at Mission Bay" ("Blocks 11 and 12 Infrastructure Plans") and will be constructed pursuant to  
8 Street Improvement Permit No. 13IE-0198 in accordance with the Mission South Acquisition  
9 Agreement and when facilities have been inspected and determined to be ready for their  
10 intended uses by the Director of Public Works.

11 (e) The authority to accept an Irrevocable Offer of the Improvements for the delayed  
12 public improvements and the delayed facilities specified in Section 1 (d) in the future together  
13 with the future public facilities pursuant to the Blocks 11 and 12 Infrastructure Plans for  
14 maintenance and liability purposes, designate future Mission Bay Drive and Mission Bay  
15 Boulevard South as open right-of-way and establish street grades, when facilities have been  
16 have been inspected and determined to be ready for their intended uses by the Director of  
17 Public Works. Such acceptance shall be in accordance with the same limitations and  
18 exceptions this Board has imposed on the public facilities accepted in this Ordinance.

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 and Focil irrevocable Offer of Dedication of real property for additional right-of-way purposes,  
23 including the acceptance of a Grant Deed. The Board of Supervisors hereby delegates  
24 authority to the Director of Property to execute said Grant Deed.

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1 (b) The Board of Supervisors approves Map No. A-17-172, and designates the areas  
2 shown hatched on said Map No. A-17-172, to be open public right-of-way, and hereby directs  
3 the Department of Public Works to revise the official City Street Right-of-Way Maps in  
4 accordance with this Ordinance.

5 (c) Pursuant to California Streets and Highways Code, Section 1806 and San  
6 Francisco Administrative Code, Sections 1.51 et seq., the Acquisition Agreement dated June  
7 1, 2001, by and between the Redevelopment Agency of the City and County of San Francisco  
8 and Catellus Development Corporation, a Delaware Corporation, and the Department of  
9 Public Works Order No. 181147 dated March 26, 2013, the Board of Supervisors hereby  
10 dedicates facilities described in the Focil Irrevocable Offer of Improvements for public use;  
11 designates such facilities for street and roadway purposes; and accepts such facilities for City  
12 maintenance and liability purposes, subject to the conditions listed in Section 1 (d) and  
13 Section 2 (d). The Board's acceptance of improvements pursuant to this Subsection is for the  
14 Mission Bay Drive Extension Infrastructure Improvements only and is subject to the warranty  
15 obligations under the Mission Bay Drive Extension Public Improvements Permit No. 10IE-016.

16 (d) The Mission Bay Drive Extension Public Infrastructure Improvements accepted by  
17 the Board pursuant to Subsections (b) and (c) are subject to the following: (1) the portions of  
18 streets being accepted for street and roadway purposes are constructed from back of  
19 sidewalk to back of median curb, unless specified otherwise or as shown on Project  
20 Improvement Plans, (2) acceptance of project facilities for City maintenance and liability  
21 purposes is from back of curb to back of curb, unless specified otherwise, (3) encroachments  
22 that are permitted, not permitted, or both are excluded from acceptance, and (4) the  
23 acceptance of the streets does not obviate, amend, alter, or in any way affect existing  
24 maintenance agreements between the City and parties to such agreements.  
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1 (e) The Board of Supervisors hereby acknowledges Focil's Conditional Assignment of  
2 Guaranties and Warranties in accordance with the related Street Improvement Permit and the  
3 Mission Bay South Acquisition Agreement.

4 Section 4. Establishment of Street Grades.

5 (a) Notwithstanding California Streets and Highways Code, Sections 8000 et seq.,  
6 the Board of Supervisors, in accordance with San Francisco Administrative Code, Sections  
7 1.51 et seq., chooses to follow its own procedures for the establishment of street grades. The  
8 Board of Supervisors hereby establishes the street grades for Mission Bay Drive, Mission Bay  
9 Circle and a portion of Owens Street as set forth in Department of Public Works Order No.  
10 181,147, Drawing No. Q-20-715, dated March 26, 2013, and hereby directs the Department of  
11 Public Works to revise the Official City Street Grade Maps in accordance with this Ordinance.

12 Section 5. Establishment of Sidewalk Widths.

13 (a) In accordance with the recommendation in Department of Public Works Order No.  
14 181147, Board of Supervisors Ordinance No. 1061, entitled Regulating the Width of  
15 Sidewalks, a copy of which is in the Clerk of the Board of Supervisor's Book of General  
16 Ordinances, in effect May, 11, 1910, is hereby amended by adding thereto a new section to  
17 read as follows:

18 Section 1598. The width of sidewalks on Mission Bay Drive, Mission Bay Circle and a portion  
19 of Owens Street shall be modified as shown on the Department of Public Works Drawing No. Q-  
20 20-715, dated March 26, 2013.

21 (b) The street sidewalk widths established by the Board of Supervisors pursuant to  
22 Subsection (a) for those portions of Mission Bay Drive, Mission Bay Circle and Owens Street  
23 do not obviate, amend, alter, or in any other way affect the maintenance obligations of the  
24 adjacent property owners as set forth in the Public Works Code.

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

3 Section 6. Authorization for Implementation.

4 a) All actions heretofore taken by the officers of the City with respect to such  
5 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board  
6 and Director of Public Works are hereby authorized and directed to take any and all actions  
7 which they or the City Attorney may deem necessary or advisable in order to effectuate the  
8 purpose and intent of this Ordinance, including, but not limited to, the recordation of this  
9 Ordinance and the accompanying A-17 Map and Q-20 Map in the Official Records of the City  
10 and County of San Francisco.

11 b) The Director of Public Works is hereby authorized to review, approve, and record  
12 any A-17 Maps and Q-20 Maps associated with the delayed acceptance and future  
13 acceptance of the public improvements specified in Section 1 (d).

14 Section 6. Effective Date. This ordinance shall become effective 30 days from the date  
15 of passage.

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RECOMMENDED:  
DEPARTMENT OF PUBLIC WORKS

By: \_\_\_\_\_  
Mohammed Nuru  
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