

1 [Mission Bay South - Accepting the Mariposa Street Intersection Adjacent to Interstate 280]

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3 **Ordinance accepting the irrevocable offer of public infrastructure acquisition facilities**

4 **associated with the Mission Bay South Mariposa Street intersection infrastructure**

5 **improvements adjacent to Highway Interstate 280 (“Mariposa Street Intersection Public**

6 **Infrastructure”); dedicating the Mariposa Street Intersection Public Infrastructure for**

7 **public use and designating such Public Infrastructure for public street and roadway**

8 **purposes; accepting the Mariposa Street Intersection Public Infrastructure for City**

9 **maintenance and liability purposes, subject to specified limitations; adopting findings**

10 **under the California Environmental Quality Act; making findings of consistency with**

11 **the General Plan, the eight priority policies of Planning Code, Section 101.1, and the**

12 **Mission Bay South Redevelopment Plan; accepting a Public Works Order making**

13 **recommendations and certifications related to the Mariposa Street Intersection Public**

14 **Infrastructure; and authorizing official acts in connection with this Ordinance, as**

15 **defined herein.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

17 **Additions to Codes** are in *single-underline italics Times New Roman font*.

18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

19 **Board amendment additions** are in double-underlined Arial font.

20 **Board amendment deletions** are in ~~strikethrough Arial font~~.

21 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

23 Section 1. Background and Findings.

24 (a) In this ordinance, all capitalized terms relating to Mission Bay shall have the

25 definitions ascribed to them pursuant to the Mission Bay South Redevelopment Plan and Plan

1 Documents described therein, that the City approved in 1998 in Ordinance No. 335-98, a copy
2 of which is on file with the Clerk of the Board of Supervisors in File No. 981441.

3 (b) This ordinance addresses various Board of Supervisors decisions concerning
4 public infrastructure acquisition facilities associated with the Mission Bay South Mariposa
5 Street intersection infrastructure improvements adjacent to Highway Interstate-280 (“Mariposa
6 Street Intersection Public Infrastructure”).

7 (c) The Planning Department, in a letter dated August 7, 2015 (the “Planning
8 Department Letter,” part of Planning Department Case No. 2015.008586GPR), determined
9 that the acceptance of the Mariposa Street Intersection Public Infrastructure and other actions
10 herein set forth in this ordinance are, on balance, in conformance with the General Plan and
11 the eight priority policies of Planning Code Section 101.1. The Planning Department also
12 found that the contemplated actions do not trigger the need for subsequent environmental
13 review pursuant to the California Environmental Quality Act (“CEQA”) (California Public
14 Resources Code Sections 21000 et seq.). A copy of the Planning Department Letter is on file
15 with the Clerk of the Board of Supervisors in File No. 180189 and is incorporated herein by
16 reference.

17 (d) The Successor Agency to the San Francisco Redevelopment Agency, known as
18 the Office of Community Infrastructure and investment (“OCII”), in a letter dated January 29,
19 2018 (the “OCII Letter”), determined that the acceptance of the public infrastructure
20 acquisition facilities associated with the Mariposa Street Intersection Public Infrastructure on
21 portions of Mariposa Street adjacent to the Interstate-280 on- and off-ramp, constructed
22 pursuant to Permit No. 14IE-0850, dated September 2, 2014, and other actions in this
23 ordinance are consistent with the Mission Bay South Redevelopment Plan (the “Plan”) and
24 Plan Documents. OCII also recommended that the Board of Supervisors accept the Mariposa
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1 Street Intersection Public Infrastructure. A copy of the OCII letter is on file with the Clerk of
2 the Board of Supervisors in File No. 180189 and is incorporated herein by reference.

3 (e) In Public Works (“PW”) Order No. 187181, dated February 21, 2018, the City
4 Engineer certified and the Public Works Director (the “PW Director”) recommended that: (1)
5 FOCIL-MB, LLC (“FOCIL”), has irrevocably offered the Mariposa Street Intersection Public
6 Infrastructure facilities to the City as set forth in the FOCIL Irrevocable Offer of the Mariposa
7 Street Intersection Public Infrastructure, dated August 17, 2017, (“FOCIL Offer”); (2) PW
8 inspected the facilities and determined them to be complete as of July 21, 2017; (3) the
9 facilities have been constructed in accordance with the Plans and Specifications and all City
10 codes, regulations, standards, and the Mission Bay South Redevelopment Plan and Plan
11 Documents governing the Mariposa Street Intersection Public Infrastructure; and (4) the
12 facilities are ready for their intended use. The PW Director also recommended that the Board
13 of Supervisors accept the Mariposa Street Intersection Public Infrastructure as acquisition
14 facilities, dedicate it to public use, designate it for street and roadway purposes, and accept it
15 for City maintenance and liability purposes subject to certain exceptions, including FOCIL’S
16 conditional assignment of all warranties and guaranties to the City related to the construction
17 of the above listed improvements and its warranty obligations under Street Improvement
18 Permit No. 14IE-0850. Copies of the PW Order and FOCIL Offer are on file with the Clerk of
19 the Board of Supervisors in File No. 180189 and are incorporated herein by reference.

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21 Section 2. Adoptions and Approvals.

22 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
23 Plan and Planning Code Section 101.1 consistency findings in the Planning Department
24 Letter, as referenced in Section 1(c) of this ordinance, in connection with the acceptance of
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1 the Mariposa Street Intersection Public Infrastructure and other actions specified in this
2 ordinance.

3 (b) The Board of Supervisors adopts as its own the Redevelopment Plan consistency
4 findings in the OCII Letter, as referenced in Section 1(d) of this ordinance, in connection with
5 the acceptance of the Mariposa Street Intersection Public Infrastructure and other actions
6 specified in this ordinance.

7 (c) The Board of Supervisors has reviewed and approves PW Order No. 187181, as
8 referenced in Section 1(e) of this ordinance, including the City Engineer's certification and PW
9 Director's recommendation concerning the acceptance of the FOCIL Offers, Mariposa Street
10 Intersection Public Infrastructure, and other actions set forth in the PW Order.

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12 Section 3. Acceptance of New Acquisition Facilities and Assumption of Maintenance
13 and Liability Responsibilities.

14 (a) 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 San Francisco Redevelopment Agency and Catellus
17 Development Corporation, and Public Works Order No. 187181, the Board of Supervisors
18 hereby accepts the FOCIL Offer.

19 (b) The Board of Supervisors hereby dedicates the Mariposa Street Intersection Public
20 Infrastructure for public use and designates such Public Infrastructure for street and roadway
21 purposes.

22 (c) The Board of Supervisors hereby accepts the Mariposa Street Intersection Public
23 Infrastructure for City maintenance and liability purposes, subject to subsections (d) and (e) of
24 this Section 3.

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1 (d) The Mariposa Street Intersection Public Infrastructure that the Board of
2 Supervisors accepts pursuant to subsections (a) - (c) of this Section 3 is subject to the
3 following: (1) the portions of street being accepted are from back of sidewalk to back of curb;
4 (2) acceptance for City maintenance and liability purposes is from back of curb to back of
5 curb, unless specified otherwise; (3) sidewalk maintenance is the responsibility of adjacent
6 property owners in accordance with the Public Works Code; (4) encroachments that are
7 permitted, not permitted, or both are excluded from acceptance; and (5) 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) The Board of Supervisors hereby acknowledges that FOCIL's conditional
11 assignment of all warranties and guaranties to the City relate to the construction of the
12 Mariposa Street Intersection Public Infrastructure and that the Board's acceptance of this
13 Infrastructure is subject to FOCIL's warranty obligations under Street Improvement Permit No.
14 14IE-0850 for this Public Infrastructure.

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16 Section 4. Authorization for Implementation. The Mayor, Clerk of the Board of
17 Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to
18 take any and all actions which they or the City Attorney may deem necessary or advisable in
19 order to effectuate the purpose and intent of this ordinance.

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1 Section 5. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: _____
9 John D. Malamut
Deputy City Attorney

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