

[Mission Bay North Commons at Park P17 Improvements]

**Ordinance designating a portion of State Trust Parcel adjacent to Park P17 for public right-of-way purposes; approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way Terry A. Francois Boulevard; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public use and accepting for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 176,148 and authorizing official acts in connection with this Ordinance.**

Note: Additions are single-underline italics Times New Roman;  
deletions are ~~strikethrough italics Times New Roman~~.  
Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough 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 terms ascribed to 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 Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. \_\_\_\_\_.

(b) The San Francisco Redevelopment Agency, in a letter dated June 16, 2006, determined that the street opening of Terry A. Francois Boulevard adjacent to Park P17,

1 constructed pursuant to Permit No. 02IE-280 (the "Permit") for certain street improvements for  
2 the "Mission Bay Project, San Francisco, CA., North Commons Street at Parks P16/17 –  
3 Phase I" (the "Project") and other actions herein set forth are consistent with the Mission Bay  
4 South Redevelopment Plan ("Plan") and Plan Documents described therein and recommends  
5 Board of Supervisors approval. A copy of the Redevelopment Agency letter is on file with the  
6 Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by reference  
7 as though fully set forth herein.

8 (c) The San Francisco Redevelopment Agency on June 28, 2006 signed and  
9 accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of the  
10 Assignment is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
11 and is incorporated by reference as though fully set forth herein.

12 (d) The City Planning Department, in a letter dated June 29, 2006, determined that  
13 the street opening of Terry A. Francois Boulevard adjacent to Park P17 and other actions  
14 herein set forth are in conformance with the General Plan consistency findings and the eight  
15 priority policies of Planning Code Section 101.1 of Case No. 96.771R, and that the  
16 contemplated actions do not trigger the need for subsequent environmental review pursuant  
17 the California Environmental Quality Act ("CEQA") (California Public Resources Code  
18 Sections 21000 et seq.). A copy of the Planning Department letter is on file with the Clerk of  
19 the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by reference as  
20 though fully set forth herein.

21 (e) In DPW Order No. 176,148, dated June 21, 2006, including the attached A-17  
22 Map No. 138, dated April 24, 2006 and entitled "Map Showing the Opening of the Right of  
23 Way Terry A. Francois Boulevard at Park P17", the Q-20 Drawing No. 638, dated April 24,  
24 2006 and entitled " Proposed Official Grades on Terry A. Francois Boulevard at Park P17, and  
25 the Q-20 Drawing No. 638, dated April 24, 2006 and entitled "Proposed Official Sidewalk

1 Widths on Terry A. Francois Boulevard at Park P17", the Director of the Department of Public  
2 Works certified that the Terry A. Francois Boulevard at Park P17 street segment: (a) is  
3 currently a State Trust Parcel subject to Port jurisdiction, (b) has been inspected and was  
4 certified as complete on May 9, 2005 and that the Project has been constructed in accordance  
5 with the Project Plans and Specifications and all City codes, regulations, standards and  
6 Mission Bay South Redevelopment Plan and Plan Documents governing this Project, and that  
7 such improvements are ready for their intended use, (c) is recommended for formal  
8 acceptance of acquisition facilities, designation of street grades, sidewalk widths, and  
9 acceptance for maintenance and liability purposes. A copy of the DPW Order is on file with  
10 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by  
11 reference as though fully set forth herein.

12 Section 2. Adoption of Findings.

13 (a) The Board of Supervisors adopts as its own the consistency findings of the San  
14 Francisco Redevelopment Agency in connection with the street opening of Terry A. Francois  
15 Boulevard adjacent to Park P17, acceptance of Terry A. Francois Boulevard adjacent to Park  
16 P17 improvements and other actions specified herein.

17 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA  
18 findings of the Planning Department in regard to the street opening of Terry A. Francois  
19 Boulevard adjacent to Park P17, acceptance of Terry A. Francois Boulevard improvements  
20 adjacent to Park P17 and other actions specified herein.

21 (c) The Board of Supervisors has reviewed and approves the City Engineer's  
22 certification and Director of the Department of Public Works recommendation concerning the  
23 acceptance of the FOCIL irrevocable offer of improvements, dated April 20, 2006 of the Terry  
24 A. Francois Boulevard Improvements adjacent to Park P17, maintenance and liability  
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responsibilities for said facilities and right-of-way, designation of the street grades, sidewalk width, and street parking restrictions.

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

(a) The Board of Supervisors approves the A -17 Map, designates that portion of the State Trust Parcel, shown hatched on said A -17 Map, to be an open public right-of-way dedicated to public use, designates the street name as "Terry A. Francois Boulevard" and hereby directs the Department of Public Works to revise the Official City Street Right-of-Way Maps in accordance with this Ordinance.

(b) Pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco and Catellus Development Corporation, and the Department of Public Works Order No. 176,148, dated June 21, 2006, the Board of Supervisors hereby accepts on behalf of the Port of San Francisco the FOCIL irrevocable Offer, dated April 20, 2006 and designates all such facilities to public use and maintenance purposes, subject to the conditions listed in Subsections (c) and(d), but excluding therefrom those portions of the improvements which are identified on the as-built drawings delivered to and on file with the City as "SBC (also known as Pacific Bell)" facilities and "Pacific Gas & Electric (also know as PG&E) gas facilities.

(c) The Board's acceptance of improvements pursuant to Subsection (b) are for the Terry A. Francois Boulevard at Park P17 Project Improvements only and are subject to the FOCIL's warranty obligations under the North Commons Street at Parks P16/17 – Phase I Project Permit.

(d) The Terry A. Francois Boulevard at Park P17 Improvements accepted by the Board pursuant to Subsection (b) are subject to the following: (1) the portion of street being

1 accepted is the constructed street from back of curb to back of curb, unless specified  
2 otherwise, (2) encroachments that are permitted, not permitted, or both are excluded from  
3 acceptance, and (3) the acceptance of the streets does not obviate, amend, alter, or in any  
4 other way affect existing maintenance agreements between the City or Port and parties to  
5 such maintenance.

6 (e) Authority to accept the permanent Street Lighting components, which have not  
7 been installed, is hereby delegated to the Director of Public Works acting on behalf of the  
8 Board of Supervisors to accept said components in the future in accordance with the Mission  
9 Bay South Acquisition Agreement.

10 (f) The Board of Supervisors hereby acknowledges FOCIL's Conditional  
11 Assignment of all warranties and guaranties related to the construction of the above listed  
12 Improvements.

13 (g) The Board of Supervisors hereby directs the Department of Public Works to add  
14 this street segment to its Official Book of City Maintained Streets.

15 Section 4. Acceptance of Street Grades.

16 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the  
17 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et  
18 seq., chooses to follow its own procedures for the establishment of street grades and hereby  
19 accepts and designates the street grades for that portion of Terry A. Francois Boulevard at  
20 Park P17, as set forth in the Department of Public Works Order No. 176,148, Q-20 Drawing  
21 No. 638 and hereby directs the Department of Public Works to revise the Official City Street  
22 Grade Maps in accordance with this Ordinance.

23 Section 5. Designation of Sidewalk Width.

24 (a) In accordance with the recommendation in Department of Public Works Order  
25 No. 176,148, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of

1 Sidewalks”, a copy of which is in the Clerk of the Board of Supervisors Book of General  
2 Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to  
3 read as follows:

4 Section 15 . The width of sidewalk on the east side of Terry A. Francois Boulevard  
5 adjacent to Park P21 from the conform line, south to South Commons shall be a varying width of  
6 sidewalk from 3.25-foot wide to 11.00-foot wide as shown on Department of Public Works Q-20  
7 Drawing No.639.

8 (b) The sidewalk width designated by the Board pursuant to Subsection (a) for Terry  
9 A. Francois Boulevard at Park P17, does not obviate, amend, alter, or in any other way affect  
10 the maintenance obligations of the adjacent property owners.

11 (c) The Board of Supervisors hereby directs the Department of Public Works to add  
12 this sidewalk segment to its Official Street Grade Maps in accordance with this Ordinance.

13 Section 6. Designation of Street Parking Restrictions.

14 (a) Pursuant to the Department of Public Works Order No. 176,148, the Board of  
15 Supervisors hereby designates both the east and west sides of Terry A. Francois Boulevard  
16 as "No Parking – Any Time" restriction.

17 Section 7. The Mayor, Clerk of the Board, Director of Property, and Director of Public  
18 Works are hereby authorized and directed to take any and all actions that they or the City  
19 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of  
20 this Ordinance including, without limitation, the recordation of this Ordinance and the  
21 accompanying A-17 Map, including, but not limited to, the filing of the Ordinance and A-17  
22 Map in the Official Records of the City and County of San Francisco.

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RECOMMENDED:  
DEPARTMENT OF PUBLIC WORKS

By: \_\_\_\_\_  
FRED V. ABADI, PH.D.  
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: \_\_\_\_\_  
Robert P. Beck  
Deputy Director of Engineering, DPW